

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 Thursday, 17 November 2011

8 (The hearing starts in open session at 9.38 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

12 in 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 very much.

18 Good morning and welcome Prosecution team, Maître Zarambaud. I see that Maître

19 Douzima is absent today, but good morning Maître Zarambaud. Good morning

20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and

21 court reporters.

22 We will continue today with the questioning of Witness 213, starting by -- now it is

23 for the Defence to start questioning the witness, and following Mr Haynes' advice to

24 the Bench yesterday the Chamber will control very closely the form of questioning the

25 witness.

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- 1 Court officer, please turn into closed session in order for the witness to be brought
- 2 into the courtroom.
- 3 *(Closed session at 9.40 a.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in closed session, Madam President.
- 5 (The witness enters the courtroom)
- 6 WITNESS: CAR-OTP-PPPP-0213 (On former oath)
- 7 (The witness speaks Lingala)
- 8 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 9 (Open session at 9.42 a.m.)
- 10 THE COURT OFFICER: We are in open session, Madam President.
- 11 PRESIDING JUDGE STEINER: Thank you.
- 12 Good morning, Mr Witness.
- 13 THE WITNESS: (Interpretation) Good morning, Madam President.
- 14 PRESIDING JUDGE STEINER: We hope you managed to rest throughout the night,
- 15 that you are feeling well and ready to continue giving your testimony?
- 16 THE WITNESS: (Interpretation) Yes, indeed.
- 17 PRESIDING JUDGE STEINER: Mr Witness, today the Defence will start questioning
- 18 you. Before I give the floor to the Defence, I need to remind you that you are still
- 19 under oath. Do you understand that, sir?
- 20 THE WITNESS: (Interpretation) Yes, I know I have taken an oath.
- 21 PRESIDING JUDGE STEINER: I want also to remind you that you are under
- 22 protective measures, that your image and your voice that are broadcast outside the
- 23 courtroom are being distorted so that the public cannot identify you by your face or
- 24 by your voice, but in order to keep such protection, Mr Witness, you need to help us.
- 25 Please refrain from mentioning any information in open session that could lead to

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- 1 your identification. If need be we go into private session, and then in private session
2 you can speak freely because the public cannot listen to what you say.
3 And my final reminder, Mr Witness, is that you have to speak slower than normal.
4 Yesterday we had some problems with translation, interpretation, because it's normal
5 when we start speeding up, but you need to bear in mind the fact that you are
6 testifying in Lingala and in this courtroom we have people that only speak French or
7 only speak English and they depend on the interpretation to understand what you
8 want to tell us. So please slow down and give the five seconds before you start your
9 answer.
10 Is that fine with you, sir?
11 THE WITNESS: (Interpretation) Yes, indeed, Madam President. I have
12 understood you correctly.
13 PRESIDING JUDGE STEINER: Thank you very much.
14 I can see it's Mr Haynes that is going to proceed. Mr Haynes, you have the floor.
15 MR HAYNES: Thank you very much and good morning to you, your Honour.
16 QUESTIONED BY MR HAYNES:
17 Q. And good morning to you, sir.
18 A. Good morning.
19 Q. Let me introduce myself. My name is Peter Haynes and I am one of the
20 counsel who represents Jean-Pierre Bemba, the man whose bodyguard you used to be.
21 Now, it is my hope --
22 PRESIDING JUDGE STEINER: Mr Haynes, I am sorry.
23 MR HAYNES: Oh, I am very sorry.
24 PRESIDING JUDGE STEINER: Could we go into private session, please.
25 *(Private session at 9.46 a.m.) Reclassified as Open session

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

2 MR HAYNES: I can't believe I did that.

3 PRESIDING JUDGE STEINER: We didn't start quite well but, Mr Witness, don't
4 worry. This information will be deleted from the video and the tape.

5 Can we go back into public session, Mr Haynes?

6 MR HAYNES: We can.

7 PRESIDING JUDGE STEINER: Thank you.

8 (Open session at 9.47 a.m.)

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

10 MR HAYNES:

11 Q. Now, sir, it is my hope to be able to conclude my questioning of you by the end
12 of tomorrow, but that is a hope, not a promise. You must of course feel free to say
13 anything you want in answer to my questions, but if you listen to them carefully and
14 try to answer the questions themselves we will get along all the quicker. Do you
15 understand?

16 A. Yes, I have understood you.

17 Q. Good. Now, we're going to start in open session, so please be careful. None
18 of these questions should lead to you saying anything about who you are or what you
19 did, but if you feel the need to explain it by reference to your previous occupation, or
20 personality, then please let us know and we can go into private session; okay?

21 A. Yes, I have understood you, Counsel.

22 Q. Good. Well, I'd like to start really to see if you can help us understand the
23 hierarchy of the army. Leaving aside supreme commanders, the highest rank in the
24 army is the rank of general, isn't it?

25 A. Yes, that is correct.

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1 Q. And you would expect in the army to find a general in operational command of
2 a whole army, or an operational army unit; do you agree?

3 A. That depends. There is a general, there is a brigade, there is a division or unit.
4 This depends. We also have battalions, we have companies, we have sections, as
5 well as teams.

6 Q. Well, we'll come to them, but the rank beneath general is lieutenant-general,
7 isn't it?

8 A. We have the general of the army, the general of the division or unit and the
9 general of the brigade.

10 Q. Well, do you agree with me that the rank below general is lieutenant-general, or
11 do you not know that?

12 A. Could you please repeat your question? I have not quite grasped it.

13 Q. Yes. Are you aware that the rank beneath general is lieutenant-general?

14 A. Well, as I explained to you, there is a general of the army, there is a general of a
15 division or unit and a general representing a brigade.

16 Q. Well, let's come to that. Beneath a lieutenant-general you would find the rank
17 colonel, wouldn't you? Do you agree?

18 A. Are you attempting to ascertain the rank just below that of general? Well, after
19 the general of the brigade, there is what we call a full colonel.

20 Q. Thank you. And a full colonel you would expect to find in charge of a major
21 tactical unit like a brigade. Do you agree with that, or do you not know?

22 A. It all depends to the position allocated to the individual. He might be in
23 charge of a brigade. A full colonel might also be in charge of a brigade. It all
24 depends on the occupation or title bestowed upon the individual.

25 Q. And a brigade would be a unit of about 1,000 to 1,500 men; do you agree with

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1 that?

2 A. As I indicated on a number of occasions, there might be 1,000, there might be
3 1,500, 1,300 or even 1,200, but a unit can be called a brigade. It all depends on the
4 organisational structure of an army.

5 Q. Do you know what the rank is beneath colonel, or do you need me to suggest it
6 to you?

7 A. No, you don't need to tell me that. I know that it is indeed a lieutenant-colonel.

8 Q. Thank you. And a lieutenant-colonel you would ordinarily find perhaps as
9 Chief of Staff or deputy commander of a brigade. Do you agree with that?

10 A. Well, a lieutenant-colonel can be the commander of a brigade, or he can also be
11 the commander of a battalion. That's why I told you that it all depends on the
12 position bestowed upon the individual.

13 Q. And the rank below lieutenant-colonel is what?

14 A. Yes, this is indeed the rank of major.

15 Q. Thank you. And the rank below major is captain?

16 A. Yes, indeed.

17 Q. And a captain you would normally find in command of a battalion; do you
18 agree?

19 A. Yes, of course, a captain can be in command of a battalion.

20 Q. And beneath a captain comes a lieutenant. Do you agree with that?

21 A. Yes, indeed.

22 Q. We haven't dealt with battalions, but a battalion is a unit of about a hundred
23 men, isn't it?

24 A. No, a battalion does not comprise a hundred men. According to the
25 organisational chart of the army, which I am familiar with, a battalion comprises 750

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1 individuals.

2 Q. A lieutenant you would normally find in command of a small unit of men, such
3 as a squad, a company or a platoon. Do you agree with that?

4 A. A lieutenant can be in charge of a company according to the organisational chart
5 of the army.

6 Q. And that would be perhaps ten to 20 men?

7 A. Never. A company can comprise 150, 130, or 112 -- or 120 individuals. This is
8 what we call a company.

9 Q. And beneath a lieutenant comes a second lieutenant. Do you agree with that,
10 or a sous-lieutenant?

11 A. Yes, that is correct.

12 Q. And do you agree that that is the lowest rank of commission or commanding
13 officer in the army?

14 A. Yes, that is the lowest rank in the chain of command.

15 Q. So where in the chain of command do we find an adjutant?

16 A. Well, after the second lieutenant, you have the warrant officer. They are all
17 warrant officers, first class and second class.

18 Q. I don't think this should cause any difficulty, but throughout the rebellion that
19 is what you were, an adjutant? That's correct, isn't it?

20 A. No, I was not a warrant officer during the rebellion. During that period, there
21 were no ranks. We were given ranks in 2003.

22 Q. Well, we'll come to that in due course, but certainly throughout the rebellion
23 you never held any rank of a commanding officer, did you?

