

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

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 Monday, 19 November 2012
8 (The hearing starts in open session at 9.10 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome the Prosecution team, legal representatives of victims, the
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, court
21 reporters.
22 Today the thirteenth witness called by Defence, Witness CAR-D04-PPPP-0049, will
23 commence presenting evidence, but before the witness is brought into the courtroom,
24 the Chamber has some oral decisions to deliver and the first is the oral decision on the
25 applications to question Witness D04-49 by legal representatives of victims.

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1 On 9 November 2012, the Chamber received an application from Maître Zarambaud
2 on behalf of the victims that he represents to question Witness D04-49 (Filing
3 2408-Conf). The application contains a list of 22 sets of questions.
4 On the same date, the Chamber received an application from Maître Douzima
5 Lawson on behalf of the victims that she represents (Filing 2407-Conf). The
6 application contains a list of 11 questions.
7 Having considered the reasons given by both Maître Douzima and Maître
8 Zarambaud as to why the personal interests of the victims they represent are affected,
9 the Chamber allows the respective applications to question Witness D04-49.
10 Turning to the proposed questions, both legal representatives of victims are allowed
11 to pose all of their proposed questions as set out in their aforementioned filings.
12 Next the Chamber will deliver an oral decision on the request for in-court protective
13 measures for witness, for which purpose we will briefly go into private session.
14 Court officer, please.
15 *(Private session at 9.13 a.m.) Reclassified as Open session
16 THE COURT OFFICER: We are in private session, Madam President.
17 PRESIDING JUDGE STEINER: (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
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22 Court officer, please could we turn briefly into closed session in order for the witness
23 to be brought into the courtroom.

24 *(Closed session at 9.21 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-D04-PPPP-0049

3 (The witness speaks French)

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

5 (Open session at 9.22 a.m.)

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

7 PRESIDING JUDGE STEINER: Thank you.

8 Mr Witness, good morning and welcome.

9 THE WITNESS: (Interpretation) Thank you, your Honour.

10 PRESIDING JUDGE STEINER: Mr Witness, somewhere in front of you there is a

11 card on which is printed a solemn undertaking. Could you please read out the

12 words on the card.

13 THE WITNESS: (Interpretation) Thank you. I solemnly declare that I shall tell

14 the truth, the whole truth and nothing but the truth.

15 PRESIDING JUDGE STEINER: Witness, now that you have taken the oath, can you

16 confirm that you understand what the oath means?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give

19 answers to questions asked of you that are true and accurate to the best of your

20 knowledge and belief?

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

22 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by

23 the Victims and Witnesses Unit during the familiarisation process, you will be

24 questioned first by the Defence, then by the Prosecution, then by legal representatives

25 of victims and finally the Defence has the right to put some follow-up questions to

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1 you.

2 The Chamber has put in place measures to protect your identity from the public.

3 You will therefore be referred to during the whole of your testimony as "Mr Witness."

4 Your voice and your image that are broadcast outside the courtroom are being

5 distorted. That means the public cannot recognise you by your image, or by your

6 voice.

7 In order to keep your identity concealed from the public, it's important, Mr Witness,

8 that you help us in keeping that protection. That means that when we are in public

9 session you should not give any information that could lead to your identification:

10 For instance, your current occupation; your occupation during the period of the

11 events; names of friends, of employees, of your boss, or family members; if you were

12 for instance in meetings in which only two or three people were there and releasing

13 this information could easily identify yourself, this kind of information cannot be

14 given in public session. If need be, we go into private session.

15 In private session, Mr Witness, the sound is cut, so outside this courtroom nobody can

16 listen to what you say. Then you can speak freely. The Defence, the Prosecution,

17 legal representatives and the Chamber will help you in identifying the kind of

18 questions that could lead to answers in which such kind of information can be

19 delivered and in advance we go into private session, but you need to help us in doing

20 that. It's for your own protection.

21 Do you understand the protective measures, Mr Witness?

22 THE WITNESS: (Interpretation) Yes, your Honour.

23 PRESIDING JUDGE STEINER: Any time you have any doubt on whether

24 information can identify you or not, you address the Chamber and we can go into

25 private session. Feel free to do that, please, Mr Witness.

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1 THE WITNESS: (Interpretation) Thank you.

2 PRESIDING JUDGE STEINER: And finally, Mr Witness, because we speak different
3 languages, we have interpreters and court reporters. They are in those booths both
4 sides of this courtroom. Because we have simultaneous interpretation and
5 transcripts, real-time transcripts both in English and French, it's really important,
6 Mr Witness, that you speak slower than normal, as I'm doing now. It is very
7 important that, after a question is put to you, that you wait five seconds before you
8 start giving your answer in order to allow the interpreters to finish the translation of
9 the question put to you. It is sometimes a very hard exercise and it is likely that you
10 start speeding up. In that case, Mr Witness, I will have to interrupt you and ask you
11 to slow down, or to respect the five-seconds golden rule. Please, Mr Witness, don't
12 take offence. This is necessary in order to help our interpreters and court reporters
13 to do their job and that your testimony is fully reflected in the transcripts of this
14 hearing.

15 Is that fine with you, sir?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE STEINER: Court officer, please can we go briefly into private
18 session.

19 *(Private session at 9.30 a.m.) Reclassified as Open session

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

21 PRESIDING JUDGE STEINER: Mr Witness, now we are in private session. That
22 means that we can speak freely. Nobody outside the courtroom can listen to what is
23 said inside the courtroom.

24 (Redacted)

25 (Redacted)

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11 (Redacted)

12 (Redacted) Is that correct?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: Mr Witness, in case you have any doubts about the
15 information you received, or the implications (Redacted)

16 (Redacted)

17 (Redacted)

18 It is important that you know that everything (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Is that clear, Mr Witness?

