

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0213

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

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

6 Trial Hearing

7 Wednesday, 16 November 2011

8 (The hearing starts in open session at 9.37 a.m.)

9 THE COURT USHER: All rise. The International Criminal Court is now in session.

10 Please be seated.

11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in

12 open session.

13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the

14 case.

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you.

18 Good morning and welcome the Prosecution team, legal representatives of victims,

19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, court

20 reporters.

21 We will continue today with the questioning of Witness 213 and for that purpose I ask,

22 please, court officer to turn into closed session in order for the witness to be taken into the

23 courtroom.

24 *(Closed session at 9.39 a.m.) Reclassified as Open session

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

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- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0213 (On former oath)
- 3 (The witness speaks Lingala)
- 4 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 5 (Open session at 9.40 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you.
- 8 Good morning, Mr Witness.
- 9 THE WITNESS: (Interpretation) Good morning.
- 10 PRESIDING JUDGE STEINER: I hope you managed to rest during the night and that
- 11 you are ready to continue giving your testimony?
- 12 THE WITNESS: (Interpretation) Yes, I'm ready. We can continue.
- 13 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to the Prosecution, I
- 14 need to remind you that you are still under oath. Do you understand that, sir?
- 15 THE WITNESS: (Interpretation) Yes, I understand that.
- 16 PRESIDING JUDGE STEINER: I would like to remind you that you are under protective
- 17 measures that your image and your voice that are broadcast outside the courtroom are
- 18 being distorted so that the public cannot identify you by your face, or by your voice.
- 19 In order to help us in keeping that protection, Mr Witness, it is important that when we
- 20 are in open session you don't reveal any information that could lead to your identification.
- 21 Meetings you had, persons who you had talked with, some places in which only
- 22 two/three persons were present, if you need to give this information when answering to a
- 23 question you let us know and we go into private session. In private session the public
- 24 outside this courtroom cannot hear what you say and, therefore, you can speak freely.
- 25 Is that fine with you, sir?

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1 THE WITNESS: (Interpretation) Yes. Yes, thank you, Madam President.

2 PRESIDING JUDGE STEINER: I'll give then the floor back to Maître Badibanga to
3 continue with Prosecution's questioning.

4 MR BADIBANGA: (Interpretation) Thank you. Good morning, your Honours.

5 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

6 Q. Witness, good morning. We are going to be completing the direct examination
7 today. At the end of the day yesterday, we discussed the investigations that Mr Bemba
8 might have carried out, or not, as regards the events that occurred in the Central African
9 Republic. You will recall that I asked you about that and we referred to a period of time.
10 We began by discussing whether or not investigations were carried out regarding the 2002
11 operation, and you referred to the case of Captain Willy and we continued discussing that
12 subject. I would like to now ask you whether or not you know if there were
13 investigations as regards the 2003 operation?

14 A. As far as I know, I know that there was no investigation in 2003. When the troops
15 came back, everything was over. The operation in the Central African Republic was
16 completed - was finished - and there were no investigations about that.

17 Q. Fine. We decided together that we were not going to discuss the 2001 operation,
18 because it's not involved in this case. You've already answered for 2002, or for 2003, but I
19 would like a little bit more information about the 2002 trial that you referred to, the
20 court-martial. You have told us on numerous occasions that you have trouble with dates,
21 but could you perhaps make a bit of an effort to help us understand roughly when the
22 trial took place regarding the 2002 operation?

23 A. The court-martial in Gbadolite, regarding events, took place in 2002.

24 Q. Well, was it at the beginning of the year 2002, in the middle of the year, or toward
25 the end of the year 2002?

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1 A. Well, if I'm not mistaken, I believe it was at the end of the year 2002.

2 Q. Do you know whether Captain Willy was convicted or not, or acquitted, by the
3 Gbadolite court?

4 A. As far as I know, Captain Willy was arrested and put in prison. That is what I
5 know.

6 Q. Perhaps I wasn't precise enough in my question. He was arrested and then the trial
7 took place, but do you know whether or not at the end of the trial he was convicted or
8 acquitted? Do you know, or not?

9 A. After the judgment, handed down by the military tribunal, he was put in prison.

10 Q. You have stated that before - before the transition - he was promoted. He was
11 made captain; is that correct?

12 A. Yes, that's correct. He was promoted to the rank of captain in the MLC.

13 Q. Do you know approximately when, at what date, the transition occurred? When
14 did the MLC soldiers leave the MLC to be integrated into the Congolese army?

15 A. I believe it was in 2003, when we left Gbadolite for Kinshasa, and that was at the
16 time of the transition.

17 Q. Indeed. Was it at the beginning of the year 2003, around the middle of the year, or
18 at the end of the year 2003, when as you stated you left Gbadolite to go to Kinshasa at the
19 time of the transition?

20 A. I believe, if I'm not mistaken, that it was in the month of August. It was in the
21 middle of the year, if I'm not mistaken.

22 Q. You have stated that at the end of the year 2002 Mr Willy Bomengo was convicted
23 by the court in Gbadolite and that at the middle of the year 2003 he went to Kinshasa,
24 having been promoted to the rank of captain. Is that what you have stated?

25 A. The MLC promoted him to the rank of captain, and in 2003 there was the departure

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1 to Kinshasa because the government in Kinshasa was to confirm the ranks that had been
2 given by the government and that took place during the transition.

3 Q. At the end of the day yesterday, we were discussing the structure of the MLC. I
4 asked you who was the chief commander and what was the structure of the organisation,
5 and you mentioned that Mr Bemba was the chief commander, you referred to the Chief of
6 Staff. Although you've already referred to this, I'd like to ask you who directed
7 the -- who was in charge of the operations in the Central African Republic?

8 A. It was the president, Jean-Pierre Bemba himself, who was in charge of the -- who
9 actually directed the operations in the Central African Republic.

10 Q. And on the ground, was he in charge of operations on the ground in the Central
11 African Republic?

12 A. From time to time he was on-site in the Central African Republic. In order to
13 control the situation, he was on-site.

14 Q. As far as you know, did the authorities in the Central African Republic have any
15 authority over the troops, or conduct operations carried out by the MLC?

16 A. The Central African officers had no power over our soldiers. Only the president,
17 Jean-Pierre Bemba, and Mustapha, who had the authority on-site, the military authority.
18 There was not a single Central African officer who had authority over our soldiers.

19 Q. Do you know whether Mr Bemba received reports from the officers on the ground?

20 A. He received situation reports from the soldiers in Bangui.

21 Q. How did he receive these reports? By what means?

22 A. He received them by Thuraya and by phonie.

23 Q. Do you know whether these reports referred to the crimes committed by the MLC
24 soldiers in the Central African Republic?

25 A. The reports that were transmitted when he was with Mustapha for example, which

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1 were sent by Thuraya, we could hear what was said, what he said and what Mustapha
2 said. Because the reception wasn't very good he had to go outside, and Mustapha had
3 the phonie in the house and when he went outside we could also hear what was being
4 said.

5 MR BADIBANGA: (Interpretation) Your Honour, I'd like to go into private session,
6 please.

7 PRESIDING JUDGE STEINER: Court officer, please.

8 *(Private session at 9.59 a.m.) Reclassified as Open session

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

10 MR BADIBANGA: (Interpretation)

11 Q. Witness, we are now in private session so that we can discuss matters relating to
12 your presence and your whereabouts and then we'll go back to the other questions. You
13 stated that Mr Bemba was talking to Mustapha using a Thuraya. Where were you
14 standing? Where were you actually physically when he was speaking to Mustapha
15 using the Thuraya?

16 A. When he was speaking with Mustapha, using the Thuraya, he was in his residence
17 and we were guarding him at the residence.

18 Q. Given that you were guards there, did he remain in the vicinity, or did he move
19 away from you when it was necessary for him to speak over the phone?

20 A. When he spoke over the Thuraya he would sometimes go to the balcony, or go
21 behind his residence to speak, and when he would go out the guards were around him
22 until he returned into his house.

23 Q. How is it that you know that the person he spoke to was Mustapha?

24 A. We had this information because he mentioned the name of Mustapha and, as a
25 result, we thought that he was speaking to Mustapha.

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1 Q. How frequently did they have such conversations? Once a day, once a week, once
2 a month? I'm referring to the conversations between Bemba and Mustapha.

3 A. He would speak to Mustapha occasionally, because at that time the person who was
4 involved in the operation was in fact Mustapha, so he spoke to him at all times.
5 Sometimes he would speak to him over the phonie and, if the reception wasn't very good,
6 he would go out and speak to Mustapha over Thuraya. This happened quite frequently.

7 MR BADIBANGA: (Interpretation) In order to continue, your Honour, I believe we can
8 now move back into open session.

9 PRESIDING JUDGE STEINER: Court officer, please.

10 (Open session at 10.03 a.m.)

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

12 MR BADIBANGA: (Interpretation)

13 Q. Witness, you mentioned the use of Thurayas. Do you remember who within the
14 ALC used such Thurayas?

15 A. Within the MLC only the president, Jean-Pierre Bemba, used Thurayas.

16 Q. Did some of the officers also have Thuraya devices?

17 A. Apart from Mustapha, in the Central African Republic, no other officers had
18 Thurayas.

19 Q. When I asked you in what manner the reports were sent, or provided, you
20 mentioned in fact Thurayas. Did General Mustapha submit reports through this means
21 of communication?

22 A. Yes, General Mustapha did submit reports over the Thuraya and over the phonie,
23 over the phone.

24 Q. So in the course of conversation, let's say General Mustapha submits a report, what
25 would Bemba say in response? Did he also provide a report?

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1 A. When he spoke to Mustapha, when Mustapha reported to him, we couldn't hear
2 what Mustapha said. We could only hear his replies given to Mustapha.

3 Q. And in fact what did he reply? What did he say? What sort of things did he
4 speak about?

5 A. One day in his residence he went outside to speak over the Thuraya. He spoke to
6 Mustapha. Mustapha reported to him about the situation in the field and that's what we
7 heard. Given his replies to Mustapha, I think that it had to do with the person who was
8 arrested. I don't know if it was a civilian, or a soldier. Some people were arrested.
9 The president told him, "I don't need these persons." He wanted the person to be
10 executed. He didn't need these people. We have a system in the DRC. If he says he
11 doesn't need someone, that means it's necessary to execute the people who were taken
12 prisoner in the field.