24 A. During the rebellion, only those who had the function were called commander.
25 The others were rank and file.

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1 Q. And were you one of the others, the rank and file?

2 A. (Redacted)

3 Q. Well, we'll come back to that a little later. I'm going to move on now to
4 something you were talking about yesterday, which is the period after the rebellion,
5 and I think out of caution we better go into private session, please, your Honour.

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

7 *(Private session at 10.03 a.m.) Reclassified as Open session

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

9 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me? It's just a suggestion
10 of course. You have been asking about a period referring to it as "during the
11 rebellion." Since we dealt yesterday with rebellion in DRC, the first events, the
12 second events, the third events, maybe it should be better if you situate in time what
13 exactly you meant by "during the rebellion" in order to be clear from the transcript to
14 which period you are referring.

15 MR HAYNES: Your Honour is quite correct. The reason I put those questions in
16 that way is that it has become obvious to me that the rebellion is a period that is
17 familiar to the witness, but I can certainly clarify the recorded.

18 Q. When we talk about "the rebellion," sir, you mean the period from the time
19 when you joined the MLC until you went to Kinshasa; is that right?

20 A. When I refer to "the rebellion" I mean indeed when I joined the MLC up until
21 Kinshasa, so perhaps you could ask me precise questions because your last question
22 has no meaning.

23 Q. And, as you have told us, you went to Kinshasa in about the middle of 2003.
24 That's right, isn't it?

25 A. Yes, that's correct.

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1 Q. And so that we are clear, why was it that you went to Kinshasa in the middle of
2 2003?

3 A. We went to Kinshasa at the time of the interim administration.

4 Q. Thank you very much. And what changed about your status at that time?

5 A. What are you referring to? Could you perhaps repeat your question, please?

6 Q. Absolutely. I think I can cut a corner. You ceased to be a member of the MLC
7 and you became a member of the FARDC, didn't you?

8 A. When we arrived in Kinshasa, we were incorporated into the FARDC.

9 Previously, we had been part of the MLC.

10 Q. Thank you. So you became a soldier of the government of the DRC; do you
11 agree with that?

12 A. Yes, that's correct.

13 Q. And your particular (Redacted)

14 (Redacted)

15 A. Yes.

16 Q. Did you live in Kinshasa during the period 2003 to 2006?

17 A. Yes, I lived in Kinshasa.

18 Q. And did you live there with your family?

19 A. Yes, I lived there in Kinshasa with my family.

20 Q. And did you receive a salary?

21 A. When we arrived in Kinshasa, they didn't start paying us right away. We had
22 to wait to be integrated into the FARDC and at that point in time we began being paid
23 by the main staff of the FARDC.

24 Q. Thank you. Did your family suffer any problems during the time they lived in
25 Kinshasa?

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1 A. My family didn't have any problems, because (Redacted)

2 (Redacted)

3 Q. They weren't subjected to any threats, or violence, or anything like that?

4 A. Well, could you rephrase your question? I don't understand what you're
5 referring to.

6 Q. Well, were your family - (Redacted) and I think initially (Redacted), but
7 subsequently two - ever threatened, or were they the victims of any violence in
8 (Redacted)

9 A. In (Redacted).

10 Q. By who?

11 A. It was soldiers from the (Redacted).

12 Q. What about you, (Redacted)

13 A. Well, if we're talking about the interim administration period, there were threats.
14 Yes, there were threats.

15 Q. Now, in (Redacted) Mr Bemba, who had had an
16 accident and broken his leg. You've told us about that, you recall?

17 A. Yes.

18 Q. (Redacted)

19 A. When those events occurred we were in Kinshasa, and the person who decided
20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Thank you. Were you told a day before, two days before, or a longer period
25 than that?

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1 A. (Redacted) the president suffered a fracture (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Only, well it is as I thought. (Redacted) Now, at that

7 time, (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Well, that deals with some questions I am going to come to in due course.

14 What did you say (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Now, when (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR HAYNES: That's fine. I just want to have a quick look at your passport, if we

25 can, and this is CAR-OTP-0056-0382 and we'll start by looking at page 0385, please.

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- 1 I'm sorry, I'm quite wrong. It's 0384 is the first four digits.
- 2 JUDGE ALUOCH: Mr Haynes, is this number 8 in your -- no, is it number -- in your
- 3 list? In the Defence list?
- 4 MR HAYNES: Number ten.
- 5 JUDGE ALUOCH: Ah, thank you.
- 6 THE COURT OFFICER: Document CAR-OTP-0056-0384 is available on your screens
- 7 at page 0385 and it's a confidential document.
- 8 MR HAYNES: Well, we are in private session any way.
- 9 Q. I don't want to spend too long on this, but can you see that, sir?
- 10 A. Yes, I can see this photocopy of the passport.
- 11 Q. And what does that particular page show us?
- 12 A. (Redacted)
- 13 (Redacted)
- 14 MR HAYNES: Thank you. And can we just go over the page to page 386, please?
- 15 Q. You might need that making a little bit bigger, but if you don't and you
- 16 recognise it, can you tell us what we see there?
- 17 A. (Redacted)
- 18 Q. Very well. (Redacted)
- 19 (Redacted)
- 20 A. Yes.
- 21 Q. Now, is it your recollection that you required (Redacted)
- 22 (Redacted)
- 23 PRESIDING JUDGE STEINER: Mr Haynes, could you repeat the question?
- 24 MR HAYNES: Certainly.
- 25 Q. The question was: Is it your recollection, sir, that you required (Redacted)

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- 1 (Redacted)
- 2 A. (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 Q. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Q. (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 A. (Redacted)
- 24 Q. (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 Q. Where did you go?

17 PRESIDING JUDGE STEINER: Maître Badibanga.

18 MR BADIBANGA: (Interpretation) I would simply like to draw the attention to

19 the fact that although there have been certain redactions, some information has

20 remained confidential and I am worried that my learned friend continuing in this line

21 of questioning lead the witness to indicating information that has been redacted. For

22 example, his address where he lives right now have been redacted. If the witness

23 does not take care, he might mention these things inadvertently. I just wanted the

24 draw the Chamber's attention to that. Thank you.

25 PRESIDING JUDGE STEINER: That's fair enough, Mr Badibanga, and I think the

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1 Chamber will count on the Prosecution's contribution whenever there is the
2 possibility of confidential information being revealed that you call the Chamber's
3 attention, and at the same time, Mr Haynes, I hope you also respect the orders of
4 redactions that were given by the Chamber and avoid putting in to the witness
5 questions that could lead to the disclosure of such information. Thank you. You
6 can proceed.

7 MR HAYNES: Thank you very much.

8 Q. (Redacted)

9 A. No, I didn't provide him with that information. (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. Well, I left. I took my decision. I left. As to what happened behind my back,
14 well, I don't know.

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted) I left. As for what happened behind my back, well, that
19 didn't concern me any more. I left. I followed my own path.

20 Q. Well, didn't it concern you that the (Redacted) Did you
21 still have (Redacted)?

22 A. I wasn't armed. I'm a professional bodyguard. I'm well-trained. I'm not just
23 a simple bodyguard; I'm a professional bodyguard. I have considerable experience
24 in that field. (Redacted)

25 Q. So you didn't even (Redacted); is that right?

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1 A. (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 A. As for what happened behind my back, well, as I have said, that no longer
5 concerned me. I had taken my decision and I left. It's in that way that I left.

6 Q. Did you go to the police yourself?

7 A. This didn't concern what we're discussing here. I have already provided you
8 with the answer. I said I left the premises. I just left. You're putting the same
9 question to you. I've told you I left the premises and that's it.

10 Q. Well, let's leave aside the police. Did you go to any government authority (Redacted)
11 (Redacted)?

12 A. When I left, so that we can proceed rapidly, you said we had to proceed more
13 rapidly, we are in private session so I'll say the following: (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) In brief, that is how these things transpired. I

18 believe that I have now answered your question.

19 Q. Well, you have, because I was coming to ask you whether (Redacted)

20 (Redacted)

21 A. Well, if you live in a certain place, you would be expected to have friends there.
22 You should have friends there.

23 Q. Just a couple of names. In (Redacted), did you know (Redacted)

24 (Redacted)

25 A. Could you please repeat those names?

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1 Q. I hoped you wouldn't ask me to. I have been practising them all night.

2 (Redacted)

3 JUDGE ALUOCH: Mr Haynes, maybe you want to spell them, please?

4 MR HAYNES: The family name of the first man is (Redacted), and

5 the family name of the second person who I believe is a woman is (Redacted),

6 (Redacted).

7 Q. Were they friends of yours in 2006?

8 A. I'm not familiar with these names. Not at all.

9 Q. Very well. (Redacted)

10 A. I have told you that I went to (Redacted) so, in brief,

11 that's what happened.

12 Q. But why (Redacted)? It's quite a long way (Redacted)

13 (Redacted). Why did you go to (Redacted) and how did you get there?