25 THE WITNESS: (Interpretation) Yes, your Honour.

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- 1 PRESIDING JUDGE STEINER: (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Is that agreeable for you, Mr Witness?
- 6 THE WITNESS: (Interpretation) I did not hear what you said.
- 7 PRESIDING JUDGE STEINER: Can the interpreters now -- can hear what I say?
- 8 THE INTERPRETER: Yes, your Honour. We hear you now.
- 9 PRESIDING JUDGE STEINER: Thank you very much.
- 10 Mr Witness, (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 Is that agreeable for you, Mr Witness?
- 15 THE WITNESS: (Interpretation) Yes your Honour.
- 16 PRESIDING JUDGE STEINER: Thank you very much.
- 17 We will now turn again into open session. Open and public session, Mr Witness, are
- 18 the same thing. Sometimes we say "open session," sometimes "public session."
- 19 Court officer, please.
- 20 (Open session at 9.37 a.m.)
- 21 THE COURT OFFICER: We are in open session, Madam President.
- 22 PRESIDING JUDGE STEINER: Mr Witness, we will now start giving your testimony
- 23 and I'll give the floor to Mr Haynes, Counsel for the Defence.
- 24 Mr Haynes, you have the floor.
- 25 MR HAYNES: Thank you. Good morning, your Honour. Good morning

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1 everybody in and around the courtroom.

2 QUESTIONED BY MR HAYNES:

3 Q. And good morning to you, sir. I'm not going to introduce myself too much.

4 I'm going to get on with the questioning. I'm just going to say that I will start by

5 asking you some questions about yourself and they will be in private session so that

6 you don't give away your identity, do you understand that, and then after that I will

7 move on to ask you some more general questions which we should be able to deal

8 with in public session, but I will warn you that we are in public session when we do

9 go there? Is that okay?

10 A. Yes.

11 MR HAYNES: Then we can please, your Honour, go directly into private session.

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

13 *(Private session at 9.39 a.m.) Reclassified as Open session

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

15 MR HAYNES: Thank you very much.

16 Q. Then would you mind, sir, starting by telling us what is your full name?

17 (Redacted)

18 Q. And when were you born?

19 (Redacted)

20 Q. And where were you born?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. And what were the names or what are the names of your parents?

25 (Redacted)

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1 Q. Thank you. And just to complete the picture of your birth family, how many
2 brothers and sisters do you have?

3 (Redacted)

4 Q. Thank you very much. Now, I want to ask you about your education now, if
5 you don't mind? Can you tell us about your school and university education?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. And are you a married man?

10 A. (Redacted)

11 Q. And do you have any children and, if so, how many?

12 A. (Redacted)

13 (Redacted)

14 Q. Thank you. Can we come on to your working life now. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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18 Q. Thank you very much indeed. Well, those are all the questions for the time
19 being I'm going to ask you about yourself, your personal and professional life, and
20 I'm going to ask you now some general questions about the structure of the ALC and
21 MLC and I'm going to attempt to do that in open session, but if at any time you feel
22 your answer needs you to say something about yourself, will you please notify me of
23 that? I think you have to say something audible into the microphone, sir.

24 A. Yes, I have understood you and I will do as directed. Thank you.

25 PRESIDING JUDGE STEINER: Court officer.

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1 MR HAYNES: Can I ask you, please, if we can pass into open session?

2 PRESIDING JUDGE STEINER: Court officer, please.

3 (Open session at 9.54 a.m.)

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

5 MR HAYNES:

6 Q. Sir, what was the basis for the command structure of the ALC?

7 A. Thank you. The ALC, like other armies, was organised as follows: There is a
8 General Chief of Staff, or General Staff, a General Chief of Staff whose name I cannot
9 mention because we are in open session. There was a General Chief of Staff, or Chief
10 of General Staff, and below the Chief of General Staff we had G1, what is referred to
11 as the G1, which is the office of administration, and then we had the G2, which is the
12 intelligence office, the intelligence office, yes, and the G3, the operations office, and
13 the G4, the logistics office, and G5, the PR or public relations office. That was the
14 structure.

15 Now, outside of the General Staff as I have already described, we had what is referred
16 to as sectors. We had a sector in the south, we had a sector along the river, and then
17 you had the Ubangi sector. So we had those sectors, and beside the sectors we also
18 had brigades which reported to the operational sectors. The brigades were made up
19 of battalions, and quite naturally in a battalion, if you have three battalions, that
20 would make a section; and then you had companies and then you had sections under
21 companies, or platoons under companies, and I think that this, following the very
22 clear question that you put, is the organisation of the military set-up of the ALC.

23 Q. Thank you. Did it have its basis in the structure of any other foreign army in
24 particular?

25 A. No. Our system was inherited from Belgium and I believe that all the armies

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1 under the NATO system are organised in that manner, the North Atlantic Treaty
2 Organisation, so it's a general structural organisational set-up and it's not specific to
3 our country.

4 Q. Thank you. I'll correct you about one thing, and I'll be corrected if I'm wrong
5 about this, there's nothing impermissible with you giving us the names of the people
6 who held the offices within the General Staff of the MLC. They have been
7 mentioned many times publicly already in this trial. Do you understand?

8 A. Is there no way that we might move into --

9 Q. Private session?

10 A. Yes.

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

12 *(Private session at 10.00 a.m.) Reclassified as Open session

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

14 THE WITNESS: (Interpretation) Thank you. The Chief of General Staff of the
15 ALC at that moment in time was Colonel Amuli. Dieudonné Amuli. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Thank you. Well, I'm going to ask we go back into public session now. What

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1 I was trying to tell you is I think you can say those names in public session, but you've
2 said them in private session now so we'll move on from there.

3 PRESIDING JUDGE STEINER: Yes, Maître?

4 MR BADIBANGA: (Interpretation) Thank you. Thank you, your Honour. I do
5 not know whether this should be done in public session or in private session, but I
6 just simply wanted to underscore the fact that the Defence question would seem quite
7 large in scope to my mind and I think that we might be somewhat more concise in
8 terms of period.