13 Q. You were fairly rapid when answering that question, so I will go over parts of your
14 response, or go over your response step-by-step. Could you tell us exactly what the
15 words used by Mr Bemba were?

16 A. On that day he said, "I don't need these people." He used a term that means
17 "Execute the people who were arrested," "Longola dojo." (phon)

18 Q. How do you know that these people were people who had been arrested?

19 A. Well, these were the replies that Mr Bemba provided. Mustapha reported to him
20 on individuals who had been arrested in the field and he then replied by saying that he
21 didn't need these people. He used the term "Longola goja" (phon) and that is a term that
22 means "Execute those people." It's a term that is used by us in the DRC.

23 MR BADIBANGA: (Interpretation) Your Honour, could we move back into private
24 session, please?

25 PRESIDING JUDGE STEINER: Court officer, please.

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1 *(Private session at 10.10 a.m.) Reclassified as Open session

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

3 MR BADIBANGA: (Interpretation)

4 Q. Witness, you said that this expression was an expression that you used in the DRC.
5 Is this an expression that was used when addressing (Redacted)?

6 A. In the DRC I was in the field, and during the battle I was there. We'd already
7 received that order. If we didn't use the term "Goja," well, it meant, "I don't have rice to
8 nourish these people, so you have to execute these people." In the DRC, in Basankusu
9 and in Balangala, when we were engaged in a battle in Balangala we were fighting
10 together with mercenaries from Angola and from the Congo who were with the FAC, the
11 FACA. I remember -- I will always remember those days to the very end of my life, as
12 long as I am alive. During that period of time, the president of the MLC risked his life in
13 those Balangala villages. It was during the battle. We couldn't be reached over the
14 phonies. From time to time, when we were engaged in battle, the phonies weren't
15 working. He left Gbadolite and went to Basankusu. In Basankusu he took the vehicle
16 to join us, or reach us, at the front. We were fully engaged in combat. Our soldiers
17 wanted to kill him, because most of those soldiers didn't know him. These were soldiers
18 who were in the rear base.

19 When he arrived, the enemy had scattered in Balangala. The enemy didn't go very far,
20 though. The president arrived and the enemy had been routed. When he arrived, we
21 went under the huts to speak to him. He gave an order to the sector commander from
22 Uganda and he said, "I don't have rice to feed these prisoners of war. You have to take
23 these prisoners of war and you have to execute them."

24 I can confirm all of this before the International Criminal Court. These are things that I
25 personally witnessed. Over 2,500 men were executed in Balangala. In these villages,

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1 and around these villages, there are the graves of the individuals who were executed.
2 There were people from Angola and from Congo amongst the victims, and what is worse
3 I fought in the ranks of the MLC and there was (Redacted) fighting in the FAC
4 camp on the other side. When they went to engage in commerce, Kabila enrolled
5 them - enlisted them in the army - and sent them to the front. I, (Redacted), was in
6 the battle-field, and (Redacted) was in the enemy camp, the FAC camp, the FAC
7 side, and (Redacted).
8 (Redacted)
9 (Redacted) If it was necessary to execute them it had to be done
10 against Angola mercenaries, (Redacted)
11 (Redacted), but I am telling you the truth. This took place and it
12 caused numerous problems within the ALC. The soldiers no longer wanted to fight, and
13 all these people were killed, executed in my presence, as ordered by the president,
14 Jean-Pierre Bemba himself. Over 2,500 men were executed in Balangala.
15 According to the military rules, I'm a well-trained soldier. I am not a civilian who was
16 provided with a weapon. I received military training in my country, according to which
17 it is necessary to respect the rights of prisoners of war and, as a result, one shouldn't
18 execute prisoners of war. They had to be protected, but he himself issued orders and
19 these orders were carried out. So I'm saying that there were crimes of war committed in
20 the Democratic Republic of Congo during that period of war; the five-year period in the
21 Congo. There are crimes that were committed.
22 THE INTERPRETER: The Lingala booth would kindly request that the witness slow
23 down.
24 PRESIDING JUDGE STEINER: Mr Witness, the Lingala interpreter is asking you please
25 to try to slow down a little bit. He's having difficulties in following you. And I just call

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1 the attention, for when we go into the edited version of the transcript, for the editing to
2 pay attention on page 11, line 15/16.

3 You can continue, Mr Badibanga.

4 MR BADIBANGA: (Interpretation)

5 Q. Witness, these two expressions that you have used, which mean that people should
6 be executed, were these expressions used often by officers in the MLC? Was this
7 common practice, or was it just in certain and exceptional circumstances that these
8 expressions were used; the two cases that you have mentioned, for example?

9 A. No, during the entire period that I spent in the MLC these were terms that were
10 used, expressions that were used. When we would occupy a village and prisoners of
11 war were taken, the message would be sent to the president of the movement, to
12 Mr Jean-Pierre Bemba, and if he sent an order saying that these POWs should be released
13 we would assemble them and we would send them behind the front line. We would
14 send them to a centre, a reception centre. But if he received an order, or if there was an
15 order that was received according to which he didn't need these people, these people had
16 to be executed in the field at the front where we were located.

17 PRESIDING JUDGE STEINER: Maître, I'm sorry to interrupt you. Is there any reason
18 for us to be in private session?

19 MR BADIBANGA: (Interpretation) I wanted to be in private session, because we are
20 talking about something that the witness himself may have done and I thought that, if the
21 information was too precise, it might enable someone to identify him. So my question
22 after private session was, "Did you personally receive this message, or this instruction?"
23 So it was for that reason, your Honour, but, yes, in fact we could go back into open session
24 to continue with this line of questioning. Thank you.

25 PRESIDING JUDGE STEINER: Court officer, please.

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1 (Open session at 10.19 a.m.)

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

3 MR BADIBANGA: (Interpretation)

4 Q. Witness, for the sake of the transcript, I would like you to confirm something. The
5 expression that you mentioned, which means that it is necessary to execute certain
6 individuals, was an expression that you heard from Mr Jean-Pierre Bemba himself in the
7 course of this conversation with Mr Mustapha; is that correct?

8 A. Yes, I heard him use the expression himself when speaking to Mustapha over the
9 Thuraya device.

10 Q. Do you remember any other circumstances under which you may have heard
11 Mr Bemba issue orders of any kind with relation to the operation in the Central African
12 Republic, and again I'm referring to conversations over the Thuraya?

13 A. Yes, sometimes there were orders to progress, or to maintain the positions, or to
14 carry out the tasks that had been assigned. One day I heard him speak over the Thuraya
15 and he was telling Mustapha, "What is Mondonga doing in Bangui? Did he go there to
16 sleep, or to work?" I also heard him speaking to Mustapha over the Thuraya in this
17 manner.

18 Q. With regard to this order, according to which people had to be executed, well, you
19 said that the people concerned were certainly prisoners held by Mustapha. With regard
20 to that order, do you know if it was carried out? Did Mustapha actually carry out the
21 order that he had received over the phone?

22 A. As far as I'm concerned, I believe that this order was carried out. When the order
23 was issued, Mustapha had to follow the orders. There's no doubt about it. These
24 people were executed, because there were cases when such orders were issued and they
25 were carried out and then the situation was monitored. When an order was issued, he

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1 would then check to see whether the orders had been carried out. He had a service that
2 would submit reports to him, saying that the task had been carried out, so I would say
3 that they were executed.

4 Q. Did Mr Bemba give orders during that period without the person receiving the
5 order carrying the order out? Were there such cases?

6 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

7 MR HAYNES: How can he possibly answer that?

8 PRESIDING JUDGE STEINER: I'm sorry, Mr Haynes. I had no --

9 MR HAYNES: I can see you are waiting for the transcription to come up. He is being
10 asked -- he is being asked whether there was ever an occasion when Mr Bemba gave an
11 order and it wasn't carried out. He can't possibly answer that question.

12 PRESIDING JUDGE STEINER: Mr Haynes, if he cannot possibly answer this question he
13 will say, "I don't know." It's better to listen from the witness himself.

14 MR HAYNES: I'm obliged.

15 MR BADIBANGA: (Interpretation)

16 Q. Witness, as far as you know, were there any cases when Mr Bemba gave orders, but
17 the orders were not carried out by those who had received them?

18 A. From the time when we started our operations in the DRC up to the time the troops
19 were sent to Bangui, well, when he issued orders and the orders weren't carried out there
20 would be sanctions. All the orders were carried out.

21 Q. A few minutes ago you mentioned an exchange with Mustapha, and you said that
22 Mr Bemba spoke to him about Mondonga and asked what Mondonga was doing there.
23 Are we referring to the same person whose name we saw in the document that I showed
24 to you yesterday? Is this person the same Mondonga?

25 A. Yes, it's the same person.

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1 Q. Do you know what this person Mondonga does today, at the moment?

2 A. For the moment, Mondonga is in the DRC. He has the rank of a full colonel and he
3 works in the FARDC.

4 Q. You mentioned Thurayas, but phonies as well. What was the system put in place
5 for communications via phonies?

6 A. The commanders who went to Bangui had been provided with phonies, I know this,
7 so there were phonies in battalions and in brigades, but according to the way things
8 functioned in the Congo, phonies were provided to battalions and brigades. In
9 Gbadolite there was a phonie that received all the reports from troops, wherever they
10 were, and President Bemba also had his very own phonie in his residence.

11 Q. Let's start, if you will, with the phonie that was in his residence. Did he use this
12 device regularly, frequently?

13 A. That's where everything took place. It's through this phonie that he led the
14 operations in the DRC and in the Central African Republic. He led the operations over
15 the phonie that was in his residence.

16 Q. And do you know whether he was capable of using this phonie device on his own?
17 Was he capable of activating the system, or did he need a team of technicians or other
18 individuals who were capable of making the machine work, so to put it?

19 A. He worked -- he used the phonie device himself. There was no one else there to
20 help him.

21 Q. I'd like you to be a little more precise. You said that this phonie was located in his
22 residence. Could you tell us where exactly it was located in his residence?

23 A. The phonie was in his living room. That's where it was.

24 Q. Was the residence separate from that location, or was it the same building?

25 A. His residence, where he spent the night, was separate from his office.

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1 Q. Did he communicate with the officers in the Central African Republic using this
2 radio telegraphy system?

3 A. He would communicate with individuals to be found in the Central African
4 Republic, and at that moment in the DRC there was no operation ongoing. The
5 operation in existence at the time was the one that was ongoing in the Central African
6 Republic.