14 A. But this only concerns me personally. When I took the decision to leave, it was

15 a personal decision. I myself decided to go to (Redacted). It only concerned myself

16 and no one else.

17 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. Could please the English

18 booth put the sound a little bit louder. I'm having difficulties to listen.

19 THE INTERPRETER: Interpreter's apologies. The interpreter will try to speak

20 more loudly.

21 PRESIDING JUDGE STEINER: Thank you very, very much.

22 MR HAYNES:

23 Q. Well, perhaps we can have a look at something else that is relevant to this

24 escapade. Can we go back, please, to Defence document 10, CAR-OTP-0056-0384?

25 THE COURT OFFICER: The document will be displayed on the screens, but for the

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1 record I just want to say that there are two versions, one redacted and one unredacted.
2 That the unredacted version is the one indicated in the list of documents by the
3 Defence, presented by the Defence team, but the one that was shown before is the
4 unredacted version of document CAR-OTP-0056-0384.

5 PRESIDING JUDGE STEINER: Since as far as I can see the only redaction concerns
6 the picture of the witness, I see no problem in that the unredacted version is
7 displayed.

8 MR HAYNES: Thank you. It will help him to identify it if he sees the picture as
9 well. Bear with me a minute. I think we might need to go back a page. It's page
10 384 I'm looking for. Thank you, and can it be enlarged a little?

11 Q. Sir, can we just have a look at the dates of that passport? It appears to have
12 been issued to you on (Redacted)

13 Do you agree with that?

14 A. Yes.

15 Q. (Redacted) Do you agree
16 with that?

17 A. (Redacted) that is
18 noted here. (Redacted)

19 (Redacted). If you look for the relevant page, you will be able to find that
20 (Redacted) there.

21 Q. Well, we should also find, shouldn't we, in this passport a (Redacted)
22 if this is the passport that you used? Do you agree?

23 A. (Redacted)

24 (Redacted)

25 (Redacted) The

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1 (Redacted). I think it's at the very back of

2 the passport, on page 31 I believe.

3 Q. You see, that document would have been refused by the (Redacted)

4 (Redacted), wouldn't it, as being out-of-date on (Redacted)?

5 A. What I have said is that the validity of the passport hadn't expired. If you turn

6 the page, you will see that it says that the validity of the passport was extended.

7 This is information that you can find in the passport. Yes, my passport had expired,

8 (Redacted)

9 (Redacted).

10 Q. Very well. It wouldn't be the case, then, that you (Redacted)

11 (Redacted)

12 A. I haven't fully understood your question.

13 Q. Well, let's go with your answer for the time being. Until when was this

14 passport, you say, (Redacted)

15 A. I have no idea, but I still have this passport on me. To this very day I have this

16 passport on me.

17 Q. Would it have been for a similar three-year period until (Redacted)

18 A. As far as I know, this passport (Redacted). I think it should

19 have (Redacted).

20 Q. Well, let's leave that to one side for a moment. When you (Redacted),

21 what did you tell the (Redacted)?

22 A. This only concerns me, myself. I went there to (Redacted).

23 These are things that concern me personally. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. On what basis?

5 A. I said that I asked for (Redacted) and this was a matter that only concerned
6 myself.

7 Q. Well, what did you tell them you needed (Redacted)

8 A. Well, very briefly, Maître, let me tell you the following: I went to (Redacted)
9 (Redacted). I

10 wanted to have (Redacted). All these things concern me, myself. If you
11 want us to advance, put questions to me that relate to the Central African Republic,
12 but don't ask me about personal matters.

13 Q. Well, I'm afraid I must. Who did you say, or what did you say, was the source
14 of (Redacted) that justified (Redacted)

15 A. I said the following: (Redacted) I went to deal with my own personal
16 affairs.

17 Q. What does that mean, your "own personal affairs"?

18 A. I have already told you that (Redacted). I went to live my own life. It was all
19 over. (Redacted)

20 This was my own idea. It wasn't someone else's idea.

21 Q. When did you (Redacted)

22 A. I have no idea.

23 Q. Well, help us please. What year was it you (Redacted)

24 A. (Redacted), I believe. It was at that time that I

25 (Redacted).

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(Private Session)

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1 Q. So where were you for the (Redacted)

2 A. As I have said, these are personal matters. (Redacted)

3 (Redacted)

4 Q. How long were you (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. While you were (Redacted), did you receive information about events in the
8 Democratic Republic of Congo?

9 A. Be clear. Put your questions in a precise manner.

10 Q. Did you hear or read about the attack by Mr Kabila's security forces on
11 Mr Bemba's compound in Kinshasa in March of 2007?

12 A. We'd followed the news. Everyone was familiar with these events. Even the
13 leaders were familiar with this news. We followed the news. Everyone did.

14 Q. And did you learn about any other attempts to attack Mr Bemba anywhere
15 during that year?

16 A. The attacks that took place, well, yes, I was familiar with them. I followed all
17 these matters very closely.

18 Q. And did those events (Redacted)

19 (Redacted)

20 A. Everything that concerns (Redacted).

21 (Redacted) That

22 is -- those are the facts of the matter, but this is a personal affair. We are going
23 around in circles. We're not advancing. We're just going around in circles. Let's
24 move ahead. We're only running around in circles.

25 Q. Well --

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- 1 PRESIDING JUDGE STEINER: Mr Haynes.
- 2 MR HAYNES: Yes, very well.
- 3 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 4 (Open session at 10.59 a.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Thank you very much.
- 7 Mr Witness, we'll have our short break. Just with, if Defence allows me, before we
- 8 go into the break I just wanted a small clarification from the transcript. On page 12,
- 9 line 14, you were referring to a threat made against (Redacted) and
- 10 that these threats were made by soldiers from the GSSP. Could you please tell me
- 11 what "GSSP" means?
- 12 THE WITNESS: (Interpretation) "GSSP" means the Special Presidential Guard.
- 13 They provided security for President Kabila. It's the Special Security Presidential
- 14 Guard.
- 15 PRESIDING JUDGE STEINER: Thank you very much for the clarification.
- 16 We'll now go to our break. It's 11 o'clock. We will resume at 11.30. I ask, please,
- 17 court officer to turn into closed session in order for the witness to be taken outside the
- 18 courtroom, and in the meantime we will suspend for half-an-hour.
- 19 *(Closed session at 11.01 a.m.) Reclassified as Open session
- 20 THE COURT OFFICER: We are in closed session, Madam President.
- 21 (The witness stands down)
- 22 THE COURT OFFICER: All rise.
- 23 (Recess taken at 11.02 a.m.)
- 24 *(Upon resuming in closed session at 11.39 a.m.) Reclassified as Open session
- 25 THE COURT USHER: All rise. Please be seated.

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(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Welcome back. Before we bring the witness in,
2 Mr Haynes, I have a question. We've seen this witness many, many times insisting
3 (Redacted)
4 (Redacted). The Court is afraid that we are not
5 going to change too much on this his position.
6 I would like to ask first whether you intend to continue pursuing this line of
7 questioning, and if the answer is "Yes" I would like to ask you whether the Defence
8 has a good faith basis to believe that the witness was untruthful in relation to his
9 (Redacted) and, if the answer is in the positive, whether with this line of
10 questioning the intention of the Defence is to challenge the credibility of the witness
11 as a whole? If the Defence could advance something to -- which deals in a certain
12 way, Mr Haynes, with the issue of relevance?
13 MR HAYNES: Yes. Well, as to relevance, of course, the subject is quintessentially
14 relevant now because of course yesterday afternoon, at 2.30, the witness gave a very,
15 very long answer, explaining his reasons for (Redacted), and so
16 these questions about what in fact he did and why in fact he did it arise directly from
17 the questioning of the Prosecution.
18 I do propose to pursue the matter a little further but, having reflected upon it, I think I
19 will put to the witness a series of rather more specific questions about what he did
20 and did not tell (Redacted). For example, did he tell them that (Redacted)
21 (Redacted), or did he purport to have (Redacted)?
22 (Redacted)
23 I shall in due course, if he continues to refuse to answer what seems to me the
24 essential question, which is what (Redacted)
25 (Redacted) that he held that caused (Redacted) throughout the whole territory of the

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1 Congo and (Redacted) Because it seems to us that
2 in 2007, given the events in Kinshasa, and 2008, that the only viable assertion he could
3 make is that he was (Redacted)
4 (Redacted) the then incumbent government of
5 President Kabila, which is quite the opposite of what he told the Court yesterday.
6 So, yes, it does to his credibility because we are suggesting that what he said to you
7 yesterday as to his reasons for (Redacted) were untrue before this Court, not
8 untrue to the authorities where he originally claimed them. We suggest the only
9 sensible thing he could have said (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 Now, I hope that is a sufficient answer to your question. I'm not going to chase him
14 round and round forever. There will come a point where we will be inviting you to
15 draw certain inferences from his refusal to answer these questions, but I am going to
16 put a series of specific questions and then I am going to ask him whether he is
17 prepared to tell us what (Redacted)
18 (Redacted). There you are.
19 PRESIDING JUDGE STEINER: Mr Haynes, just one clarification to the Chamber.
20 Is that so clear to the Defence that the (Redacted)
21 (Redacted) or something? From where the Defence took this
22 belief?
23 MR HAYNES: Well, the starting point is the (Redacted)
24 (Redacted) and this witness says that his (Redacted), so
25 he would have to represent to the authorities where he was (Redacted) a

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1 number of things:

2 Firstly, that he (Redacted).

3 PRESIDING JUDGE STEINER: Sorry to interrupt you. You just said that "... this
4 witness says that (Redacted)." Could you give the reference? This is
5 for clarification for the Chamber.