9 I'll explain myself. We asked of the witness what the basis of the command structure
10 of the ALC was, i.e. G1, G2, G3 et cetera. Are we talking about '88, are we talking
11 about 2000, are we talking about the year 2003? I believe we need more specific
12 information in terms of period of time which would avoid us coming back to this
13 matter at a later stage in time. Thank you.

14 PRESIDING JUDGE STEINER: I think Mr Haynes can seek the clarification, but it
15 can be done in public session.

16 Court officer, please turn into open session.

17 (Open session at 10.03 a.m.)

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

19 MR HAYNES: Thank you.

20 Q. Now, you told us that you joined the Army for the Liberation of Congo in 1999.
21 Did the command structure of the army change at any time during the time you were
22 a member of that organisation?

23 A. Thank you. At the outset, when the organisation was I would say under cover,
24 General Amuli, who was the head of General Staff right at the outset because he was
25 the one who was close to Mr Jean-Pierre Bemba, he co-ordinated military activities.

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1 This he did from the outset from the first attack of Aketi until Gbadolite was taken,
2 and then the organisation came into its own and it was formalised in terms of
3 structure and at the outset he remained in his position of Chief of General Staff. I
4 believe that at a G1 level, at the G1 level, initially there was General Mongapa in post,
5 right at the outset, and at the G2 level it was General Kibonge.

6 Should we not move into private session when quoting such names? I don't know.

7 What do you think?

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

9 *(Private session at 10.06 a.m.) Reclassified as Open session

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

11 PRESIDING JUDGE STEINER: Mr Witness, there is no problem that you mention
12 these names in public session because these names have been mentioned many times.

13 (Redacted)

14 (Redacted) The other names can be mentioned in public session

15 with no problems at all.

16 Would you like to complete the information about the G2 that you start saying that
17 first was General Kibonge and then?

18 THE WITNESS: (Interpretation) General Kibonge? Well, there was then Colonel
19 Bokolombe. Colonel Bokolombe. (Redacted) And right at the outset,

20 at the G4 level, at that time it was the late General -- his name -- well, the name might
21 come back to me at a later stage. I have forgotten. G4? Well -- so, well that's more

22 or less it. In the period just (Redacted) that was the structure of the

23 General Staff, so General Amuli remained Chief of General Staff from -- of the ALC

24 from its inception until the -- until it was integrated, until the very end. The other

25 offices moved around somewhat, but when (Redacted)

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1 the General Staff was made up in the manner that I told you.

2 PRESIDING JUDGE STEINER: (Redacted)

3 (Redacted)

4 THE WITNESS: (Interpretation) (Redacted)

5 (Redacted)

6 PRESIDING JUDGE STEINER: Thank you.

7 Can we turn back into open session, Mr Haynes?

8 MR HAYNES: I think so.

9 PRESIDING JUDGE STEINER: Court officer, please.

10 (Open session at 10.09 a.m.)

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

12 MR HAYNES:

13 Q. We've talked up until now about the Army for the Liberation of Congo. Do
14 you remember when the Movement for the Liberation of Congo came into being?

15 A. The Movement for the Liberation of Congo came into being in approximately I
16 believe the end of 1998 I believe, if I'm not mistaken, or -- well, formally it came into
17 being I believe after a meeting between Mr Jean-Pierre Bemba at the Atenai (phon)
18 Esplanade in Kisangani. I believe that's how everything started off and things took
19 off from there. The military was already in place. General Amuli and other officers
20 from the former FAZ, the Zairean armed forces, were present, and there was
21 somebody -- but other details can be provided by him.

22 THE INTERPRETER: The interpreter did not catch part of the witness's sentence
23 which was rather mumbled. Thank you.

24 MR HAYNES:

25 Q. Sir, I think you're going to have to make an effort to speak a little slower and

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1 more directly into the microphone because the interpreters are missing some of the
2 thing you are saying. What was the significance of the creation of the Movement for
3 the Liberation of Congo?

4 A. Thank you. Well, you might need to ask him yourself. He might be able to
5 answer this question. In terms of motivation, he will be able to provide you with
6 that answer I believe.

7 Q. Very well. Then let's concentrate on what we were talking about beforehand.
8 Within the Army of the Liberation of Congo, what is the function or role of the Chief
9 of Staff?

10 A. The Chief of Staff, or Chief of General Staff, is in charge of the army. He is the
11 one who co-ordinates all operations. On a tactical and operational level, he is able to
12 give orders and to command. He is in fact the commander of the armed forces, the
13 army.

14 Q. Thank you. Well, we'll -- I'm going to go down through your structure in a
15 little more detail. What's the role and function of the G1?

16 A. Thank you, Counsel. The G1 is in charge of administration within the armed
17 forces and also in charge of discipline. That's right, yes, to be concise that is.

18 Q. And can you give us concrete examples of how he might do his job in terms of a
19 military action, for example?

20 A. Thank you, Counsel. G1? Well, in terms of administration, the G1 is in
21 charge and also the adviser of the Chief of General Staff in terms of administration
22 and also for everything that concerns transfers or movement of personnel and
23 everything concerning earmarking of funds and also for household matters. All of
24 this goes through him. He is in charge of discipline with -- within a unit. It's of
25 course he then provides directives with regard to discipline, for example within a

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1 given unit -- am I going too fast?