7 Q. In view of the fact that you have mentioned a number of operations since the outset
8 of your testimony, I would like you to specify please. You say that at that moment in
9 time there were no other operations in the DRC. Are you talking about the operations in
10 the year 2002, or the year 2003?

11 A. I am talking of the operations in the year 2003. In that year there were no
12 operations ongoing at the time. In the year 2003, the only operation that was in existence
13 was the operation ongoing in the Central African Republic.

14 Q. This is of course an indication, this is not a very precise form of information because
15 we can't provide statistics here, but I am asking you on average how many times a day do
16 you believe that he used this phonie, or radio telegraphy system, that was located in his
17 home? It's just an indication that I am seeking.

18 A. I would say that he used the system, but not on a regular basis. When he was at
19 home, he would use it. When he was at the office, he would not use it. However, when
20 he returned home, he would use this radio system.

21 Q. And the other system, the other radio telegraphy system or radio, you said there
22 was another system, where was it? You said there was one at his house and there was
23 another one as well. Where was that one set up?

24 A. The other radio was located in the operations office; that is to say at the centre.
25 That was about ten metres afield from Bemba's residence. This place was called the

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1 operations centre, and this was where all the information was brought together by the
2 operators from the troops at the front. This was where all the reports were centralised,
3 the reports that were then to be handed to the presidents, and were this radio not to work
4 correctly -- if his radio were not to work correctly he would then go to the central office in
5 order to communicate with those troops located in the Central African Republic.

6 Q. Would you say that he used the radio at home more often, or the radio that was
7 located at the operations centre?

8 A. He would use the radio in his location more often. However, were he to find it
9 difficult to get in touch with individuals involved in the operations, then he would go to
10 the office in order to converse with those individuals.

11 Q. You say that the operators would centralise, or bring together, all the information.
12 How did they do this precisely and in what form?

13 A. The information was brought together by the operators who would write down the
14 information they gleaned from the troops in the Central African Republic, or rather the
15 information they gleaned from the operators who were to be found in the Central African
16 Republic, and it was these operators who would write down and compile all the reports
17 before submitting them to President Jean-Pierre Bemba.

18 Q. I believe that you might have been speaking somewhat fast and that the interpreters
19 missed some of what you were saying. We are quite simply being told here in the
20 transcript that the operators would write the reports before submitting them, so I have to
21 ask you the question: How, and in what form, did the operators write these reports?

22 A. The operators would receive the reports from other operators out in the field in the
23 Central African Republic, in Bangui to be more precise, and these operators receiving the
24 information in Gbadolite would then centralise all the information which they would
25 compile in a copy book before submitting all this information in written form to the

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1 president, Mr Jean-Pierre Bemba. After having read this information, Mr Bemba would
2 then sign and hand back the copy book to the operators. The commander who handed
3 over the copy book to the operators would also sign, would also append his signature,
4 and he would do the very same thing with the copy books brought from the operators to
5 Mr Jean-Pierre Bemba. This also applies to those involved in security, who had access to
6 this very same information.

7 MR BADIBANGA: (Interpretation) Madam President, could we please go into private
8 session? Thank you.

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

10 *(Private session at 10.39 a.m.) Reclassified as Open session

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

12 MR BADIBANGA: (Interpretation)

13 Q. Mr Witness, before we continue with these transmission copy books, I'd like to
14 return or revisit something that you said at an earlier stage when you made mention of
15 conversations which Mr Bemba had conducted over the radio with Mustapha, or with
16 those individuals who were located in the Central African Republic. Now, were you in
17 the room when he was engaged in these conversations?

18 A. When he communicated using the radio in his residence, we did not have access.
19 We were not privy to the conversation. We did not have access to his residence.

20 Q. So how do you know what he was saying and whom he was talking to?

21 A. We could not follow the conversation over the radio. The window was closed.
22 However, we could hear the sound of his voice and he spoke very loudly. When we
23 heard this noise we would ask why it was that our commander was speaking so loudly,
24 and we were told that he was bellowing because he was talking about what was going on
25 in Bangui, but we could not hear what he was saying. However, the noise of his loud

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1 voice could be heard and we were told that he was speaking loudly because he was
2 conversing with those individuals to be found in the Central African Republic.

3 Q. When you talk about those in command, or "(Redacted)" is the word you used, who are
4 you referring to?

5 A. Those in command, or the (Redacted) are the people who were working with him.
6 There was (Redacted)
7 (Redacted) to be precise.

8 Q. So this was (Redacted); is that correct?

9 A. Yes, it was (Redacted).

10 Q. So I'd like to now revisit the (Redacted) issue. (Redacted)
11 (Redacted)

12 JUDGE ALUOCH: Just before you leave the subject of the phone and the messages, to or
13 from Mustapha, the real-time transcript, it's page 10, beginning from line 3, where it
14 reads -- or the answer from the witness was, "One day in his residence he went outside to
15 speak over the Thuraya. He spoke to Mustapha. Mustapha reported to him about the
16 situation."

17 Now, did you hear these words, Mr Witness? Are these words you heard? When he
18 said to Mustapha, "I don't need these people," did you hear them? As you say, he
19 sometimes spoke loudly. Are these words you heard yourself, or from other people?
20 Thank you.

21 THE WITNESS: (Interpretation) I heard them myself. I heard this with my very own
22 ears.

23 JUDGE ALUOCH: Thank you.

24 THE WITNESS: (Interpretation) Merci.

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

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1 Q. So, Witness, I would like to ask you whether you yourself saw these copy books, or
2 registers, that the operators would fill in?

3 A. From time to time I could see that there -- that these transmission registers were
4 being moved about, and throughout the day these registers would move from operator to
5 person in command and vice-versa.

6 Q. Were you able to read the content of these registers?

7 A. Nobody had access to the contents of the information in the transmission registers.
8 This is how things happened, or went. They came -- these registers would come from the
9 operators, and then "Charlie Mike" was the term used, the term to call Mr Bemba, and

10 (Redacted)

11 (Redacted)

12 (Redacted) The operator would then take the

13 register and the commander would sign.

14 The operator had to then ascertain how it was that the commander took the register to

15 Mr Bemba, who would then come out of his residence and take the register back into his

16 residence. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 So there were individuals who did have access to the contents of those transmission

22 registers. However, the operators with whom we worked told us that the contents of

23 these registers covered information associated with what was going on in the Central

24 African Republic, which meant that only the operators and the president had access to the

25 contents of the transmission registers.

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1 THE INTERPRETER: Request from the English booth: Could the witness please be
2 requested to slow down? Thank you.

3 MR BADIBANGA: (Interpretation)

4 Q. Have you already yourself received instructions to communicate a message over the
5 radio and did you then yourself use this procedure involving the register?

6 A. This was an automatic situation. We would receive orders from the DRC to the
7 CAR, and these were orders that were part of daily happenings and this had not changed
8 until we left.

9 THE INTERPRETER: "Or this did not change until we had left for Kinshasa," says the
10 Lingala interpreter.

11 MR BADIBANGA: (Interpretation)

12 Q. I'm sorry about this. My question was somewhat confused. I was attempting to
13 ascertain whether you yourself found yourself in a situation where you had to transmit a
14 message to somebody who was completing an operation at the centre and whether this
15 gave rise to any notes taken down in the transmission register?

16 A. No, this was not the case because we did not have access to the office where the
17 radio was to be found.

18 MR BADIBANGA: (Interpretation) Madam President, we can now move back into open
19 session.

20 (Open session at 10.49 a.m.)

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

22 MR BADIBANGA: (Interpretation)

23 Q. Witness, with regard to the transmission registers that the operators would transmit
24 to President Bemba, do you know what happened to them at the end of the period of
25 rebellion?

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1 A. At the end of the operation, all these registers were gathered together and taken to
2 Jean-Pierre Bemba's residence.

3 Q. Are you talking about the residence in Gbadolite that you mentioned earlier on?
4 The residence where the central office is located, is that the one you're talking about?

5 A. I am talking about the Gbadolite residence where the president would spend the
6 night.

7 Q. You told us that these registers were submitted on a number of occasions. Could
8 you tell us how many times a day these transmission registers were submitted for
9 Mr Bemba's perusal?

10 A. Over the course of a day, these registers might come and go on a number of
11 occasions. These transmission registers would be sent to those in command on a number
12 of occasions throughout the day.

13 Q. I would like you to help me to understand quite how this radio system functioned.
14 In order to communicate for example between Bangui and Gbadolite, you say that when
15 going through the central office there was an operator based in Gbadolite in order to make
16 sure that the radio system was functioning; is that correct?

17 A. That is how things worked, yes. The person or those individuals located in Bangui
18 had their own radio system, and at the central office, where all the information was
19 gathered together, there was also a radio system. They would use codes such as "Alpha
20 Bravo," "Gbado Bravo," "Bangui Delta." They would use such frequencies and they knew
21 that the person they were communicating with was somebody from the Central African
22 Republic, so this is how they worked.

23 Q. So there was a radio operator in Gbadolite and also in Bangui, was there not?

24 A. Yes, indeed. The individual located in the Central African Republic would
25 communicate with those individuals located in Gbadolite.

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1 Q. You say that the radio operator in Gbadolite would have a register in which he
2 would write down all the messages, and did the same apply to the individual located in
3 Bangui?

4 A. Yes, the individual located in Bangui also had a register, and everything that
5 occurred out in the field was transmitted in information form to the individual located in
6 Gbadolite and in Gbadolite, where the commander was to be found, well, the information
7 was transmitted to Bangui via the operator in Gbadolite. As soon as the operator in
8 Bangui received the message, and the order from Gbadolite, he would then transmit them
9 to the troops out in the field, to the person in command.

10 Q. Were -- all the military positions occupied by the MLC, whether this be in the CAR
11 or in the DRC, did they also have a transmission registry, were they to have a radio?
12 And in simpler form, were the MLC in Gbadolite -- you talked about Basankusu as a
13 position at a moment in time, you talked about Gemena --

14 THE INTERPRETER: Says Counsel rapidly.

15 MR BADIBANGA: (Interpretation)

16 Q. -- and there was also a position in Bangui. Now, in each of these positions, were a
17 radio to be existence, was there also a transmission register?

18 A. Wherever the ALC troops were to be found, there was also a radio and a
19 transmission register where they were to write down all the orders that they received; that
20 is that means that all operators at those locations did indeed have transmission registers.