6 MR HAYNES: Yes. Well, I'm not going to give a reference because I think it's
7 perfectly clear. He said on a number of occasions, (Redacted)
8 (Redacted)

9 (Redacted) That's his evidence and, if you like, I can pause for a
10 minute and give you several reference where he has said that.

11 PRESIDING JUDGE STEINER: No, if you are saying so, Mr Haynes, you are a
12 reliable witness of that fact of course. It's just a clarification that I needed.

13 So we will continue, Mr Haynes, but I would like you to be sensitive that this -- the
14 Chamber will not tolerate this line of question if the Chamber realises that it's just a
15 fishing expedition and, therefore, we would very much appreciate your proposal, if
16 you put in practice your proposal to have more concrete questions and at one point
17 you realise that maybe the testing of the credibility of the witness needs to be
18 relocated to some other part of his statements, or testimony. Is that fine with you,
19 Mr Haynes?

20 MR HAYNES: Your Honour, quite.

21 JUDGE ALUOCH: Mr Haynes, you referred to the evidence that the witness was
22 giving last evening, before we adjourned, as the basis for you to go on this line.

23 Sorry, I can't quite get the actual line -- the actual page and line just now, but I rather
24 got the impression yesterday that he was giving us, or giving the Chamber, the
25 scenario that made him finally (Redacted). That's the

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1 impression I got yesterday, that the reasons why he was -- he left his -- he left the job
2 (Redacted). Maybe I'll watch and see whether I got the
3 correct impression.

4 MR HAYNES: Well, the fault is probably mine, Judge Aluoch. This line of
5 examination is not based solely on the response he gave I think yesterday at page 47
6 to 66 or something, just after lunch. It's based on the fact that we believe - and we'll
7 be coming to this in due course - that this man has demanded a price for his evidence,
8 (Redacted) and I shall put it
9 no more specifically than that. We don't know which (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: I ask, please, court usher to bring the witness in.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE STEINER: I apologise for the interpreters and court reporters
15 for violating the five-seconds golden rule. We can go into open session, please.

16 (Open session at 11.51 a.m.)

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

18 PRESIDING JUDGE STEINER: Thank you very much.

19 Mr Witness, welcome back.

20 THE WITNESS: (Interpretation) Thank you, Madam President.

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

22 THE WITNESS: (Interpretation) Yes, indeed, I am ready. We can continue.

23 PRESIDING JUDGE STEINER: Thank you very much.

24 Mr Haynes, you have the floor. Let me know if we should go back to private session
25 as we were before the break.

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1 MR HAYNES: Sadly I think, your Honour, we're going to spend most of our time in
2 private session for a while yet.

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

4 *(Private session at 11.52 a.m.) Reclassified as Open session

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

6 MR HAYNES:

7 Q. Welcome back, sir. If you don't mind, I'm going to continue where we left off
8 and ask you some specific questions about what you did or did not (Redacted)

9 (Redacted)

10 (Redacted)

11 A. You have just put a question to me. I told you that (Redacted)

12 (Redacted), but on the basis

13 of your question I can say that I've already answered that question, so maybe we can
14 move on?

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Let me try it one more time. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. Why did they do that?

2 A. (Redacted), and in compliance with the law, well, the

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. No, I was not arrested as such. I was sort of placed in custody whilst awaiting

8 a decision in order for me to (Redacted).

9 Q. Placed in custody, okay. Well, why were you placed in custody?

10 A. They were doing their job. It was not up to me to decide. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. The authorities consulted my passport and realised that (Redacted)

16 (Redacted).

17 Q. How long had you been in (Redacted)

18 A. I did not spend much time (Redacted). I subsequently returned to (Redacted).

19 Q. What happened when you arrived (Redacted)?

20 A. Nothing out of the ordinary happened in (Redacted) when I arrived there. I

21 arrived at the airport and (Redacted)

22 (Redacted) and, well, that's about all really. (Redacted)

23 Q. What was the (Redacted)

24 A. This was a document authorising me (Redacted)

25 (Redacted), and this is why I went there. That is to say I went to the (Redacted)

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1 (Redacted).

2 Q. Thank you. Now, we'll leave that to one side for just a moment. How did
3 you hear about the events of November 2007 when, as you told us, colleagues of
4 yours were arrested and taken to the central prison and some of them died?

5 A. When the clashes began, I was immediately informed of the situation where I
6 was. I was told that that morning clashes had broken out and that troops of
7 Mr Jean-Pierre Bemba and troops of Joseph Kabila were fighting. I then managed to
8 make telephone contact (Redacted) and they confirmed the
9 situation to me, saying, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) This is what they did. They
13 discarded (Redacted) and they went home.

14 Q. Who did you hear had been imprisoned?

15 A. I can give you the name of individuals who were imprisoned. Many of those
16 individuals are still in prison. For example, Major Jacques Gomozo (phon), Colonel
17 Samba, Captain Thierry, and many others are still in prison to this day and others
18 have died and others fled to Brazzaville in the Republic of Congo.

19 Q. Why were those people imprisoned?

20 A. They were imprisoned because they were paying for acts that they did not
21 commit. They were not the ones who refused to apply the order. It was Jean-Pierre
22 Bemba who refused to apply that order handed down by the Chief of Staff. So when
23 the clashes began, Bemba fled and the soldiers remained and they're paying for
24 something that they were not responsible for. Many of them are dead today, as well
25 as their wives and children. One of them fled to Brazzaville in hiding.

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1 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. Do you believe that this line
2 of questioning still needs to be in private session?

3 MR HAYNES: It does. The next one certainly does.

4 Q. I want to ask you about one person in particular and that is (Redacted)
5 (Redacted)

6 A. That's correct.

7 Q. (Redacted)

8 That's correct also, isn't it?

9 A. That's correct.

10 Q. And did you hear of his death?

11 A. According to information that I received, he was in prison in Makala.

12 Q. And when did you receive that information?

13 A. It's been a long while. It was at the beginning of the clashes and I heard that
14 (Redacted) was detained in the prison in Makala.

15 Q. Well, that was four years ago. Have you never asked about him since then?

16 A. No, I did not try to obtain further information. The only thing I knew was that
17 he was detained in prison.

18 Q. Well, I'll just try one other thing. (Redacted) about what
19 happened to (Redacted)

20 A. (Redacted) didn't have any certain information, because at the time of the clashes
21 (Redacted) had already fled. I spoke to him on the telephone and he explained that he
22 had already gone, that he (Redacted)

23 (Redacted). He explained that he had already left. For his own protection, he was
24 no longer on the ground.

25 Q. I just want to clear up, while we are there, something you told us yesterday in

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1 case there was a misunderstanding. When was the last time you spoke to (Redacted)
2 by telephone?

3 A. Can we go into private session so I can explain this matter?

4 PRESIDING JUDGE STEINER: Mr Witness, we are in private session since the
5 beginning of your -- this part of the session. We are all the time in private session,
6 don't worry. Mr Witness, just for you to feel comfortable, when this light in front of
7 you is green it's because you can speak freely. Can you see the light? When it's red,
8 it's for you to pay attention.

9 Can you repeat, please, the question, Mr Haynes, to facilitate the witness?

10 MR HAYNES: Certainly, your Honour.

11 Q. Sir, I asked you when was the last time you spoke to (Redacted) by telephone?

12 A. In Kinshasa, or elsewhere?

13 Q. Anywhere?

14 A. I spoke with (Redacted).

15 Q. How recently did you speak to him?

16 A. I don't remember when it was that we spoke for the last time, because his
17 number is no longer connected. The last time I spoke to him, (Redacted).

18 Q. That's okay. It's just that yesterday, when you gave a very long answer, I
19 thought you suggested you had spoken to him very recently, but that is not the case,
20 is it?

21 A. Indeed, that's not correct. You perhaps didn't follow carefully what I said.

22 Q. Thank you. Now, I'm going to return to a question I asked you earlier. I'm
23 going to try a couple more times and then leave it. When you presented yourself to
24 the (Redacted)

25 (Redacted)

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1 A. I would say the following, to be brief. I said that this matter is personal. The
2 whole issue of (Redacted) is personal. I stated that I went to (Redacted), then I went to
3 (Redacted) and then I returned to (Redacted), but I have -- and I have no further answer to
4 give. That's what I would say. I told you that I arrived in (Redacted) I
5 went to (Redacted) and then I left (Redacted).