2 Within a given unit, when for example a soldier commits an offence, let's take the
3 example of a driver say who is given ten litres of petrol and he is told to put the petrol
4 in the jeep, he puts five litres in and the five remaining litres are used for his personal
5 use, in this instance the disciplinary committee comes into action and might hold a
6 session with a view to admonishing the soldier, and if I summarise what I've just said,
7 Counsel, the chief or G1 in terms of discipline used to set down a number of
8 guide-lines to be applied to offences that could then be applied at a local level - at a
9 unit level - and were this to become a criminal offence, because we would make a
10 distinction between disciplinary offences which the G1 is in charge of, if you like, or
11 oversees, but within the G1 there is also a division level, there is the D1 rank, who
12 receives orders not directly but orders transmitted by his head, that is to say the G1,
13 through the Chief of General Staff to D1 level and the D1 will then transmit these
14 levels on via his commanders to the S1 within the brigade and then these orders
15 would be handed on down to the lowest level. So this is how things happened.

16 Q. Thank you. You've anticipated my next question, which is to whom does the
17 G1 report and who reports to him?

18 A. Thank you. As I said, the member of General Staff within the principle of the
19 organisation of the army does not command. He actually commands via the
20 commander and, whether it be me or whether it be office number 1, number 4 or
21 number 5, if this individual wants to give an order to an inferior rank then the
22 message has to be signed by the Chief of General Staff and then it is stamped by its
23 own office and it is -- it receives a classification number, for example 01-Chief of
24 General Staff-G1-012.

25 And the lower unit upon receiving this message via the commander knows that this

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1 message or order comes from the G1 and that it is the T1 or the S1 who should then
2 put it into practice. So it's either the G1, the T1 or the S1. So there is no contact as
3 such between the member of the General Staff and the lower ranks. The orders are
4 transmitted from the commander to the lower ranks within the General Staff.

5 Now, at a sector level, or the commander of operational sectors who has the TTT with
6 him, cannot accept that a member of the General Staff gives an order to the lower
7 ranks. Everything has to go through him and that is the principle, the very principle,
8 upon which the army works.

9 Q. Thank you very much. Can we move offices now and can you tell us what are
10 the responsibilities of the G2?

11 A. Should I speak directly here, or should we not move into private session?

12 PRESIDING JUDGE STEINER: You just -- the question is just for you to explain in
13 general what is the role. You can explain G1, G2, G3, G4 and G5, you can explain in
14 public session.

15 THE WITNESS: (Interpretation) I thank you, Madam President.

16 (Redacted)

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

18 *(Private session at 10.23 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: (Redacted)

21 (Redacted)

22 MR HAYNES: (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 A. Thank you. The position of G2 is in charge -- is the person in charge of (Redacted)

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1 (Redacted) general intelligence and counterintelligence section of the entire ALC.

2 That is what we're talking about.

3 Q. Thank you. And what in concrete terms does that mean in terms of say
4 planning a military action? What would he do for the Chief of Staff?

5 A. Thank you, Counsel. As far as the General Staff was concerned, or is
6 concerned, it is -- it is the strategic and operational level of activities. And what
7 exactly does this mean? Well, let us imagine that operations are to be conducted
8 within a given sector. The G2 and the G3 together make up what we call the
9 operational cell, or unit. It is the G3 who is in charge of operations and he puts
10 forward a plan. The G3 is like a G2 to the enemy. Well, he puts forward a plan.
11 He says, for example, that he would like two battalions to be upfront and he would
12 like a battalion to remain in reserve. This is in keeping with the information that he
13 is privy to.
14 Now, a G2, who in fact works as a G3 within (Redacted) unit, will then conduct (Redacted)
15 operational planning. Now, what does this mean exactly? Together with the G3,
16 he will organise what we call confrontation; a confrontation in terms of decision
17 taking, because there is much to do. There is a lot to do. There is the analysis of the
18 situation. There is the bringing together all the information. So the six manoeuvre
19 elements, plus the four other factors, the assessment factors, which are -- which
20 together comprise a mission out in the field. Now, this "out in the field" means the
21 area over which you were conducting an operation against the enemy.
22 So these four factors multiplied by the -- the latitude, which is the first -- or the
23 attitude, whether we should attack or not notably, should we -- should we go round?
24 Should we go through? Should we pull up our operations? Should we -- should
25 we set up a defence line, or should we push on through?

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1 So these manoeuvre factors in addition to which you have the rhythm of operations,
2 notably the first battalion, when the first battalion arrives and conquers an objective,
3 should it then wait for the other battalions to catch up with a view to moving forward
4 and so on and so forth? So concisely the six manoeuvre factors I am talking about,
5 plus -- the six manoeuvre factors plus the four assessment factors will together allow
6 the G2 to have what we refer to as a possible manoeuvre element. So the enemy will
7 then allow us to set out our manoeuvres to the left or to the right. (Redacted)
8 (Redacted) and the G2 is the person
9 who has access to this information.

10 Also, in terms of the information that the G3 will contribute and also logistics, then on
11 this basis we will set out a plan or set out the directives. So, in brief, the G2 is in
12 charge, or the G3, in fact, he's going to be playing the G3 in terms of the enemy, so he
13 will be able to say to us, "Well, the enemy might confront us at this level and surprise
14 us at that level," so he will give (Redacted) the information in terms of the enemy and
15 the plan to be conducted in regard to the enemy. I do not know whether I have been
16 clear in this matter.

17 Q. The information that the G2 has, what sort of information is it and where does
18 he get it from?

19 A. Thank you, Counsel. The information that he has comes from -- well, the G2 is
20 not at the front. He's at staff headquarters, at the headquarters, and there we have
21 what we call the radio communication centre that listens in to the enemy's
22 communications, and within the staff headquarters, the G2, (Redacted), he's behind
23 the frontlines and there's -- but there's the sector there and there's the T2 handling the
24 operational sector. The T2 monitors or co-ordinates activities in that sector. If the
25 G2 -- generally speaking, that is to say he sees the big picture. He looks at the

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1 general situation, whereas the T2 looks at his operational sector, and the same thing
2 holds true for at other levels, the brigade level. That person too co-ordinates all the
3 intelligence within the particular sector where his brigade is deployed. The enemy
4 that lies ahead, the enemy behind or to the left or to the right, that information is
5 known, and the same thing holds true at the battalion level.
6 There's an S2 and this continues down to the level of the company, where there is an
7 intelligence soldier, and the same thing holds true -- there's the reconnaissance unit,
8 you see, and that unit allows the unit that is deployed at the sharp point, or the
9 extreme, that person provides information about the enemy, the enemy's position, the
10 enemy's intent, and processes that information and provides the information to his
11 chief or commander, and the commander then uses the information. So that's how
12 the command structure was at the G2 level.