21 Q. Do you know whether the other positions occupied by the MLC in the Central
22 African Republic also had a radio system? Yesterday you told us that (Redacted)
23 you knew that Mr Bemba had visited Mongoumba, for example, you talked about PK22
24 and you said that that is where Mr Bemba stopped in order to meet with some troops.
25 Now, in each one of these positions, was there a radio to your knowledge?

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1 A. To my knowledge, the system in the DRC is the very same that was used in the
2 Central African Republic. I am also aware of the fact that all of the units to be found
3 there, that is to say the battalions, the brigades, all had radio systems available to them.
4 They all had means of communications to follow what was going on out in the field.

5 Q. So, according to what you said, with regard to these positions when the radio was
6 being used as a means of communication, there must also have been therefore
7 transmission registers in which the operators wrote down the various reports; is that
8 correct?

9 A. That is correct. They all had registers in which they would write down the reports.

10 Q. Now, with regards to communication systems, you talked to us about Thurayas, you
11 talked to us about radio systems and yesterday you also mentioned meetings between
12 Mr Bemba and the officers, or soldiers. I would like to know whether during these
13 meetings between Mr Bemba and the troops in the Central African Republic mention was
14 made of behaviour - aberrant behaviour - on the part of some of the troops, crimes that
15 might have been committed, violent acts, et cetera?

16 A. When we went into the Central African Republic, as I said earlier, I never heard
17 anyone talk about such a report. There was communication over the Thuraya and the
18 radio, but to my knowledge I never heard mention made of that.

19 Q. Mr Witness, do you know whether Mr Bemba also followed the situation in the
20 Central African Republic via the media, via the press?

21 A. President Bemba was well-informed. He followed events, whether it was on the
22 television or the radio. He also gave interviews. He was well-informed.

23 Q. Do you know whether during that period the radio, or other media, mentioned the
24 acts of violence or crimes that were carried out by soldiers in the Central African
25 Republic?

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1 A. Yes, occasionally there were BBC journalists, or journalists from RFI, who came to
2 the residence in Gbadolite. That was in 2003. And in the Central African Republic he
3 had given interviews and he said that his troops had not committed any crimes in the
4 CAR, and the journalist would ask him, "Why did you send your soldiers into the CAR to
5 protect President Patassé?" And he answered saying, "There's a reason for that.
6 President Patassé was elected to the presidency." That was the answer that he gave
7 when asked during interviews in Gbadolite at his residence.

8 Q. Do you know whether the journalists presented him with allegations regarding
9 crimes that had been committed by his soldiers? Do you know whether the journalist
10 said, "Well, it would appear that your soldiers had committed crimes?" If that did
11 happen, can you tell us what he answered?

12 A. Often there were interviews given on the French radio, France Inter, but we were
13 not able to follow the BBC interviews. When the journalists from France Inter asked their
14 questions, they asked things like, "Do you know that your soldiers are committing crimes
15 in the Central African Republic, rape, looting?" And he answered saying, "No, my troops
16 never committed any crimes in the CAR." He did not admit that his troops had
17 committed crimes in the CAR.

18 Q. Do you know whether through the media, through the radio, whether there had
19 been any complaints on the part of the population, or on the part of victims themselves?

20 A. Well, I listened to the radio, RFI, and I heard that the international community had
21 asked Mr Bemba to withdraw his troops from the Central African Republic. I myself
22 heard that on the radio, RFI, and after all of this pressure indeed the MLC troops were
23 withdrawn from the CAR.

24 JUDGE ALUOCH: Mr Badibanga, can I just -- can I seek a clarification from the witness
25 on the very answer he has given, when he says, "And after all this pressure indeed the

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1 MLC troops were withdrawn from CAR." Were they withdrawn, or was there a -- I don't
2 know what is the right terminology. Were they withdrawn by Mr Bemba, or were they
3 defeated at the battle? Which is which? I don't know the terminology, just to clarify
4 that please.

5 THE WITNESS: (Interpretation) This is the answer that I can give you, your Honour.
6 Our troops went to the border, as far as the border with Chad. They were all over where
7 Mr Bemba had sent them and they had gone as far as the border with Chad. That was
8 their purpose. Now, when there was pressure from France, and from international
9 public opinion, Mr Jean-Pierre Bemba gave the order for the troops to withdraw, to go
10 over the river to Zongo and go back to the DRC. In other words, they withdrew in a
11 rather catastrophic situation. They -- many were killed, many died during that period,
12 and the commanders, Mustapha and others, were able to go back to the DRC in good
13 condition. However, those who had gone as far as the border with Chad, many of those
14 were not able to go back in good health. Many were killed and others ran towards -- ran
15 away towards the road to Cameroon. They were not all able to get back to the DRC
16 when the order to withdraw was given.

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

18 Q. Witness, you referred to certain trips that Jean-Pierre Bemba made in the CAR.

19 Was he in contact with the local population in the CAR during any of those trips?

20 A. As regards all of the various trips (Redacted) in the CAR, (Redacted)

21 (Redacted) There's

22 one thing (Redacted), which was that (Redacted) there

23 were people along the way who were asking Bemba to withdraw his troops from the

24 Central African Republic. Other than that, (Redacted)

25 (Redacted)

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1 Q. How did they go about asking him to withdraw the troops? Were -- did they have
2 individual conversations with him?

3 A. Oh, their message was expressed through signs where it was written, "Bemba,
4 remove the troops from the Central African Republic." (Redacted) standing
5 along the road holding these signs on the way to the airport (Redacted)
6 (Redacted).

7 Q. And the withdrawal of the troops from the Central African Republic that you
8 referred to, in response to the question from Judge Aluoch, you said it was following
9 pressure made by the international community. Did this withdrawal take place a long
10 time after this incident (Redacted), or was it a
11 very short time thereafter?

12 A. All of these events took place while the troops were still on the front. Following
13 the complaints from the Central African population and the complaints lodged by the
14 French and by the international community, then after that the troops left the Central
15 African Republic. Had it not been for those complaints, for that pressure, I don't think
16 our troops would have left the CAR.

17 Q. Witness, do you know approximately at what date, or what period, this withdrawal
18 of the troops from the CAR took place?

19 A. It was in 2003 that our troops left. They all left the Central African Republic.

20 Q. Throughout your testimony you've referred to an operation in 2002 and another in
21 2003. The soldiers who participated in the operation in 2002, do you know when they
22 withdrew from the CAR; those that participated in the 2002 operation?

23 A. Well, as I stated earlier, I can't really give you a lot of clarification regarding the 2002
24 operation. I do know that there was an operation in Bangui in 2002, but I don't know
25 when those troops left the Central African Republic following that operation in 2002.

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- 1 Q. If you don't know the answer just say "I don't know," but according to your
2 recollection the soldiers who arrived for the operation in 2002, do you know whether or
3 not they went back and then other soldiers returned later, or was it something else?
- 4 A. I don't have a lot of information - a lot of detailed information - about the operation
5 in 2002. I know more about the 2003 operation. I don't know whether they went back
6 and then returned again. I don't know.
- 7 Q. We're reaching the end of the direct examination and I'd like to mention a couple of
8 additional topics, but we will be finishing, as I had promised the Chamber.
9 I'd like to come back to the beginning of your deposition, where we discussed a number of
10 meetings before the operations. You said that before the operation Mr Bemba met with
11 the Central African Defence Minister, then you said there was a meeting in Gbadolite.
12 Then you mentioned a couple of other meetings in Gbadolite that we did not discuss and
13 then he saw the troops during a parade in Zongo and then he met with the officers in
14 Zongo before the operation started and then once he had crossed over he met with
15 soldiers in PK12, and again he met with soldiers again at PK22 and then there was a
16 meeting in Bossembélé and there was a meeting in Mongoumba and there was another
17 visit in a town, but you could not remember the name of that town.
18 Now, if I add them all up, that makes nine meetings or visits with individuals involved in
19 the operations. After the withdrawal of the troops from the CAR, were there any further
20 meetings with those involved in that operation, as far as you know?
- 21 A. I know that after the troops went back he met with Mustapha in his residence, and I
22 don't know what they discussed, but Mustapha came out of the residence after the
23 meeting.
- 24 Q. When you say "his residence," what town are you referring to? Which residence?
25 Where?

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1 A. It was in Gbadolite.

2 Q. Was this a meeting with Mustapha alone or were there other individuals who
3 attended?

4 A. I know that Mustapha was not the only person in attendance. There were others.
5 Some I've forgotten their name but I know that General Amuli also participated.

6 Q. Witness, you have mentioned this already, but I'd like to ask you to be precise
7 because we're reaching the end of this examination. According to what you have
8 observed, who actually controlled the troops, the MLC troops in the CAR?

9 A. The person who controlled the troops was the president himself, Jean-Pierre Bemba.

10 JUDGE ALUOCH: Mr Witness, can you break down this word, what does "control" the
11 troops mean? What does it involve? What is involved in controlling the troops, please?

12 THE WITNESS: (Interpretation) In fact, the person who commanded the operation
13 was Jean-Pierre Bemba, but the person in the field was General Mustapha, but the
14 command was in the hands of Jean-Pierre Bemba. There were other commanders in the
15 field directly with the soldiers, and there was General Mustapha in the field.

16 MR BADIBANGA: (Interpretation)

17 Q. Along the same lines of the question put to you by Judge Aluoch, do you know who
18 decided as regards the movement of the troops? In other words, who decided that they
19 were to go from one town to another? Who would make those decisions as regards the
20 operations?

21 A. All of the orders relating to the operation came from President Jean-Pierre Bemba.
22 If troops were to move forward, or stay in the same position, it was Jean-Pierre Bemba
23 who gave that kind of order. Mustapha could not do anything without referring first to
24 Jean-Pierre Bemba. Mustapha received orders from the president, Jean-Pierre Bemba,
25 and he's the one who commanded the operation in the Central African Republic. It

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1 wasn't Mustapha. Mustapha was in the field with the soldiers. There had to be an
2 officer in the field and that's why Mustapha was there but the actual orders regarding the
3 operation came from Gbadolite.

4 Q. You referred to troop movements. Do you know who made the decision that there
5 was to be a battle, a military confrontation? I'm referring of course to the Central African
6 Republic.

7 A. When Mustapha received an order from Jean-Pierre Bemba, Mustapha would then
8 pass on the order to the other commanders in the field, and that's how the operation
9 would take place.

10 Q. If you need to go into private session for this question, please let me know.
11 Otherwise I will put it to you in open session. How do you know that that is the case?
12 That is, that it's Mr Jean-Pierre Bemba who gave the orders? If you prefer that we go into
13 private session, just let me know.