6 Q. Did you tell the (Redacted) that you were a member of the MLC?

7 A. I was not a member of the MLC. I was a soldier. I was not a member of any
8 political party.

9 Q. Did you tell the (Redacted) you were a supporter of Jean-Pierre Bemba?

10 A. I don't understand the meaning of your question. Rather than wasting time
11 with this, it would be preferable to come back for the very reason why we are here
12 today.

13 Q. Did you tell the Belgian authorities you were a member of the ALC?

14 A. I will repeat my answer. I told you that I went to (Redacted)
15 (Redacted). That's what happened. Do we have to continue talking about the same
16 thing? I have nothing further to add.

17 Q. Are you simply not prepared to tell me what you said to the (Redacted)
18 (Redacted)

19 A. (Redacted)
20 (Redacted)
21 (Redacted)

22 Q. Well, let's deal with (Redacted)
23 (Redacted)

24 A. Yes, I had requested (Redacted).

25 Q. Okay. Well, they couldn't (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. I had (Redacted) and it was granted.

4 Q. (Redacted)

5 (Redacted)

6 A. I have explained that I (Redacted)

7 (Redacted) and the same question that applies to (Redacted) I answered that

8 indeed I had (Redacted), but in fact they did (Redacted).

9 Q. When?

10 A. I left (Redacted) and arrived the same day -- arrived in (Redacted)

11 the same day. (Redacted)

12 Q. And how long were you allowed to remain?

13 A. They (Redacted). There was no doubt

14 about that.

15 Q. But that was only for (Redacted), wasn't it?

16 A. I was given that (Redacted) and, at the end of the (Redacted),

17 there was a possibility of renewal.

18 Q. And what about your ability to (Redacted) How long did that

19 extend until?

20 A. To leave (Redacted) to go to another country of the (Redacted), in fact I

21 could go anywhere: (Redacted).

22 Q. Well, you might be right, but I wonder if you could look at a document we've

23 been given and see if you can help us with it. We'll use the French. It's simpler.

24 It's Defence document 1 and we need to look at page 0318.

25 THE COURT OFFICER: Document CAR-OTP-0056-0315, third redacted version, at

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1 page 0318 is available on the screens.

2 MR HAYNES: And we need just to look at the (Redacted) at the bottom.

3 Q. Sir, can you see that?

4 A. Yes, I can see it.

5 Q. Obviously that's not the (Redacted) itself, that's just somebody who has written out
6 the details on it, but does that show that the (Redacted) was valid from (Redacted)
7 (Redacted)

8 A. (No audible response).

9 MR HAYNES: And then can we go over the page, please, to 319?

10 Q. (Redacted) What did that mean?

11 A. That document was -- the (Redacted) was something that I used to travel with
12 that was renewed each year, and it was valid throughout the (Redacted)
13 (Redacted).

14 Q. And when, according to you, did (Redacted)?

15 A. (Redacted)

16 Q. Why was that?

17 A. (Redacted)

18 (Redacted)

19 MR HAYNES: Now, very well. Can we go to, please, Defence document number
20 12?

21 THE COURT OFFICER: Document CAR-OTP-0062-0094, first redacted version, is
22 available on the screens and it's a confidential document.

23 MR HAYNES:

24 Q. Would you just take a little time, sir, to read that through to yourself?

25 A. Yes, I recognise this document.

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1 Q. (Redacted)

2 (Redacted)

3 Q. And before (Redacted), what position did he have?

4 A. (Redacted) during the period of
5 transition, during the interim administration.

6 Q. And how did you meet him?

7 A. (Redacted)

8 Q. When?

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. I see. And how long had you known him before the (Redacted)

15 (Redacted)

16 A. Not much time had passed before he went to (Redacted)

17 (Redacted)

18 (Redacted); is that right?

19 A. Yes.

20 Q. Who wrote this letter?

21 A. I did. I myself wrote the letter and I even wrote the heading of the letter.

22 Q. (Redacted) didn't help you to write it?

23 A. (Redacted)

24 (Redacted)

25 I can confirm that. However, it is I myself who drafted this letter.

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1 Q. And why on (Redacted), after you'd known each other (Redacted)

2 (Redacted) decide to send this letter?

3 A. It was a personal decision. I asked (Redacted) to help me to make a
4 contribution to see what we could do by sending this letter to the ICC, and let me
5 repeat this: The decision was a personal one.

6 Q. Why did you take it on (Redacted)?

7 A. The main reason was to contribute, given my knowledge of what had happened
8 in the CAR, in the Central African Republic, and in addition I wanted to help
9 victims - Central African victims - as well as the International Criminal Court. I also
10 wanted to assist the ICC with its work. That was why.

11 Q. So it had nothing to do, did it, with the (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Mr Witness. Mr Witness, pay attention not to give
14 any information to reveal where you live, where your family lives, currently.

15 MR HAYNES:

16 Q. I'll put the question again. Writing this letter had nothing to do with the fact
17 that you wanted yourself (Redacted); is
18 that correct?

19 A. No, that wasn't the purpose. No. I wrote this letter in order to assist the
20 victims in the Central African Republic and also in order to contribute to the work of
21 the International Criminal Court with regard to the events that took place in the
22 Central African Republic.

23 Q. Who told you who to write to?

24 A. I tried to obtain information from the internet, which I managed to do. I found
25 the address of the ICC on the internet.

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1 Q. And why did you wait until (Redacted) to write?

2 A. When I saw that everything was going well, and given that I did this of my own
3 accord, well, I told myself I'll do this to assist the victims from the Central African
4 Republic and to assist the ICC. I will make a contribution, given what I know, and
5 this is how I took the decision to draft this letter and send it to the OTP at the ICC.

6 Q. But you did want (Redacted)

7 A. Listen carefully to what I have to say. This wasn't something done in secret. I
8 made a request. I didn't force anyone to do anything. I asked whether it would be
9 possible to (Redacted). I was aware of what I was doing. I
10 knew it wasn't an easy thing and I have to (Redacted). As a result I requested
11 that (Redacted), but I did not write this letter because I
12 wanted to (Redacted). My intention was to assist the ICC and the
13 victims from the Central African Republic.

14 MR HAYNES: Well, we'll just have a look at what you said about this when
15 eventually you were interviewed. It's again Defence document number 1, and for
16 the witness we'll need to look at page 323. Those of us following in English need to
17 look at page 0210.

18 THE COURT OFFICER: For the record, page CAR-OTP-0056-0323, third redacted
19 version, is being displayed on the screens.

20 MR HAYNES: In the French, we need to go to the very bottom of the page and then
21 go over to page 324. For those following in English, it's right in the middle of page
22 210.

23 Q. Sir, when you've read the last couple of lines on that page, would you tell us
24 that you have so that the technicians can move over to page 324? Have you read
25 those two lines and do you want the next page shown to you? So what did you

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1 mean when you said to the investigators in this interview, "I'll co-operate with the
2 Court if I can (Redacted) ... blank ... and (Redacted) in ... blank."?

3 A. I spoke to the investigators about (Redacted). That was quite natural.

4 I was volunteering to co-operate with the International Criminal Court for my own
5 well-being (Redacted). I was concerned and

6 the International Criminal Court said that it might be possible, or perhaps not, but in
7 the end we decided that if certain things could be done, certain measures could be
8 taken, it would be good. If not, I wouldn't be able to (Redacted)

9 because I know the Congo, my country, very well.

10 Q. After you wrote the letter, what happened?

11 A. Which letter are you referring to?

12 Q. The letter to the Court that we were just looking at, dated (Redacted)

13 A. Maître, please put precise questions to me. I have a letter before me, but you
14 put a question to me that concerns a different letter, but thank you nevertheless.

15 When I drafted this letter, which I sent to the ICC, I received an answer from the
16 Office of the Prosecutor. I was informed that the letter had in fact been received.

17 Q. And did you subsequently meet somebody?

18 A. After the letter had been received, they telephoned me in order to check my
19 telephone number and to have a discussion with me. We had a conversation and
20 they said, "We will soon ask you to come to The Hague."

21 Q. Was your first meeting with somebody from the Office of the Prosecutor in The
22 Hague, or somewhere else?

23 A. Could you please repeat your question? You were referring to the Office of the
24 Prosecutor, but I haven't fully understood your question. Could you please repeat
25 it?

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1 Q. That's a fair request. Over three days in (Redacted) you were
2 interviewed here in The Hague; do you remember that?

3 A. Yes, I do remember that. I did speak to representatives - to investigators - from
4 the Office of the Prosecutor.

5 Q. But that wasn't the first time you had met them. You had met them about two
6 weeks before that, do you remember?

7 A. We met at The Hague on two occasions. I am referring to the investigators.

8 Q. Sir, I want to talk about the first occasion. In what sort of building were the
9 first -- did the first meeting take place?