13 Q. That's very helpful, but just so that we're clear (Redacted)

14 (Redacted)

15 A. Thank you, Counsel. (Redacted)

16 (Redacted)

17 (Redacted). The enemy, we know the enemy's intent. You also

18 know -- because, in actual fact, what's the point of the operation? You're at a

19 particular point and the enemy wants to regain that position and you want to

20 regain -- you want to gain his position, so you have to look at the advantages and you

21 have to gather intelligence about the enemy, just as the enemy is collecting

22 information about you, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Thank you. What, if anything, is the difference between the information at the
6 disposal of the G2 in charge of intelligence and the G3 in charge of operations?

7 A. Thank you. There are different kinds of intelligence. The G2, (Redacted) has
8 combat intelligence, or tactical intelligence. The G2 has to share with the G3, has to
9 share that with the G3 for the conducting of, or at least to determine the general
10 direction of certain operations, because it's not the G3 or the G2 who are actually
11 conducting operations. It's the commander himself who experiences, who sees, the
12 enemy in the field. He sees the body of water that has to be crossed, for example.
13 So the G3, the G3 looks at the map and sees what's going on, sees the body of water,
14 the distance to be crossed, and may decide to pull on the brakes for a particular
15 operation and share such information with the G3. So, you see, they share the
16 operational intelligence, or the combat intelligence, the tactical intelligence. What's
17 more, the G2 also is involved in counterintelligence. That's the particular aspect of
18 the G2.

19 Q. Who is responsible for drawing up or proposing the operational plan?

20 A. It's the G3 who does that. Counsel, when you say "operational plan," that's
21 something else. If you talk about planning within the General Staff, that's not the
22 same thing. Those are more directives. For example, at the sector level, the
23 operational directive that we sent overall the intentions of the chief, when you send
24 that to the sectors, it becomes -- it becomes -- it's turned into operational orders at that
25 level and then, in turn, those are sent to the units, and so on and so forth, and the

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1 units, in turn, pass on the orders to lower levels.

2 The G3, who is the boss who develops, you see, he signs. He initials - he
3 initials - everything that you have provided, and the same thing holds true at the
4 sector level.

5 The T3 also initials and the commanders sign.

6 At the brigade level, the S3 initials and the commander signs, showing responsibility
7 for the development of orders. It's the S3 who is responsible for that or the S3 office,
8 in short.

9 Q. Thank you. Can we move now to the G4. What are his functions and
10 responsibilities?

11 A. Thank you. The G4? As I said, the G4, if the operational unit is made up of
12 the G3 and the G2; on the other hand, the support unit is made up of the G1 and the
13 G4, but the G4 is the person in charge of logistical support provided to the unit that is
14 in operation, and when I speak about logistics, I mean supply -- provision of supplies,
15 movements. And there's different categories, for there's category 1, foodstuffs, and
16 the Americans have 10, the Belgians use 5 for that, and that means the supplies.
17 Category 2 is clothing. Category 3 is fuel/oil. Category 4 is ammunition.
18 Category 5 is weaponry. So that's within the logistics office. That's where all of
19 that is dealt with.

20 Q. And does the G4 have an equivalent office at the brigade and battalion level?

21 A. Yes, at the brigade level the categories that I just mentioned, 1, 2, 3 and 4, they
22 are repeated at the sector level. Those same categories are repeated at the brigade
23 level. These same categories are to be found at the battalion level. So it's the same
24 model, the same organisation, the same kind of work -- kinds of work that are
25 distinguished. There's a distinction made. For example, people in charge of

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1 matériel and equipment, and that's broken down and allocated to the brigade to the
2 left or to the right, or matériel may not be provided to the brigade on the right. They
3 might need medication. Another unit might need ammunition, depending on the
4 requests that come in.

5 Q. Thank you, and that just leaves us with the G5. Would he have any role in the
6 planning of or the continuance of military action?

7 A. The G5 is the person who we refer -- the person who is in charge of public
8 relations. Civilian military operations is the current terminology. He's the person
9 who tries to ensure that morale remains good amongst the dependants of the rank
10 and file, the family members. He organises various activities, celebrations. He
11 contacts various authorities to deal with various problems and he's a full-fledged
12 member of the General Staff. And at the sector level it's the T5. At the brigade level
13 it is the T5. At the battalion level it is the A5 -- correction S5. At the commander
14 level that person is called the CP, the policy commissioner.

15 Q. Okay, thank you. Now, I want to come back to a question we sort of began
16 with, which is in terms of the planning of a military action and a discussion as to
17 where it should go, if it should continue, how would all these five offices combine
18 together in practical terms?

19 A. Thank you, Counsel. The various actions that make up an operation, or the
20 mission that we receive, let us say we receive a mission and let us say -- let us say that
21 lower ranks find themselves faced with an obstacle, what is the commander to do?
22 Well, the commander summons a group of people, the order group, and within this
23 group the G2 and the G3 have a particular role and the operational unit has a very
24 important role, a leading role. As I explained, the G3, along with the G2,
25 implements the procedure; the procedure of drafting orders that will ultimately be

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1 sent to the commanders. And what does that mean?

2 Well, the mission is defined. We set out what the mission entails. That's the

3 operational unit that does that. And then after the G1 -- no, what am I saying? The

4 G2, or the S2, or the T2, intervenes and provides the situation - the general

5 situation - or tells about the enemy situation, and once that's done the S3 or the T3

6 comes back to provide what we call the general thrust, the articulation, the unit that

7 will be involved, will the unit go to the left, to the right? Is there someone to the left,

8 to the right? So support has to be provided.