14 A. Yes, it's perhaps preferable to go into private session.

15 PRESIDING JUDGE STEINER: Court officer, please.

16 *(Private session at 11.22 a.m.) Reclassified as Open session

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

18 MR BADIBANGA: (Interpretation)

19 Q. How do you know that?

20 A. I know that the person who commanded the operations taking place in the CAR was
21 President Jean-Pierre Bemba himself because he would give his orders using the Thuraya,
22 or using the radio, and he himself went to the field to boost morale and so it wasn't
23 Mustapha who was commanding the operation in the CAR, it was the president,
24 Jean-Pierre Bemba himself, alone, who commanded the operation in the CAR. No one
25 else.

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1 Q. Since we are in private session, I'd like to ask you two additional questions in
2 private session. You mentioned an order given by Mr Jean-Pierre Bemba to Mustapha to
3 kill prisoners. Did that occur frequently?

4 A. I only learned that once. I don't know whether it was through the radio or the
5 Thuraya, but I heard it once. I don't remember whether it was over the radio in his
6 residence, or not.

7 Q. I may have asked you this question earlier, but in a less precise form. Did you
8 yourself receive orders to carry out such tasks from Jean-Pierre Bemba?

9 A. Could you perhaps rephrase your question, or repeat it?

10 Q. My question was a follow-up to the question regarding an order to execute
11 prisoners. I wanted to know whether you yourself had ever received such an order from
12 Mr Jean-Pierre Bemba at any point in time?

13 A. During the operations in the Congo that I participated in there was an order to kill
14 prisoners in Basankusu and Balangala, and I was there at the time, and there were other
15 cases, other similar cases, where we attended. There's no doubt about that. There was
16 an order in Balangala given, saying that there was no rice for the prisoners, and he went
17 there, and there were Angolan mercenaries taken prisoner and the -- there were
18 Congolese soldiers there, and Angolan soldiers, and the order was given to execute them.
19 There's no doubt about that.

20 PRESIDING JUDGE STEINER: Mr Haynes.

21 MR HAYNES: I'm concerned that the witness ought to be given a warning against
22 incriminating himself at this point in time.

23 PRESIDING JUDGE STEINER: The question was a little bit inappropriate. I think
24 Mr Haynes is correct. But taking into account the answer that was given we can just
25 change the subject, Mr Badibanga.

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1 MR BADIBANGA: (Interpretation) Yes, indeed, your Honour. I had finished with that
2 matter.

3 Q. Witness, you worked for several years with Mr Bemba (Redacted)
4 (Redacted). Was there a reason that you stopped
5 working for him?

6 A. Well, there are many reasons that led me to leaving the former president, Jean-Pierre
7 Bemba. I did not want to continue working for someone who had -- who liked
8 blood-baths. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. I don't want to prevent you from responding but there are technical problems. We
2 have a two-hour time limit and we are at the very end of that two-hour period. Could
3 you perhaps summarise that matter?

4 PRESIDING JUDGE STEINER: I am sorry, since you interrupted the witness, you still
5 have some time that you may use after the break. We have only four minutes left in the
6 tape. We need to suspend right now.

7 Mr Witness, we'll be back at 2.30 so you have a longer break to take some rest, to have
8 your lunch. We'll be back at 2.30. I'm sorry, Mr Badibanga, but now it's a tape. You
9 still have 15 minutes of your estimated time.

10 I ask, please, the court officer to turn into closed session for the witness to be taken outside
11 the courtroom and in the meantime we will suspend and resume at 2.30.

12 *(Closed session at 11.32 a.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 11.32 a.m.)

17 (Upon resuming in open session at 2.34 p.m.)

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

19 THE COURT OFFICER: Your Honours, Madam President, we are in open session.

20 PRESIDING JUDGE STEINER: Good afternoon and welcome back. As informed in
21 advance to the parties and participants, we'll have this afternoon two hours' session.

22 I have just to remind the parties that when we have two hours we mean two hours.

23 We cannot extend because of the length of the tape.

24 Before we bring the witness in, the Chamber needs -- wants to address a procedural
25 matter. The Chamber intends to request the parties' observations in relation to the

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1 possible admission into evidence of this witness's written statements in accordance
2 with the applicable provisions of the Statute and the Rules of Procedure and Evidence
3 and in accordance with the procedure laid out in paragraph 12 of the Chamber's
4 31 May 2011 order on the procedure relating to the submission of evidence. It's
5 decision 1470.

6 The Chamber will set a timetable for the filing of these observations in due course and,
7 after receiving those observations, will issue a written decision analysing the
8 admissibility of the statement.

9 I ask, please, the court officer to turn into closed session for the witness to be brought
10 into the courtroom.

11 *(Closed session at 2.36 p.m.) Reclassified as Open session

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

13 (The witness enters the courtroom)

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

15 (Open session at 2.38 p.m.)

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

17 PRESIDING JUDGE STEINER: Thank you very much.

18 Mr Witness, good afternoon.

19 THE WITNESS: (Interpretation) Good afternoon, your Honour.

20 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

21 THE WITNESS: (Interpretation) Yes, your Honour, I am.

22 PRESIDING JUDGE STEINER: Maître Badibanga, it appears that you still have a
23 few minutes remaining, so you can make good use of them.

24 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'll do everything
25 I can. And, your Honour, since we were in private session when we adjourned,

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1 could we move into private session now, with your leave?

2 PRESIDING JUDGE STEINER: Court officer, please.

3 *(Private session at 2.39 p.m.) Reclassified as Open session

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

5 MR BADIBANGA: (Interpretation)

6 Q. Witness, before the break this afternoon I asked you what the reasons were for
7 which you left Mr Bemba, stopped serving him, and I interrupted your answer. In
8 fact, I cut you off when you were answering. So perhaps you could quite simply
9 complete your answer to this question and perhaps focus a little more on the actual
10 reasons for leaving.

11 A. Thank you, Maître. These are the reasons for which I left the service of the former
12 president, Jean-Pierre Bemba. I no longer thought it was suitable to continue
13 working with Mr Bemba. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 I thought about all of these matters and told myself, since I had joined the MLC up
2 until that day, well, why is it necessary to always kill? Orders always bad. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 Having examined my consciousness I asked myself, why should I continue living like
9 this? That was what I told myself (Redacted)
10 (Redacted). Why should we continue living in this manner?
11 He said Kabila had an interest in killing them. Should we continue in this manner?
12 After having searched my soul on a number of occasions I told myself, Bemba is a
13 man who is capable of leading this country, the Congo, but if he leads the MLC and
14 the ALC badly, well, how could he lead the Democratic Republic of the Congo?
15 These are questions that I asked myself. No, it can't work. It can't function in this
16 way, I said to myself. (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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8 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Sorry, Mr Witness, you are speaking too fast. You
25 have to slow down, please.

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1 MR BADIBANGA: (Interpretation)

2 Q. Thank you. I will take advantage of this opportunity to say the following: I
3 don't doubt the interest of what you have been telling us, but I would like to abide by
4 our commitments with regard to the time allotted to us for your examination, so if
5 you could go straight to the conclusion that would be of assistance. I have two
6 minor questions that will then be put to you later, but I wouldn't want to exceed the
7 amount of time that has been allocated to me.

8 A. Yes, I am speaking fast indeed. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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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 (Redacted)

18 THE INTERPRETER: The Lingala interpreter asks the witness to please slow down

19 because he's speaking far too fast.

20 PRESIDING JUDGE STEINER: Monsieur, Monsieur. Mr Witness, you know, we

21 know that you have many things that you want to say, you need to say, and the

22 Chamber is here and will be listening to what you have to say, but we are having a

23 problem here, Mr Witness, that interpreters are not able to follow you. I know that

24 sometimes it's difficult, but if you want the Chamber to understand what you have to

25 say you need to help us and speak slowly, please.

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1 THE WITNESS: (Interpretation) Merci.

2 PRESIDING JUDGE STEINER: My second point: Are you feeling well and ready
3 to continue, or you want a break?

4 THE WITNESS: (Interpretation) No, I can continue.

5 PRESIDING JUDGE STEINER: So please just pay attention, because otherwise we
6 cannot understand what you're saying and what you're saying I know that for you is
7 really important.

8 THE WITNESS: (Interpretation) Thank you. In all of this, well, I am thinking
9 about my colleagues who fell on the battle-field in the interests -- or fighting for the
10 interests of an individual who wanted to have people killed from the rebellion until
11 the intervention in the Central African Republic, but also in Kinshasa, these are
12 crimes.

13 A leader who tomorrow wants to be the president of the Democratic Republic of
14 Congo, well, it is not at all an easy task to be at the helm in the DRC with such a
15 system in place. You know, you're working with officers from the FARDC, but you
16 are hitting them hard.

17 When he received his fracture, he received a fracture because he was actually hitting
18 an FARDC officer. A commander never hits people under his orders. He gives
19 them orders and I believed that, you know, somebody who hits officers, well, the fact
20 that he received a fracture, that's quite something. When he went to Portugal it was
21 not because of what went on in Kinshasa; it was with a view to protecting our leader.
22 We said that he had fallen down in the stairs. No, that was not the case at all. He
23 had hit an officer and he fell over and he fractured his leg. How can one continue to
24 work of somebody of this type, an individual who gives orders, an individual who
25 gives orders that are badly executed or somebody who is merely serving his own

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1 purposes? I believe that this is not good and that is why (Redacted) I
2 took a decision and I thought to myself, "Well, I have worked for quite some time"
3 and (Redacted)
4 (Redacted).
5 (Redacted)
6 (Redacted)
7 In denouncing crimes that were committed in serving his own purposes, he fled and
8 he went to Portugal, and at a given point in time at the front we refused to fight
9 because since the rebellion we had understood what was going on. We refused to
10 advance and we said to ourselves, "Well, why should we kill each other?" And he
11 visited all the fronts, the front lines, and he gave messages to all those present at the
12 front at the time and he said, "If you refuse to advance, or if you refuse to fight against
13 the enemy, I will take my plane, I will go to Europe and you, you will stay here. You
14 will be killed. The members of your family will be killed. Your possessions will be
15 destroyed, but I will take my plane and I will go to Europe."
16 We remember this and seeing this I thought about it for a time and I thought to
17 myself, "Well, we are risking losing our lives here. We should know precisely how
18 to live our own lives" and I wanted to stop.
19 Today, (Redacted)
20 (Redacted)
21 (Redacted)
22 Today we have understood that Bemba is a criminal. Bemba is somebody who likes
23 adventure. "He came to conduct the rebellion with a view to serving his own
24 purposes and with a view to killing people." (Redacted)
25 (Redacted)

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1 I think I'm going to stop now and I think that we are going to continue on the line
2 suggested by Maître Badibanga. There were many things that happened, not only in
3 the Central African Republic, but also in the rebellion during the rebellion in the DRC.
4 There were many, many things that happened. Thank you. That's what I wanted
5 to say.