10 A. (Redacted)

11 (Redacted)

12 (Redacted) and an interpreter, whose name I can't remember right

13 now.

14 Q. It's probably not important. How long did the meeting take place for in the
15 hotel?

16 A. We had a discussion, because they wanted to know who had drafted the letter,
17 and we spoke to each other on that day and in the end (Redacted).

18 Q. Did you tell them on that day that you wanted to (Redacted)

19 (Redacted)

20 A. I no longer remember that because they said that what -- that it was an
21 interview to establish contact, and later I would be able to give a statement and they
22 would call me.

23 Q. Who was it that told you that the International Criminal Court might be able to
24 help you (Redacted)

25 A. I also put questions about my personal security, and (Redacted),

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1 but the investigators didn't give me a clear answer because it wasn't a decision that
2 they could take. They couldn't decide about such a matter so we discussed things
3 and in the end I asked them whether the ICC would accept the possibility of
4 (Redacted) and then we could help the victims from Central
5 African Republic. But, at the end of our discussion, they didn't provide me with a
6 clear and certain answer.

7 Q. Just so that we are clear, and I'm not going to put it any more specifically than
8 this, (Redacted); is that correct?

9 A. I did my duty. Briefly, in brief that's what I would say. That's what I had to
10 do to help the ICC. (Redacted)
11 (Redacted)

12 Q. What sort of accommodation do you and your family now live in?

13 PRESIDING JUDGE STEINER: Mr Haynes, I don't think this is appropriate question.
14 Unless you rephrase it.

15 MR HAYNES: Certainly, your Honour.

16 Q. (Redacted)

17 A. (Redacted)

18 PRESIDING JUDGE STEINER: Mr Witness, you don't need to say anything else in
19 that respect.

20 MR HAYNES:

21 Q. But you have a roof over your heads, do you?

22 A. Yes, of course. We can't sleep outside. We do have a roof to sleep under.

23 Q. (Redacted)

24 A. Yes. (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: Mr Haynes.

13 THE WITNESS: (Interpretation) I'm sorry, I have no answer to that question. I

14 won't answer that question.

15 PRESIDING JUDGE STEINER: Mr Haynes, I also didn't understand what you

16 meant by (Redacted) In which sense, please?

17 MR HAYNES: (Redacted)

18 (Redacted)

19 THE WITNESS: (Interpretation) Well, in brief, (Redacted)

20 (Redacted).

21 MR HAYNES: Thank you very much.

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

23 (Open session at 1.00 p.m.)

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

25 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we'll have now our

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- 1 lunch-break. You have time to have lunch, take some rest. It's 1 o'clock. We will
2 resume at 2.30. I will ask, please, court officer to turn into closed session for the
3 witness to be taken outside the courtroom. In the meantime, we will suspend and
4 resume at 2.30.
- 5 *(Closed session at 1.01 p.m.) Reclassified as Open session
- 6 THE COURT OFFICER: We are in closed session, Madam President.
- 7 (The witness stands down)
- 8 THE COURT OFFICER: All rise.
- 9 (Recess taken at 1.02 p.m.)
- 10 *(Upon resuming in closed session at 2.34 p.m.) Reclassified as Open session
- 11 THE COURT USHER: All rise. Please be seated.
- 12 PRESIDING JUDGE STEINER: Good afternoon and welcome back.
- 13 I ask, please, court usher to bring the witness in.
- 14 (The witness enters the courtroom)
- 15 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 16 (Open session at 2.36 p.m.)
- 17 THE COURT OFFICER: We are in open session, Madam President.
- 18 PRESIDING JUDGE STEINER: Thank you.
- 19 Good afternoon, Mr Witness.
- 20 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 21 PRESIDING JUDGE STEINER: And I see now Maître Douzima. Welcome, Maître
22 Douzima.
- 23 Mr Witness, are you ready to continue giving your testimony?
- 24 THE WITNESS: (Interpretation) Yes, we can continue.
- 25 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

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1 MR HAYNES: Thank you, your Honour.

2 Q. And good afternoon and welcome back, sir.

3 A. Thank you.

4 MR HAYNES: And I'm afraid we are going to have to go straight into private
5 session, please, your Honour.

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

7 *(Private session at 2.38 p.m.) Reclassified as Open session

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

9 MR HAYNES:

10 Q. Sir, can you tell us how long the period of training was that you underwent as a
11 bodyguard?

12 A. I followed training in Gbadolite for one month. That was with Gengaze.

13 There was another training session with some French people and that was also for
14 one month, and there was another training course with the Libyans for one month as
15 well.

16 Q. Thank you. And during the course of that or those training sessions, in what
17 disciplines did you receive training?

18 A. We were trained in personal protection. It was Major Gengaze who trained us.
19 He taught us how to protect authorities such as the president, or ministers, how to
20 protect VIPs and their property. The same applies to the training that was given to
21 us by the French. It was involving the protection of VIPs, such as the president.
22 And the Libyans, in that case it was a training course in intervention; in other words,
23 how to intervene when a problem occurs, if you're out with a leader and a problem
24 occurs.

25 Q. Thank you. And when you underwent these various training courses, did they

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1 involve your colleagues in the personal protection unit for Mr Bemba?

2 A. Yes, they all followed the same training course.

3 Q. Thank you. And were they by and large the same people, over the period of
4 three years that you were a bodyguard?

5 A. I'm afraid I didn't understand your question. Could you rephrase it, please?

6 Q. Certainly, I'll try. Did you work with the same people for most of the time that
7 you were a bodyguard?

8 A. All of the colleagues that followed the training course together, well, we worked
9 together.

10 Q. Thank you. Prior to the period that you were a bodyguard, you'd been a foot
11 soldier for about how long?

12 A. Are you referring to the period when (Redacted), or the
13 MLC?

14 Q. The MLC.

15 A. At the time of the MLC, I was at the front.

16 Q. Okay. Now, I want to come to the organisation, please, of the bodyguards.

17 The commander of the two companies was, as you have told us, Mr Gengaze; do you
18 agree?

19 A. Commander Gengaze was not a commander of a company; he was the
20 commander of security. This was a special unit and he was in charge. He was the
21 chief.

22 Q. Okay. And would you agree with me that there were two detachments of
23 bodyguards located in two different places, Gbadolite and Gemena?

24 A. There were two detachments. Well, there weren't just two detachments in
25 Gemena. The detachment in Gemena was set up when we were already in Kinshasa.

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1 At the time of Gbadolite, there weren't. It was when we were in Kinshasa that we
2 sent a detachment to the residence in Gemena and another detachment to Gbadolite
3 and a third detachment in Kinshasa and another in the town of Maluku.

4 Q. Well, thank you for that. The detachment in Gbadolite was under the
5 command of a man called Capitaine Ngalina Bollier (phon); do you agree with that?

6 A. Captain Ngalina was never in command of the detachment in Gbadolite. In
7 Gbadolite, when we left to go to Kinshasa, he was in charge -- no, the one who was in
8 charge was Lieutenant Barwai (phon), and when he left it was Cyril and when then
9 Cyril left and in the end the one who said was Captain Mayella (phon), and in
10 Gemena there was someone who stayed to the end. It was Captain José Ewale (phon)
11 and in Kinshasa there was a Zairois major. Now in Gombe, in the capital where we
12 were working, the detachment was under the person in charge of security. He was
13 in charge of all the security positions. This was Major Jean Rémis Gengaze.

14 Q. Thank you for that. I'm going to suggest to you that the second in command to
15 Captain Ngalina Bollier in Gbadolite was a lieutenant by the name of Mongolo (phon).
16 Do you remember him?

17 A. Cyril Mongole (phon) was a lieutenant and he was in Gbadolite. Lieutenant
18 Barawai (phon) was also in Gbadolite. They rotated. The one who commanded
19 until the end in control of the detachment in Gbadolite was Captain Mayella.

20 Q. Thank you very much. And I don't want to run through the entire detachment
21 in Gbadolite, but the man we were talking about earlier, (Redacted)

22 (Redacted)?

23 (Redacted)

24 (Redacted)

25 Q. Thank you. Now, the duties of the (Redacted)

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1 twofold. Firstly, (Redacted). Do you agree with that?

2 A. Yes, that is correct.

3 Q. (Redacted)

4 A. There were people outside. (Redacted) And

5 then there were those inside, (Redacted)

6 (Redacted).

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 day without rest. At night some would go and rest. Those who were not on duty
2 would be able to rest, but if you were appointed to a particular job you had to stay on
3 duty.

4 Q. Thank you. And did some rest during the day?

5 A. During the day we didn't rest. Everybody was on duty. We didn't have time
6 to rest, but at night we could rest.

7 Q. Okay. Well let's see if we can break this down. How many men would stand
8 guarding the compound outside?

9 A. Well, there were many men who were in charge of security outside, because we
10 had to guard the four corners of the compound. There were many, many
11 individuals.