9 If a unit doesn't need support, well then, we move on to the actual conduct or

10 carrying out of the mission. That includes the manoeuvres. And what are the

11 manoeuvre? Well, you attack the enemy. You go off in that area. You try to

12 regain a particular position and, once the manoeuvre is over, you define the mission

13 of the subordinate unit. So that's the S3 or the T3.

14 The person or the unit it's -- let's say the battalion on the left is to gain position A.

15 The other battalion to the right tries to regain position B. The reserve battalion is

16 given a mission for the future. After that, at the 5 level, the administration and the

17 logistics, what is going to be provided to those soldiers so that they can fight? So

18 they handle things like the place where fresh supplies are provided and then some

19 directives are provided, attack orders, contact with the enemy, radio silence or what

20 kind of signs are necessary? For example, one might say -- one might give various

21 directives pursuant to -- relating to human rights, that sort of thing. And then after

22 that of course the commander signs. So that's how this proceeds. That is how these

23 orders are drafted. That's the structure.

24 Counsel, it's not -- that's the model. That's the Belgian model or pattern. The

25 French operate differently. They have something called "medo," I think it's called

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1 meto (phon), the way that -- the method for developing orders. I beg your pardon.

2 Q. Thank you very much. How do the offices within the General Staff

3 communicate with each other?

4 (Redacted)

5 (Redacted)

6 Q. Did the staff hold meetings?

7 THE INTERPRETER: Interpreter correction: In the previous reply, the witness also

8 mentioned having ordinary human contacts.

9 THE WITNESS: (Interpretation) When I talked about the O group, the orders

10 group, you see a meeting would be held, an orientation meeting, at the General Staff

11 headquarters when deemed necessary. (Redacted)

12 (Redacted)

13 (Redacted)

14 MR HAYNES:

15 Q. And give us some examples of what you might have come together and

16 planned at those meetings?

17 A. Thank you. I'll take an example. Let's suppose that a unit or in a particular

18 sector, Basankusu sector for instance, is attacked, the Head of General Staff summons

19 his G2, his G3, his G4 in order to determine what response should be made given this

20 unit having problems. So I think that's -- that's how it works.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. What about after that?

2 A. After that, I believe the order was put into execution and that's all. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. I want to come now to the units subordinate to the Staff. How many brigades
7 were there in the ALC in October of 2002?

8 A. There was the river sector that had a brigade. There was the river sector that
9 had a brigade as well also. There was the Basankusu sector. That had
10 three -- I think we had seven or eight brigades there. That's what I remember.

11 Q. And do you remember if the brigades were of a consistent size?

12 A. Well, approximately. Yes, approximately the same size, but not exactly the
13 same size.

14 Q. And what size were they, approximately?

15 A. It would depend. 2,000, 1,500, 2,500, 1,200.

16 Q. Okay. And just to clarify for us, what is the next unit down in size from a
17 brigade?

18 A. The battalion.

19 Q. And generally speaking what size would a battalion be?

20 A. 600. It would depend. 600. 400. It would depend. 700.

21 Q. Thank you. And a battalion commander, generally what rank would you
22 expect him to hold?

23 A. He would be a major. He'd be a higher rank, or a lieutenant-colonel. He
24 would be a higher ranking officer.

25 MR HAYNES: Thank you.

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1 It's very close to 11 o'clock. That would be a convenient moment for me.

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

3 (Open session at 10.59 a.m.)

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

5 PRESIDING JUDGE STEINER: Mr Witness, we have now a very short break,
6 half-an-hour break, in order for you to be able to have a cup of tea or coffee and take
7 some rest and also to give our interpreters some rest.

8 It's 11 now and we'll be back at 11.30.

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

11 *(Closed session at 11.00 a.m.) Reclassified as Open session

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

13 (The witness stands down)

14 THE COURT OFFICER: All rise.

15 (Recess taken at 11.01 a.m.)

16 *(Upon resuming in closed session at 11.41 a.m.) Reclassified as Open session

17 THE COURT USHER: All rise.

18 Please be seated.

19 PRESIDING JUDGE STEINER: Welcome back. On behalf of the Chamber, I
20 apologise for the delay. The Judges were on deliberations.

21 I ask, please, court usher to bring the witness in.

22 (The witness enters the courtroom)

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

24 (Open session at 11.43 a.m.)

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

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1 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

2 THE WITNESS: (Interpretation) Thank you, your Honour.

3 PRESIDING JUDGE STEINER: I will give back the floor to Mr Haynes, just
4 reminding you, Mr Haynes, that we are in open session.

5 MR HAYNES: Thank you. I think we can remain in open session just for the first
6 few questions and, in order to facilitate those questions, can I ask please that the
7 witness sees Defence document number 13, the ERN number of which is
8 CAR-DEF-0001-0127?

9 Q. Sir, just take a little time to read that document to yourself - you don't have to
10 read it out loud - and when you finish would you tell me you have?

11 A. Yes, I have.

12 Q. And again I don't want you to read it out, but can you tell us what that
13 document is?

14 A. Can I answer?

15 Q. Yes, please.

16 A. If I remember correctly this document bears the signature of General Amuli, I
17 recognise that signature, and this was at the time of the creation of the FLC, Front de
18 Libération du Congo. At that time most of the figures of authority were based in
19 Beni, if I'm not mistaken. That is why General Amuli, who was also in Beni, issued
20 this note appointing the G1 interim officer for the attention of all the Armies of the
21 Liberation of the Congo. Yes, that is it.