6 MR BADIBANGA: (Interpretation) Madam President, I have one further question
7 to put to the witness and I would ask the witness to help us in making an effort by
8 providing a simple response to my question which I would like to put in an open
9 session, thank you.

10 PRESIDING JUDGE STEINER: Court officer, please.

11 (Open session at 3.12 p.m.)

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

13 MR BADIBANGA: (Interpretation)

14 Q. Mr Witness, throughout the events in the Central African Republic, and maybe
15 even subsequently, to your knowledge, did Mr Bemba refer or allude to any alleged
16 responsibility that he might have had for the acts committed by his soldiers?

17 A. I believe that if the military tribunal was set up it was with a view to providing
18 protection, because he thought that maybe some day this would help him to defend
19 himself by saying that he had had people court-martialled. This might be a sort of
20 cover for him. And even in the DRC during the election period, during those
21 meetings he asked the people of the DRC to be a witness to this. He said, "We had
22 no choice but to take up arms" and he asked the international opinion or community
23 to come to the country in order to conduct investigations or even in the DRC in
24 Mambasa. And he thought that one day he might be prosecuted for events or -- yes,
25 for events that were committed in the Central African Republic. He was only too

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1 aware of that.

2 MR BADIBANGA: (Interpretation) Thank you, Mr Witness. Thank you for
3 having shared your knowledge with us and for having answered our questions. I
4 have no further questions to put on behalf of the Office of the Prosecutor. I would
5 like to thank you, Madam President. I would like to thank the Chamber for its
6 patience.

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

8 Before I give the floor to legal representatives of victims, I wanted two or three
9 clarifications from the witness and for that purpose I ask, please, court officer to turn
10 into private session.

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

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

13 PRESIDING JUDGE STEINER: Thank you.

14 And I apologise with the parties that maybe I make some mistakes in relation to the
15 reference, but I'm almost sure that it's on transcript 186, starting by an information of
16 the witness that (Redacted). If I am
17 correct, it's on page 11, lines 5 and 6, if I'm correct. These 120 men were the men in
18 charge of security of President Bemba?

19 THE WITNESS: (Interpretation) In response to this question, well, are you
20 referring to Kinshasa, or are you referring to Gbadolite?

21 PRESIDING JUDGE STEINER: I think in the beginning of your testimony we were
22 only talking about Gbadolite. You said (Redacted). This
23 is what I would like you first to clarify, whether these (Redacted)
24 (Redacted)?

25 THE WITNESS: (Interpretation) All of those men were indeed responsible for the

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1 security of Jean-Pierre Bemba. There were not only 120 men. We also had two
2 companies that were responsible for this undertaking, and when they were on duty
3 they had to provide a perimeter inside and outside. So there was a -- there was an
4 intervention security group and there was a personal protection security detail. So
5 they could relieve each other. One group might go to the airport. Another might
6 guard the holding cell, or the residence, because we did not actually have any
7 down-time.

8 PRESIDING JUDGE STEINER: And, Mr Witness, you also said in the same
9 transcript, and if I'm not wrong it's page 6, line 19, subject to correction, that from
10 time to time Mr Bemba went to Central African Republic. My question is: Were
11 you always with him, you and your men?

12 THE WITNESS: (Interpretation) No, we did not all go to the Central African
13 Republic. We would -- well, 15 of us would go on this journey and when going to
14 the Central African Republic during the operations, that was the number of us that
15 went.

16 PRESIDING JUDGE STEINER: You also mentioned that more than once (Redacted)
17 (Redacted) is that correct?

18 THE WITNESS: (Interpretation) That is correct, yes.

19 PRESIDING JUDGE STEINER: Is it of your knowledge whether Mr Bemba went to
20 Central African Republic or to Bangui by crossing the River Ubangi on a ferry, or on a
21 barge, or something like that?

22 THE WITNESS: (Interpretation) No, he never used a boat or a canoe to cross over.
23 He also -- always went there by aeroplane. He went by Antonov, by helicopter, or
24 by a small carrier.

25 PRESIDING JUDGE STEINER: If on any occasion Mr Bemba had decided to go to

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1 Central African Republic by crossing the river on a ferry, (Redacted)

2 (Redacted)

3 (Redacted)

4 THE WITNESS: (Interpretation) Were he to have made the crossing via ferry (Redacted)

5 (Redacted).

6 PRESIDING JUDGE STEINER: Is it of your knowledge that in any occasion

7 Mr Bemba had bodyguards from nationalities other than Congolese?

8 THE WITNESS: (Interpretation) Yes, he had Ugandan bodyguards, which we

9 found in his Gbadolite residence.

10 PRESIDING JUDGE STEINER: And during the events or this conflict in Central

11 African Republic, (Redacted) have you

12 met any other people from other nationals doing the security of Mr Bemba?

13 THE WITNESS: (Interpretation) Never. With the exception of some Ugandans

14 whom we came across, and the Congolese, I never saw any other bodyguards of other

15 nationalities.

16 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

17 JUDGE ALUOCH: Mr Witness, (Redacted)

18 (Redacted)

19 (Redacted)

20 THE WITNESS: (Interpretation) Whether it be during times of peace in the Central

21 African Republic, well, (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

25 Court officer, please turn into open session.

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- 1 (Open session at 3.24 p.m.)
- 2 THE COURT OFFICER: We are in open session, Madam President.
- 3 PRESIDING JUDGE STEINER: Thank you.
- 4 Mr Witness, the legal representatives of victims, Maître Zarambaud and Maître
- 5 Douzima-Lawson, were authorised by the Chamber to put some questions to you.
- 6 We will then start by Maître Zarambaud.
- 7 You have the floor, Maître.
- 8 MR ZARAMBAUD: (Interpretation) I'd like to thank you, Madam President, your
- 9 Honours.
- 10 QUESTIONED BY MR ZARAMBAUD: (Interpretation)
- 11 Q. Mr Witness, good afternoon.
- 12 A. Good afternoon.
- 13 Q. My name is Maître Zarambaud Assingambi. I am Central African. I am from
- 14 the Central African Bar and I am a legal representative before this Court for some of
- 15 the victims by the side of my learned friend Marie Edith Douzima-Lawson, and as
- 16 Madam President just said to you I have been authorised to put a number of
- 17 questions to you. I shall not put all of my questions to you because some of them
- 18 have already been put to you by the Office of the Prosecutor and you have already
- 19 answered them in quite an expansive manner.
- 20 Now, with regard to my learned friends from the Defence, they should be reassured
- 21 that I do not have the intention of reading all the citations mentioned in my motion,
- 22 or application, and I shall only do so if the need were to arise.
- 23 Now, my first question to you -- Madam President, I'm not quite sure whether I can
- 24 put it in open session even if I were not to cite the excerpt that I mentioned, notably
- 25 CAR-OTP-0053-0315, 0334, page 0334.

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1 THE INTERPRETER: Counsel says the numbers far too fast for the interpreter to
2 follow.

3 MR ZARAMBAUD: (Interpretation) But I'm not quite sure whether the question
4 could be put in open session were we to do it in the proper manner?

5 PRESIDING JUDGE STEINER: Maître Zarambaud, first of all the interpreters could
6 not follow the number - the reference number - you mentioned because you said it too
7 fast. My second point is, yes, the question is better to be put in private session. So I
8 ask you, please, first to repeat the reference and soon after that, before you put the
9 question, court officer will turn into private session.

10 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. The
11 reference is CAR-OTP-0056-0315, page 0334, paragraph 10.

12 *(Private session at 3.28 p.m.) Reclassified as Open session

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

14 MR ZARAMBAUD: (Interpretation) Thank you.

15 Q. Now, Mr Witness, with regard to this reference that I have just provided for the
16 purposes of the transcript, so it does not concern you, in substance you stated that in
17 (Redacted)

18 (Redacted)

19 and this means that wherever he was to be found (Redacted). You

20 also stated on the following page, and in paragraph 7, you stated that there were

21 (Redacted)

22 (Redacted)

23 So my question to you is as follows: With reference to this (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. No, never. (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: Maître Zarambaud, I'm sorry. It's just for a matter
4 of precision on the record. Here you say on page 63, lines 1 and 2, "You also stated
5 on the following page in paragraph 7," but according to your filing this is not the
6 following page. The first page you mentioned was page 334 and this one is 355.
7 Just to clarify which one is the correct one, please?

8 MR ZARAMBAUD: (Interpretation) The correct page is the one that is included in
9 my submission. It's page 355, paragraph 7.

10 PRESIDING JUDGE STEINER: Thank you for the clarification. I think now we can
11 go into open session.

12 (Open session at 3.31 p.m.)

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

14 MR ZARAMBAUD: (Interpretation)

15 Q. I'm not going to ask my second series of questions. I will go on to the third
16 series of questions, which is based on reference CAR-OTP-0056-0348, page 0339,
17 paragraph 2, 4 and 6, and page 0360, paragraph 1 and 3. You stated that before the
18 beginning of the operations, Mr Bemba had received in his residence the Minister of
19 National Defence of the Central African Republic and on that occasion he had
20 received money, and you said that that money had been transported by aeroplane
21 (Redacted)
22 (Redacted). I have two questions about this topic. How much time went
23 by between the visit of the Central African Republic Minister of National Defence and
24 the beginning of the operations? I'm not asking you for a precise date, but simply an
25 approximate lapse of time.

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1 A. I no longer remember the date of the visit of the Central African Republic
2 Minister of Defence's visit to Gbadolite. I do know that (Redacted)
3 (Redacted) there were conversations thereafter, but I do not remember
4 when or the date that that occurred. When he left, an aeroplane came in with some
5 people who brought some money and they took him to President Bemba.

6 Q. Thank you, Witness. My next question regarding that same passage is as
7 follows: Aside from the money which was brought in by aeroplane, did you learn
8 that any other sums of money were given to Jean-Pierre Bemba by the Central African
9 Republic?