12 Q. How many is "many"?

13 A. Well, I said there were several, I think two platoons outside, so I would say at
14 least 30 men to provide security outside in case there was some intervention.

15 Q. Thank you. And give us some idea of the size of the compound, would you?

16 A. Well, the fence was very long. This was the residence of Mr Bemba. It was a
17 large compound.

18 Q. And were the men deployed, as it were, along the perimeter of the fence of the
19 compound?

20 A. Are you referring to the inside or to the outside of the building?

21 Q. The outside.

22 A. (No interpretation).

23 MR HAYNES: I didn't get any translation.

24 THE WITNESS: (Interpretation) I just gave you the response. I said that on the
25 outside there were at least 30 men in charge of security.

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1 MR HAYNES:

2 Q. Very well, let's try again. How far was the perimeter fence from the house?

3 A. I really have no idea. I cannot evaluate the distance between the residence
4 itself and the fence.

5 Q. Can you tell us how long the perimeter fences were?

6 JUDGE ALUOCH: Sorry, Mr Haynes, does "how long" also mean how high, or just
7 long?

8 MR HAYNES: No, I'm not interested in height. I'm interested in, as it were, the
9 size of the perimeter of the compound itself.

10 Q. So how long was each perimeter fence?

11 A. I really have no idea. It was a very large building and a very long fence.

12 Q. Okay. Well let's move a little closer to the building and see if you can help us
13 with that. What size was the building, the residence itself?

14 A. It was a large building. It was bigger than this courtroom and the fence was
15 very big.

16 Q. As you approached the building, was there a stepped terrace up to the residence
17 itself?

18 A. There were steps and a terrace before you went into the house where he spent
19 the night. Yes, there were steps.

20 Q. Do you remember how many steps?

21 A. Well, there were steps to the terrace and there were also steps on the side of the
22 kitchen where those in charge went in.

23 Q. Did you ever go into the house?

24 A. No, I never entered the house.

25 Q. Okay. Well, I'll ask you a couple more questions about the external features.

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1 At the top of the four steps to the terrace, was there a circular white antenna?

2 A. Yes, there was a white satellite dish.

3 Q. Thank you. And on the top of the roof of the residence was there a rectangular
4 grey antenna?

5 A. I can remember the so-called phonie or radio antenna that was above the house.

6 Q. Thank you. So the phonie antenna was above the house. What was the white
7 satellite dish on the terrace for?

8 A. In my opinion, well, I know that the satellite dish was for the television. If it
9 was for anything else, if it was used for other purposes, I don't know about it. So
10 things are as I have just stated.

11 Q. Now, let's come back to as it were guard duty. If Mr Bemba ever left the
12 residence, a detail of bodyguards went with him; is that correct?

13 A. That's correct.

14 Q. And that would be a detail of nine or ten men generally. Do you agree with
15 that?

16 A. When we went outside with him, if we were in Gbadolite there had to be ten of
17 us for close protection, without counting those involved in intervention.

18 Q. If you went with Mr Bemba, was it always the same colleagues who went with
19 you?

20 A. When it was necessary to go on a trip, the battalion commanders would make a
21 selection. They'd establish the programme for the trip and they would select those
22 who had to leave, who were to leave. You would only leave if you were designated
23 as a member of the team. Otherwise, you wouldn't.

24 Q. Okay. So do I take it from that that the teams were not always comprised of
25 the same people?

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1 A. It depended on the commander. Who -- those who liked their work could
2 travel on a number of occasions, because there were others who were negligent and if
3 there were trips they couldn't go on such trips. Everyone had to do their work well,
4 as a rule.

5 Q. Well, let me ask you this. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Very well. Now, can we come to some of the places that Mr Bemba routinely

16 visited. (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Thank you. Within the Democratic Republic of Congo, (Redacted)

25 (Redacted)

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1 A. Yes, on a number of occasions.

2 Q. And at about the time you have been talking to us about, (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Thank you. Now, this might be a difficult question for you to answer, (Redacted)

6 (Redacted)

7 (Redacted)

8 A. It depended on his programme. He also had time to rest in Gbadolite and do

9 other things. He travelled for professional reasons.

10 Q. And just to summarise the position, if he went to any of these or other places, a

11 detachment of nine or ten bodyguards would go with him (Redacted)

12 (Redacted)

13 A. When he travelled to the towns you have mentioned, well, it was only on a few

14 rare occasions that (Redacted)

15 (Redacted)

16 Q. Thank you. Now, (Redacted), wasn't it?

17 A. Yes.

18 Q. It was the year in which (Redacted)

19 (Redacted). Do you recall that?

20 A. (Redacted)

21 (Redacted)

22 Q. Thanks very much. Now, let's switch horses a bit. (Redacted)

23 (Redacted)

24 A. What do you mean exactly?

25 Q. Well, I'll remind you of something you said I think two days ago, that (Redacted)

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- 1 (Redacted). Do you recall that?
- 2 A. I need precise questions to be put to me. (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. Thanks. That's what I was asking you about. (Redacted)
- 7 (Redacted)
- 8 A. If I'm not mistaken, (Redacted)
- 9 There was another individuals, I can't remember any more, and (Redacted)
- 10 (Redacted).
- 11 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry to interrupt you. Just to
- 12 remind you to give the five seconds before you start a new question. Sometimes we
- 13 are having overlapping.
- 14 MR HAYNES: I apologise.
- 15 Q. Was that the first time you had been to Bangui?
- 16 A. No, it wasn't the first time. We went to Bangui when the situation was stable
- 17 there. We went there even in the course of the war, so it wasn't the very first time.
- 18 Q. Okay, that's fair enough. How long after you (Redacted)
- 19 (Redacted)?
- 20 A. I have no idea. What I do know is that there was a trial in 2002.
- 21 Q. Okay. Well let me try another question. How long after (Redacted)
- 22 (Redacted)
- 23 A. (Redacted) I have no idea. I couldn't say when (Redacted)
- 24 (Redacted).
- 25 Q. Okay. There were trials in Gbadolite in relation to events in the Central

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1 African Republic, but also in relation to events in Ituri. Do you agree with that?

2 A. Yes, I agree with you.

3 Q. And, according to you, those trials were taking place at the same time; is that
4 right?

5 A. The court-martial put these individuals on trial.

6 Q. I understand that, but were the court-martials in relation to the events in Ituri
7 taking place at the same time as the trial of Willy Bomengo?

8 A. Yes. When these court-martials commenced there were people who came from
9 the Central African Republic and there were people who came from Ituri.

10 Q. Thank you. And those court-martials took place before (Redacted)
11 (Redacted) during the 2003 intervention; is that right?

12 A. The court-martial started in 2002 and the Bangui operation started in 2003.

13 PRESIDING JUDGE STEINER: Mr Haynes, sorry. Could I again ask, please, the
14 interpreter to just put the sound a little bit higher, because I cannot listen.

15 THE INTERPRETER: The interpreter apologises and will try.

16 PRESIDING JUDGE STEINER: Okay, I'm really sorry because at the same time I'm
17 listening to the voice of the witness and if the interpretation is too low I cannot
18 distinguish the voice. Thank you very much.

19 MR HAYNES:

20 Q. Well, thank you. I think you've answered my question. The 2003 operation
21 occurred after the court-martials; do you agree?

22 A. That's right. The court-martial started in 2002. There were these operations
23 in 2002 and 2003, but after that there was an operation in 2003 in the Central African
24 Republic, and they tried -- they put on trial those who had been in the operation in
25 2002 and those who had been in the operation in Ituri.

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1 Q. Right. I'm not going to show you the same document that Mr Badibanga
2 showed you the other day, because you didn't like it very much, but I'm going to
3 show you now, please, Defence document number 15, and I think we can venture into
4 open session.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 (Open session at 3.25 p.m.)

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

8 Document DRC-OTP-0098-0005 is available on the screens. It's marked in the
9 Defence list of documents as a confidential document, so it would not be broadcasted
10 outside unless otherwise instructed.

11 PRESIDING JUDGE STEINER: Court officer, have we gone into open session?

12 THE COURT OFFICER: And I apologise, we are in open session since 15.25.

13 MR HAYNES:

14 Q. Now, I don't suppose you have seen this document before. It's a report about
15 the court-martial of those accused of crimes in Ituri. Can you see that?

16 A. This is the first time I've seen this document.

17 Q. Of course. I'm only going to use it to see if you agree with it in terms of timing.
18 Can we go to the third page of this document, please, and just take a little time to
19 perhaps read the heading at number 2 and the first paragraph, which is next to the
20 photograph there, and when you've done so could you tell me you're finished?

21 A. Yes, I'm ready.

22 Q. Thanks. According to this report, the hearings in the court-martials of those
23 accused of crimes in Ituri started on 18 February 2003. Do you think that accords
24 with your recollection?

25 A. I know that the court-martial commenced in Gbadolite in 2002. I remember

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1 this clearly.