22 Q. And to what did he appoint that officer?

23 A. The officer, Colonel Bitanihirwa Kamara, was the commander, but I think
24 maybe you should put this question to General Amuli. In any event, this is an
25 official note appointing him to the position of Chief of General Staff of the Armed

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1 Forces, with all the powers attendant thereto, and he could act in that capacity and he
2 did.

3 Q. Thank you very much. You've answered all the questions I wanted to ask you
4 about that document and it can be removed from the screen now.

5 Sir, I want to talk now about communications from Gbadolite to the units that were
6 elsewhere in the territory controlled by the MLC. Do you understand?

7 A. Yes, Counsel.

8 Q. And I'm just going to remind you again we are in open session, so if at any time
9 you feel the need to personalise your answer, then stop yourself and we can go into
10 private session. Was there a communications centre in Gbadolite?

11 A. I did not quite understand your question. What do you mean by
12 "communications centre"? Are you referring to the radio signalling centre?

13 Q. Well, the system we have is you have to answer the questions, not me, but how
14 was communication with the units outside Gbadolite achieved?

15 A. Thank you, Counsel. Communication from the General Staff of the ALC was
16 done through Charlie Tango Romeo, the radio transmission centre, the CTR so to
17 speak, and that CTR was used to transmit messages such as the one we have just
18 looked at to various units.

19 Q. And how technically were those messages transmitted?

20 A. Thank you, Counsel. Let me use an example to illustrate the point. You
21 could have a message drafted as follows: "From," indicating the source of the
22 message, that is the person sending the message, in which case it would be the Chief
23 of General Staff of the ALC. (2) mention is then made of the unit to which the
24 message is addressed; for example Sector Commander B.

25 Now, it could be a matter of information for such-and-such a authority, and then

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1 there is a filing number and then there is a title or mention of level of urgency. Now,
2 it could be secret, confidential and what have you. That appears below.
3 Then there is "DTO," that is the date and group and what have you, and then
4 "Reception" and "Transmission," and then as of reception of this message, "Stop.
5 Officer such and such must. Stop. Go from point X to point Y. Stop. Please
6 acknowledge receipt. Stop." This is the manner in which messages were
7 transmitted.

8 Q. Thank you. I'm going to show you an example in a minute, but the message
9 was transmitted how? By voice, or by being typed? How was it actually
10 transmitted?

11 A. Thank you. The message was used -- was sent using the radio transmission
12 system, or it could also be by radio, by megaphone, and you could call, set a
13 frequency and then the operator would have a written message before him, written
14 by such-and-such a person and signed by the Chief of General Staff for example, who
15 would then send it to the chief of the transmission unit, who would register it and
16 then forward it to the operator. The operator would then use a code to call for, or to
17 contact, such-and-such a unit. The code could be, "Whiskey Charlie for Yankee
18 Tango," for example. So the messages are coded and sent vocally, then the receiving
19 end would code the message and hand it to the commander. That is how it was
20 done, Counsel.

21 Q. Thank you very much indeed. Were messages that were sent recorded at the
22 radio centre in Gbadolite?

23 A. Yes, Counsel. All sent messages were recorded at the radio transmission
24 centre, which is a support weapon for the commander. It is with that tool that the
25 commander is able to communicate and receive orders and so on and so forth.

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1 Q. And was there one radio centre in Gbadolite, or more than one?

2 A. There was only one transmission centre. I've forgotten the name of the director
3 of that centre. There was only one transmission centre located next to the residence
4 of the Chief of General Staff, namely Colonel or should I say General Amuli, two to
5 three metres away from his residence, in the same compound or the same premises
6 which he occupied, or where he was living.

7 Q. Thank you very much. Now, I want us to look at two situations now. Firstly,
8 I want to look at the situation where somebody wants to send a message. Let's
9 suppose the G4 in charge of logistics wants to send a message to a commander in Isiro.
10 What does he physically have to do?

11 A. Thank you, Counsel. The G4 head of logistics who wants to send a message to
12 the commander, as you say based in Isiro, must proceed in the following manner:
13 His service drafts or writes down the message, providing the content of the message.
14 For example, he may be requesting for something such as food supplies to the unit
15 which have been requesting some additional food. Now, his service drafts that
16 message and it is stamped and given the appropriate references. The message is
17 then sent to the Chief of General Staff. The Chief of General Staff signs the message.
18 The message is then handed over to the radio transmission centre. The radio
19 transmission centre then transmits the message to the Isiro unit; that is to the
20 commander of the Isiro unit.

21 So the principle is that contact is made between commander and commander. That
22 is how the message is sent, received at the local radio transmission centre and then
23 put into the folder of the commander for whom the message or to whom the message
24 is sent. The commander reads the message, minutes it and then sends it to the G4
25 under his jurisdiction. That is how it happens.

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1 Q. Thank you. Now, I just want to look at that situation in reverse, please. A

2 commander in the field wants to send a message for the attention of the G4 in

3 Gbadolite. How is that achieved?

4 A. Thank you, Counsel. The commander, well, just imagine that the head of the

5 local office, the office number 4 or T-4, who is in post there, who wants to

6 communicate with the G4 in Gbadolite, he will then draft a message. He will draft

7 his message and will hand it over to his commander, who will append his signature

8 thereto. The message is then sent to the Chief of General Staff and the radio

9 transmission centre receives this message. It records it in the log-book of the Chief of

10 General Staff, and this message is then sent to the office number 4. It is the recipient,

11 if you like. That is the principle upon which it works.

12 Q. Thank you. Now, if a message is sent by a commander in the field to the Chief

13 of General Staff, and only the Chief of General Staff, who decides if somebody else

14 should see that message?

15 A. Thank you, Counsel. Respectfully, I have answered a question of this type at

16 an earlier stage. I said that contact was established between commander and

17 commander. The commander would be a known entity. This commander wanting

18 to address or send a message to a superior ranking officer would append his stamp

19 and would write, for example, such-and-such a rank within the General Staff and

20 then with a dash 012, and he will then send it to his line manager, his

21 commander-in-chief. There is no other way. The transmission centre will then

22 receive this message and hand it over to the commander. If the commander is of the

23 opinion that this message is something that he only - only he can find a solution to,

24 then he will do so. And generally speaking with regard to operations, for example,

25 or logistics, or talking about support, he will then refer the matter to the appropriate

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1 services.