10 A. No, I did not learn anything else other than what I saw with my own eyes.
11 That's what I have just stated to you just a few moments ago.

12 Q. Thank you, Witness. I'm not going to deal with the questions in the fourth
13 group of questions that dealt with the meetings that took place in Gbadolite and in
14 Zongo before the crossing over of the troops because you have sufficiently responded
15 about those matters to the Prosecutor.

16 I shall now go on to the fifth set of questions, which is reference CAR-OTP-0056-0315,
17 page 341, paragraph 3, and the statement in that reference was discussed in your
18 answers a few moments ago and in fact since yesterday you referred to the orders that
19 were given to the soldiers before they crossed over, orders that were given by
20 Jean-Pierre Bemba. I'd like to know whether you yourself heard those orders given
21 by Jean-Pierre Bemba, the orders that you've already referred to here?

22 A. Yes, I heard the orders myself with my own ears.

23 Q. Now, I'm going on to the sixth series of questions. You've already referred to
24 these matters, but I would like further precision. You said that the real person in
25 charge was Jean-Pierre Bemba and you said General Amuli was just -- was just a

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1 figurehead. Why do you say that? What makes you say that?

2 A. Well, the reason I said that General Amuli was just a figurehead was because
3 the chief commander of the ALC had all powers.

4 Q. Thank you. In the same area, you have declared -- and here the reference is
5 CAR-OTP-0056-0348, page 0371, paragraph 3, 4 and 16. After referring to the orders
6 that were given, you said that Bemba himself had directed the operations from the
7 Congo to Bangui and you said no Central African authority was in command of the
8 MLC troops. I intended to ask you two questions, but I will limit myself to one
9 question. How do you know that no Central African authority was in command of
10 the MLC troops that crossed over into the Central African Republic?

11 A. I knew that because he asked Mustapha a question as to whether the Central
12 African military soldiers were able to fight and Mustapha answered in saying "No,"
13 and the president continued in saying "Well, if they're not capable, then you must
14 continue the task at hand to the bitter end," and I know what -- I know that it's their
15 task, so there was no officer of the Central African Republic who had any authority
16 over the MLC soldiers. It was Mr Jean-Pierre Bemba himself who was in control of
17 the operations that took place in the CAR.

18 Q. Thank you, Witness. Now for the eighth series of questions.

19 THE INTERPRETER: Your Honour, could Maître Zarambaud be asked to speak
20 closer to the microphone. He's totally inaudible.

21 MR ZARAMBAUD: (Interpretation)

22 Q. You indicated a list of cities. Some of them you were not able to remember and
23 you've already told that to the OTP. My next series of questions refers to
24 CAR-OTP-0056-0315, page 0341, last paragraph.

25 PRESIDING JUDGE STEINER: If you're going to make reference to this paragraph,

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1 maybe we have to go into private session?

2 MR ZARAMBAUD: (Interpretation) Your Honour, I did not intend to read out the
3 paragraph. I was just going to ask a question about President Patassé.

4 Q. So I'm referring to the last paragraph of 342, first paragraph. You mentioned
5 the fact that Patassé, that is the former president, Patassé, was in the vehicle that went
6 to PK12, and then, I'm not sure it was the same day, Mr Bemba continued on. That's
7 not the point here. My question is: At PK12 did President Patassé leave again in
8 the vehicle in which he arrived with President Bemba, and did other people at PK12
9 actually see President Patassé?

10 A. Well, when they left the residence, in the vehicle there was President Patassé,
11 Jean-Pierre Bemba, (Redacted).

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

13 *(Private session at 3.43 p.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: You can continue, Mr Witness.

16 MR ZARAMBAUD: (Interpretation)

17 Q. Regarding the answer to the question, that is whether or not President Patassé
18 left PK12 in the same vehicle that he had arrived in.

19 A. This is how it was: (Redacted) President Patassé from his residence
20 with Jean-Pierre Bemba, President Jean-Pierre Bemba, and (Redacted)

21 (Redacted)

22 (Redacted) back to the

23 capital.

24 Q. Thank you, Witness. Before we go back into open session, I'd like to recall
25 something that I should have mentioned before asking you this question which is that

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1 when we are in open session be careful not to say anything that might lead to your
2 identification, saying that (Redacted), for example, (Redacted)
3 (Redacted).

4 Open session, please.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 (Open session at 3.45 p.m.)

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

8 MR ZARAMBAUD: (Interpretation)

9 Q. My next line of questioning relates to the expression that you used in Lingala,
10 and I was going to ask you whether the individuals executed were civilians, or the
11 military, and you already did answer my question, which was that no doubt these
12 individuals were executed, but since you were not present you didn't know if they
13 were civilians or military soldiers, so I'm not going to ask that question. The same
14 applies to the matter of rape. You have stated that what you had been told by
15 soldiers who had gone to Bangui. The same applies to the matters of looting. You
16 explained the rule. You said that as of the second day they were no longer allowed
17 to take -- to loot with impunity.

18 Now, this brings me to my last or second to the last series of questions and the
19 reference is as follows: CAR-OTP-0056-0315, page 0342. Having stated that Bemba
20 was aware of what was taking place in the CAR, you stated that indeed it was in
21 keeping with orders that had been given before -- before he crossed the river. That
22 order, did it mean that they were allowed to commit crimes on the other side?

23 A. He had given orders. The soldiers were to comply with these orders. That
24 was normal.

25 MR ZARAMBAUD: (Interpretation) Thank you, Witness. My last series of

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1 questions relates to the military tribunal organised for soldiers who had committed
2 crimes in the Central African Republic and you've given full answers and therefore
3 I'm not going to actually ask the questions and therefore I have finished my
4 questioning. Thank you, Witness, and thank you, your Honour.

5 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

6 Mr Witness, now Maître Douzima-Lawson will put some questions to you.

7 Maître.

8 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

9 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

10 Q. Witness, good afternoon.

11 A. Good afternoon, Maître.

12 Q. Witness, as my colleague Maître Zarambaud has just explained, he and I are
13 from the Central African Republic, we are lawyers and we are the legal
14 representatives of the victims who have been accepted to participate in this trial. We
15 felt that the personal interests of the victims that we both represent here are
16 concerned or related to your statement and that is why we requested to be able to ask
17 you questions in order to obtain additional information, and in order to help the
18 Chamber understand exactly what took place, as well as the victims.

19 Witness, I'm going to be asking you questions about the statement you made to the
20 investigators of the OTP in December of 2009, and also questions regarding certain
21 clarifications regarding the answers you've given to the OTP this week.

22 Let me begin by one of the answers you gave to the Prosecutor on November 14th,
23 that is Monday of this week. This is transcript - the real-time transcript - page 64,
24 line 27 and 28, and then page 65, line 1. In the edited version it is page 52, line 21 to

25 22. Witness, you stated on that day that there were three ALC interventions in the

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1 CAR, three operations. The first one was in 2001, the second in 2002 and the third in
2 2003. Then on page 67, line 6, you stated - and here this is the real-time
3 transcript - you stated that the operation in 2002 and then again in 2003 took
4 place - and this is the period we are interested in - and although you do not remember
5 the exact dates of these events do you know if the 2002 operation was completed
6 before the 2003 operation began?

7 A. Well, from what I know, I don't know about the 2002 operation, except that I do
8 know that there was an operation that took place in the CAR in 2002.

9 Q. Regarding the operation which took place in 2003, do you know what period of
10 the year it took place? Was it at the beginning of the year, in the middle of the year,
11 or towards the end of the year?

12 A. I can tell you that I cannot really give details as regards the precise dates, but I
13 do know that in 2003 there were military operations in the CAR.

14 Q. Thank you. Obviously you cannot tell us if you don't know. You stated this
15 morning -- and this is transcript, real-time transcript, page 35, line 22 and 23. You
16 said that General Mustapha was in charge of the soldiers in the field. Now, can you
17 tell us whether that was during the 2002 operation or the 2003 operation?

18 A. That was during the 2003 operation.

19 Q. On page 67 again, real-time transcript line 11 to 16, you stated that for the 2002
20 operation it was the present president of the CAR, you said it was a general, but that
21 you did not know his name, who was in conflict with President Patassé and President
22 Patassé asked for help. Then from line 23 to 25 you explained that the 2003
23 operation was requested when that very same general came in to get rid of Patassé
24 and so President Bemba did everything to prevent that general from doing so.

25 Now --

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1 PRESIDING JUDGE STEINER: Mr Haynes.

2 MR HAYNES: What date is the transcript we're referring to, because page 67 of
3 today is during the examination of Mr Zarambaud this afternoon, and can we have an
4 English reference, please?

5 PRESIDING JUDGE STEINER: I think Maître Douzima is always or still referring to
6 the transcript of the 14th. She's going in different pages of the 14th transcripts, but
7 the second part of Mr Haynes' request is fair, so the English reference should be given
8 as well, Maître Douzima. Correct me if I'm wrong in relation to the date of the
9 transcript.

10 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, you're perfectly right.
11 I'm afraid my learned friend was not paying attention. I was referring to the
12 real-time transcript dated November 14th and I indicated page 67 and I said "Still on
13 page 67, line 23 to 25." Unfortunately, I don't have anyone in my team who can help
14 me find the reference in English. Well, here it is. Page 66 in English, starting on
15 line 11.

16 MR HAYNES: Is that real-time or edited?

17 MS DOUZIMA-LAWSON: (Interpretation) Real-time. Thank you, your Honour.
18 I shall go back to my questioning.

19 Q. Witness, I was saying earlier that on Monday you - and I gave the reference
20 earlier on - you explained that the -- one moment, please. The 2003 operation took
21 place when that same general came in to get rid of Patassé and the request was made
22 and that is -- and you said that President Bemba did everything he could to prevent
23 that general. This is basically the explanation you gave to explain the 2003 operation,
24 but regarding 2002 you referred simply to a conflict between President Patassé and
25 the general; that is the present president of the CAR. My question is, what conflict

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1 are you referring to?

2 A. There was a conflict between those two. The general, the president at the time,
3 came to drive out President Patassé. There was this war, this conflict, that I was
4 referring to.

5 Q. Witness, I find it difficult to follow you. Are you saying that both in the case of
6 the operation in 2002, and in the case of the operation in 2003, the general, the current
7 president of the CAR, wanted to drive out Patassé?