2 Q. Okay. Well, we'll perhaps leave it there, other than this: Do you still believe
3 that the intervention in the Central African Republic that you have referred to came
4 after the court-martial in Gbadolite?

5 A. The intervention in Bangui was in 2002 and 2003.

6 MR HAYNES: Very well. We can remove that document from the screen, thank
7 you very much. Thank you.

8 Q. Now, I'm going to move on in a few moments to deal with some of the meetings
9 that you have described during the course of your evidence, but before I do that I just
10 want to see whether a series of events ring any bells with you. And so that you
11 understand, I'm going to be asking you about (Redacted)
12 (Redacted), or trips you heard about; do you understand?

13 A. Yes, I have understood you correctly.

14 Q. Thank you. (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: Mr Haynes, should we continue in open session, in
17 your view?

18 MR HAYNES: Your Honour, no. Thank you very much.

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

20 *(Private session at 3.32 p.m.) Reclassified as Open session

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

22 MR HAYNES: Thank you.

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted) by air using an Antonov, or either a helicopter or a small

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- 1 carrier.
- 2 Q. Thank you. (Redacted)
- 3 A. (Redacted)
- 4 Q. (Redacted)
- 5 A. (Redacted)
- 6 (Redacted)
- 7 Q. (Redacted)
- 8 A. (Redacted) would always go there in a
- 9 vehicle.
- 10 Q. And you never heard of any such voyage being undertaken by any of your
- 11 colleagues?
- 12 A. No, I never heard speak of such a voyage. (Redacted)
- 13 (Redacted)
- 14 Q. This is probably obvious from your earlier answer, but (Redacted)
- 15 (Redacted)
- 16 A. No, I don't even know what this Damara place is. That's the very first time I
- 17 have heard speak of it.
- 18 Q. It follows, therefore, you never heard any of your colleagues speak of it either?
- 19 A. I have never been to a town or village by the name of Damara and I have never
- 20 heard speak of it either.
- 21 Q. Thank you. (Redacted) an anti-aircraft gun
- 22 was carried to the Central African Republic; is that right?
- 23 A. Could you please repeat your question? I did not quite grasp it.
- 24 Q. Yes. (Redacted) a helicopter with a
- 25 cargo which was an anti-aircraft gun?

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- 1 A. Never. I know nothing about this.
- 2 Q. And you never heard talk of any such thing?
- 3 A. I have never heard anybody talk about such a thing. Nobody.
- 4 Q. (Redacted)
- 5 (Redacted)
- 6 A. (Redacted) landed at Bangui airport.
- 7 Q. And you never heard talk, did you, of an Antonov being landed on a public
- 8 road in the Central African Republic?
- 9 A. No, I never heard talk of this.
- 10 Q. (Redacted) from the Central African Republic with an Antonov which
- 11 had a cargo of generators and motorcycles, (Redacted)
- 12 A. (Redacted) an Antonov transporting generators and motorcycles.
- 13 Q. And again, you never heard talk of any such thing, did you?
- 14 A. No, I have never heard speak about this in Gbadolite. Never.
- 15 Q. (Redacted) from the Central African Republic with Mr Bemba and a
- 16 group of prisoners of war, (Redacted)
- 17 A. The war prisoners I referred to with regard to the year 2002 were Willy
- 18 Bomengo. With the exception of Willy Bomengo, there were no other POWs (Redacted)
- 19 brought back via Antonov from Bangui. No, I have never heard speak about
- 20 anything else like this.
- 21 Q. Just to be clear, what method of transport was used to bring Willy Bomengo
- 22 back?
- 23 A. He was brought back by helicopter.
- 24 Q. And lastly this: (Redacted)
- 25 (Redacted)

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- 1 A. I have never heard speak of this. Never.
- 2 Q. Thank you.
- 3 JUDGE ALUOCH: Mr Haynes --
- 4 MR HAYNES: Your Honour, yes.
- 5 JUDGE ALUOCH: -- please may I go back to real-time transcript, page 69, where
- 6 you posed the question -- I want to seek a clarification from the witness. You posed
- 7 the question: (Redacted) Mr Bemba,
- 8 (Redacted) always travel by air?" And the witness's answer was: "Yes, (Redacted)
- 9 (Redacted) using an Antonov, or either a helicopter or a small carrier."
- 10 Mr Witness, would you be able to give an estimate of what year was this? 2002, 2003
- 11 or what year was this? What period of time was this, please?
- 12 THE WITNESS: (Interpretation) During the rebellion in Congo, whilst
- 13 Bangui -- whilst there were no disturbances in Bangui, (Redacted)
- 14 In the year 2002 and in the year 2003, (Redacted)
- 15 (Redacted).
- 16 MR HAYNES: I'm not sure that answers your question. Do you want me to follow
- 17 it up, or do you want to do it yourself?
- 18 JUDGE ALUOCH: Please follow it up then.
- 19 MR HAYNES:
- 20 Q. (Redacted)
- 21 (Redacted)
- 22 A. But there was no other means of transport. There were only planes, such as the
- 23 Antonov, the small carrier and the helicopter. (Redacted)
- 24 (Redacted)
- 25 MR HAYNES: Thank you.

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1 I think that probably does answer your question, Judge Aluoch, does it?

2 PRESIDING JUDGE STEINER: Maybe I could just ask for a confirmation here.

3 Mr Witness, you were talking about trips from Gbadolite to Bangui. What about

4 trips from Zongo to Bangui? These trips were made by Antonov as well?

5 THE WITNESS: (Interpretation) No, (Redacted)

6 rather it was a ferry that would bring people across the river. The landing strip was

7 constructed merely with a view to transporting weapons to Zongo, (Redacted)

8 (Redacted).

9 JUDGE ALUOCH: I'm sorry. Mr Witness, would you be able to -- (Redacted)

10 (Redacted) these trips from Zongo to Bangui and would you be able to estimate

11 how -- sorry, what period of time Zongo and Bangui and back? What period of time

12 are the trips that you are talking about? Was it 2002, or 2003, these trips that would

13 be made in the ferry?

14 THE WITNESS: (Interpretation) Providing supplies for Zongo, well, this was done

15 via Antonov, which would leave Gbadolite with a view to taking the weapons to

16 Zongo, and from Zongo (Redacted) via ferry in

17 order to take them to Bangui.

18 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. So one question reminds, or

19 suggests better saying, the other.

20 Mr Witness, you said on page 73, line 3, that, "The landing strip was constructed

21 merely with a view to transporting weapons to Zongo." What landing strip you are

22 talking about?

23 THE WITNESS: (Interpretation) This landing strip had been built with a view to

24 supplying the Central African Republic, because from Zongo - from the airstrip in

25 Zongo - it was easy to then get the weapons across to the Central African Republic.

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1 The weapons were brought from Gbadolite, they were -- they came via Antonov to
2 Zongo and then they were ferried across to the Central African Republic. It was a
3 short-cut.

4 PRESIDING JUDGE STEINER: Is it of your knowledge if in 2002, or 2003,
5 Mr Jean-Pierre Bemba went to Bangui via Zongo in the ferry?

6 THE WITNESS: (Interpretation) Well, Madam President, (Redacted)
7 (Redacted) via ferry in order to go to the Central African Republic.

8 No, I cannot recall such a journey.

9 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

10 Mr Haynes, the floor is back to you.

11 MR HAYNES:

12 Q. Just one thing to finish this particular topic. Who would be responsible for the
13 ferrying of arms to the Central African Republic?

14 A. Really I would not be able to say, because when the weapons were brought
15 from Gbadolite to Zongo I do not know what means of transportation was used in
16 order to take them across to Bangui.

17 MR HAYNES: Your Honour, I know we've got seven or eight minutes left, but the
18 next topic is quite a substantial one and I can't really make a meaningful start on it in
19 that period of time. So, if you don't mind losing a few minutes, this would be a
20 convenient moment in my examination of the witness to pause for the day?

21 PRESIDING JUDGE STEINER: Of course, Mr Haynes. No problem at all.

22 Mr Witness, we will adjourn for today. We thank you very much for coming to give
23 your testimony and to be so well and ready all the time. We very much appreciate.
24 We will suspend a little bit earlier today and we'll resume tomorrow morning at 9.30
25 in the morning when the Defence will continue with your questioning.

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1 I thank very much the Prosecution team, legal representatives of victims, the Defence
2 team, Mr Jean-Pierre Bemba Gombo. I thank very much to our interpreters and
3 court reporters.

4 We will adjourn -- I will ask the court officer to turn into closed session for the
5 witness to be taken outside the courtroom, and in the meantime we will adjourn and
6 resume tomorrow morning at 9.30. Court officer, please.

7 *(Closed session at 3.54 p.m.) Reclassified as Open session

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

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 *(The hearing ends in closed session at 3.54 p.m.) Reclassified as Open session

12 RECLASSIFICATION REPORT

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

14 ICC-01/05-01/08-3038 and the instructions in the email dated 9 May 2014, the version
15 of the transcript with its redactions becomes Public