8 A. The general who led the combat in 2002 and 2003 was in fact the general who is
9 currently in power and this is how President Patassé had requested the assistance of
10 President Bemba so that this president could be impeded and so that he could be
11 driven from power.

12 Q. It was in the course of which operation? Between 2002 and 2003, it was in the
13 course of which operation that you accompanied Mr Bemba to the Central African
14 Republic?

15 A. It was in 2003.

16 MS DOUZIMA-LAWSON: (Interpretation) Thank you.

17 Your Honour, I have a map. With your leave, could the court officer please show the
18 map on the screen? The reference is CAR-D04-0002-1286. It's a public document.

19 THE COURT OFFICER: Madam President, document CAR-D04-0002-1286 is
20 available on the screen by pressing the button "PC1" and it's a public document.

21 MS DOUZIMA-LAWSON: (Interpretation)

22 Q. Witness, you have before you part of a map of the CAR, the Central African
23 Republic. Witness, at the hearing of the 14th of November - yes, November - page 79,
24 lines 12 to 15, real-time transcript, the edited version is page 64, lines 22 to 24, you
25 said that you were not a resident of Bangui, but that you nevertheless knew the town

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1 to a certain extent, and you stated that in order to locate PK12 -- well, in fact to locate
2 PK12 you said that it was at the cross-roads where you have the road for the
3 Cameroon and another road that goes in the direction of Chad. On this map, can
4 you see the location where it says "Bangui"? Can you see "Bangui," Witness?

5 A. (No audible response).

6 Q. Witness, can you see "Bangui" on the map?

7 A. Yes, I can.

8 Q. Thank you. Could you point out the road that leads to the Cameroon and the
9 road to Chad as well?

10 A. Well, in any event, it's difficult for me to mark the road to Cameroon and the
11 road to Chad on this map.

12 Q. That's not a problem. As you said that you had some knowledge of the town
13 of Bangui this is why I put this question to you, but could you identify the towns (Redacted)
14 (Redacted)?

15 A. Yes.

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

17 *(Private session at 4.09 p.m.) Reclassified as Open session

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

19 PRESIDING JUDGE STEINER: Maître Douzima, I think it's the third time that you
20 include in your questions information that should not be revealed in open session,
21 and I have to order redactions. I would like to ask you please to be more careful in
22 the kind of questions you pose, or you can always ask the Chamber to go into private
23 session.

24 Yes, Mr Haynes.

25 MR HAYNES: Of course your Honour's job would be a lot easier if you had some

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1 notice of these questions, but we don't, and Ms Douzima routinely embarks upon
2 examinations of witnesses without the Court's permission and in my submission it
3 needs to be controlled by the Court.

4 PRESIDING JUDGE STEINER: Mr Haynes, this issue has been already raised as
5 well three, four, five times by Defence team and three, four, five times the Presiding
6 Judge said that legal representatives are allowed to ask clarifications from the
7 transcripts, and this is what Maître Douzima is doing now.

8 MR HAYNES: Well, with respect, it's an examination of a witness upon a map
9 which is upon no list of documents and is not about the transcript. It's about his
10 knowledge of the geography of the Central African Republic and, given that it's been
11 many days since he first gave evidence about this, proper permission should have
12 been requested. And with respect, your Honour, it is not for the Defence to object.
13 It is for the Court to grant permission for these questions and to control the
14 examination of the witness by the victims, but there it is. I have said my piece.

15 PRESIDING JUDGE STEINER: Mr Haynes, we cannot be always hundred per cent
16 right, but until now I think with all due respect that the Chamber is controlling the
17 examination and the Chamber is acting properly.

18 Ms Douzima, you can continue. Just for the record to inform that the fact that the
19 Defence was about to use the map is on the document filed by the Defence in relation
20 to documents to be used in the questioning of the witness.
21 You can proceed, Maître Douzima.

22 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour. In fact, I
23 was going to emphasise the importance of this document, use this document that I
24 wanted to present to all the parties, and I do apologise for not having paid attention
25 to subjects that could have identified the witness. I didn't take care.

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1 In addition, as the witness has agreed to point out the location of towns that I referred
2 to a minute ago, perhaps the usher could help him to point out the location of these
3 towns?

4 PRESIDING JUDGE STEINER: Ms Douzima, my question now is the following: Is
5 this the same exercise through which the witness had already gone when questioned
6 by the Prosecution to put an "X" in all villages the witness has been together with
7 Mr Bemba?

8 MS DOUZIMA-LAWSON: (Interpretation) No, your Honour, my procedure is a
9 different one.

10 PRESIDING JUDGE STEINER: Could you please anticipate to the Chamber what
11 you are going to ask the witness to mark on the map?

12 MS DOUZIMA-LAWSON: (Interpretation) First of all, your Honour, you will
13 notice that the maps are different. I chose this map on purpose because the towns
14 are more visible on this map and, as he said that (Redacted) other towns but
15 that he couldn't remember the names of those towns, what I could do is perhaps
16 mention the names of a certain number of towns, with your leave, to see whether this
17 might refresh his memory? So I would mention the names of some of the towns that
18 are on the map.

19 PRESIDING JUDGE STEINER: I think that maybe this procedure is better than
20 asking the witness to mark -- to put "X"s again in the very same map, if the parties
21 are -- if it is agreeable to the parties?

22 Maître Badibanga?

23 MR BADIBANGA: (Interpretation) Yes, no objection, your Honour.

24 PRESIDING JUDGE STEINER: Mr Haynes?

25 MR HAYNES: Let me understand, Ms Douzima is going to suggest the names of

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1 towns to him? Is that what she's going to do?

2 PRESIDING JUDGE STEINER: Yes.

3 MR HAYNES: Well, I object to that.

4 PRESIDING JUDGE STEINER: Ms Douzima, this procedure can be considered as
5 leading, which in general is not allowed before this Chamber. Let's give some time
6 to the witness to examine the map and to see whether by examining the map the
7 witness can identify and say orally (Redacted)

8 (Redacted).

9 Are you able to do that, Mr Witness?

10 THE WITNESS: (Interpretation) I said in relation to the map that (Redacted)
11 (Redacted) but I have forgotten the names of the other towns because all this took place a
12 very long time ago.

13 PRESIDING JUDGE STEINER: And, even if you see the map in front of you, you
14 cannot identify any of those villages? You take your time.

15 THE WITNESS: (Interpretation) Well, I really can't remember the names of the
16 other towns.

17 MS DOUZIMA-LAWSON: (Interpretation)

18 Q. Witness, it doesn't matter. I thought that given that you mentioned those two
19 roads the map might help you find your bearings, but if you can't remember this, or
20 these things, or the names, it doesn't matter.

21 I will now go over or move on to some of the statements that you made to the
22 investigation in 2009. The reference is CAR-OTP-0056-0315, page 341. Witness,
23 you mentioned militiamen (Redacted)
24 (Redacted) that they went from door-to-door and that they committed
25 rape and they spoke about this in a very natural way. They didn't think that they

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1 had committed crimes. Why did these militiamen speak about this in a natural way
2 and they didn't think that they had committed crimes when they went from
3 door-to-door and raped women, or individuals?

4 PRESIDING JUDGE STEINER: Maître Douzima, the last part of your question at
5 least needs to be repeated in open session. There is no reason for us to continue in
6 private session.

7 Court officer, please turn into open session.

8 (Open session at 4.22 p.m.)

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

10 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour. I failed to
11 notice that.

12 Q. Witness, I'll repeat my question. Why did the militiamen, who told you that
13 they went from door-to-door and committed rape, speak about this in a natural
14 manner and didn't in fact consider these acts as crimes?

15 A. In their opinion, what they had done was normal. That's why they weren't
16 ashamed to speak about these acts in a totally natural manner.

17 Q. CAR-OTP-0056-0387, page 397, is the next reference. You said that the MLC
18 troops did not receive salaries. Your salaries consisted of food, in fact. You didn't,
19 however, receive money. Why is it that the MLC troops did not receive salaries of
20 any kind?

21 A. It would be more appropriate to put this question to the leader of the MLC. I
22 myself never received a euro. From the time we left the rebellion up until the time I
23 joined the government, I was never paid. It was when I was under the government,
24 part of the government, I started to receive salaries. In the MLC the salaries
25 consisted of food, rice for example, and this was the case for five years.

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1 Q. So why in fact were you not paid?

2 A. Well, up until that time -- well, up to this very day I can't say. I can't explain
3 this, but we weren't paid. We were asked to liberate the country. As the leader
4 said, as soon as we had liberated the country and having arrived at Kinshasa, then we
5 would be paid, but at that point in time it was necessary to sacrifice ourselves in order
6 to make democracy prevail and it was only later that we were going to be paid. No
7 payments, no salaries, were provided at the time. The only form of payment we
8 received was in the form of rice and that was the case for all the members of the MLC
9 at the time.

10 Q. So how did the soldiers meet the needs of their family, in that case?

11 A. During the five years that we spent there, no one was informed of their family
12 situation. Not a single soldier was in contact with his family. Not a single one.

13 Q. And to conclude, Witness, the reference is CAR-OTP-0056-0387, page 0400.

14 You stated that, if Bemba enforced the code of conduct, all those who had participated
15 in the second operation would have had to be punished. Could that have been the
16 case for Mustapha too?

17 A. If he had enforced the code of conduct in the 2003 operation and if he had dealt
18 with Mustapha and up until the very last soldier, all of them would have had -- all of
19 them would have been punished, but he did not enforce this code.

20 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Witness, for the effort you
21 have made to answer my questions.

22 Your Honour, I have now concluded my examination of the witness.

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

24 Mr Witness, it's enough for today. We will adjourn now and we hope that you have
25 a very, very restful night. We will resume tomorrow morning at 9.30, when Defence

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1 will start with its questioning.

2 I thank very much the Prosecution team, the legal representatives of victims, the

3 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much as always to our

4 interpreters and court reporters.

5 We will go into closed session for the witness to be taken outside the courtroom. In

6 the meantime, we will adjourn and resume tomorrow morning at 9.30. Court officer,

7 please.

8 *(Closed session at 4.29 p.m.) Reclassified as Open session

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

10 (The witness stands down)

11 THE COURT OFFICER: All rise.

12 (The hearing ends in closed session at 4.30 p.m.) Reclassified as Open session

13 RECLASSIFICATION REPORT

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

15 ICC-01/05-01/08-3038 and the instructions in the email dated 9 May 2014, the version

16 of the transcript with its redactions becomes Public