2 Q. Thank you very much. Now, if you don't mind, I'm just going to ask you to
3 look briefly at another document. It's Defence document 36 and that, for the record,
4 is CAR-D04-0002-1514, and we will let the witness see the first page to start off with.
5 It's a slightly false exercise because that's a photocopy of something that would be
6 three dimensional ordinarily, but can you see what that is? It's a notebook. Have
7 you seen a notebook like that, or did you see a notebook like that anywhere in
8 Gbadolite?

9 A. I do not recall, Counsel.

10 Q. Okay. Well, I think it would help if we went forward probably three pages.

11 PRESIDING JUDGE STEINER: Mr Haynes, could you please give the ERN number?
12 It makes it easier.

13 MR HAYNES: Certainly. Well, I'll give the one that's on screen. It's 1517 are the
14 last four numbers.

15 And I wonder if the message to the left could be blown up sufficiently for the witness
16 to see it? And can we see the heading of that message, please, so that he can get his
17 bearings?

18 Q. Sir, do you know what this book is now, now that we can see a page of it?

19 A. Counsel, I can see the commander of the 1st Battalion, based in Nia Nia, who is
20 writing to his sector commander, informing the Chairman of the General Staff of the
21 ALC of what is happening in his sector. The commander is writing to his
22 commander, to commander -- the commander of the battalion, writing to his sector
23 commander, that is, and is informing the authorities. This is what I see.

24 Q. And just in general terms, do you recognise now what this book is?

25 A. Well, specific facts such as with regard to the contents of the message, I don't see

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1 quite, but I do remember the circumstances. I recall that at that moment in time we
2 were conducting operations upon this axis, from Bafwasende, to Nia Nia, where there
3 was a brigade, a sector, that was operational upon that axis. That is what I
4 remember generally speaking but I cannot be more precise than that. I cannot recall,
5 Counsel.

6 Q. Very well. I don't think I can ask this question without going into private
7 session, so if we can briefly go into private session.

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

9 *(Private session at 12.09 p.m.) Reclassified as Open session

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

11 MR HAYNES:

12 Q. So the book we're looking at is one the notebooks that was kept at the radio
13 centre in Gbadolite, and I just wondered whether, in addition to that notebook, there
14 were other notebooks kept by the G1, the G2, the G3, the G4, in relation to messages
15 that were relayed to them.

16 A. Thank you, Counsel. As I had said previously, a message of this type sent to a
17 commander, well, the commander will see the urgency of the situation and it also
18 depends upon the actual role of the commander. The transmission does not -- well,
19 one cannot limit the people one is sending the message to. But in this specific
20 instance, the commander sending the message to a senior ranking individual, well, it
21 will depend upon the manner or the person to whom one is addressing the message
22 and how that individual will then process the message and send it to the relevant,
23 competent service.

24 For example, an operational message of this type, I would imagine that the Chief of
25 General Staff, in view of the fact that he is not a recipient, will quite simply be

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1 informed of the fact, but the chef, the sector chief receiving the message will certainly
2 have found a solution or will have sent the message to the bureau or office number 2
3 or office number 3, who will then find a solution to the problem outlined within the
4 message.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MR HAYNES: Thank you very much. I think we can pass into open session now,
2 please.

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

4 (Open session at 12.16 p.m.)

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

6 MR HAYNES: I note we had no translation of the last answer. It might be
7 important.

8 THE INTERPRETER: Apologies from the interpretation. We forgot to turn our
9 microphone on. Apologies.

10 PRESIDING JUDGE STEINER: Is there any problem with interpretation in relation
11 to the last answer? It's just to complete the transcript. We need to go back into
12 private session in order to allow the witness to repeat his answer to the last question.
13 Court officer, please.

14 *(Private session at 12.17 p.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Maybe it's easier, Mr Haynes, if you repeat the
17 question to facilitate the witness to repeat the answer.

18 MR HAYNES: Yes.

19 Q. We're in private session. What I asked you was whether (Redacted)
20 (Redacted)

21 A. Yes, Counsel.

22 MR HAYNES: Thank you. We can now go back into public session.

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

24 (Open session at 12.18 p.m.)

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

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1 MR HAYNES:

2 Q. Sir, I want to move on to a different topic now, and that is the question of the
3 training of ALC troops. Did ALC troops, during the time you were a member,
4 receive military training?

5 A. Yes, Counsel. The MLC troops were very well trained indeed.

6 Q. And did that training include military discipline?

7 A. Absolutely, Counsel. Training did include military discipline and the respect
8 or upholding of the code of conduct, which was considered to be a Bible, according to
9 which one knew what one could and could not do. For example, written down in
10 this code was the fact that the consumption of hemp and strong alcohol was
11 forbidden, and this was repeated at the training centre. It was repeated to the
12 soldiers, the fact that they had to respect this discipline.

13 Q. During the time you were in the MLC, what were standards of discipline like?

14 A. Thank you. Thank you, Counsel. As far as discipline was concerned, it was
15 forbidden to take civilian possessions, or goods. For example, they were not allowed
16 to loot, the soldiers were not allowed to loot. They were not allowed to embezzle
17 any public possessions. Soldiers were not allowed to use their weapon against
18 civilians, and all soldiers, each and every one of them, was supposed to respect this.
19 Anybody who committed an offence within its unit, within their unit, would then be
20 punished, and were they not punished at a disciplinary level, they would be
21 punished at the level of the disciplinary committee within their unit, within their unit,
22 and a meeting would be convened in order for the person concerned to be told that
23 they had not observed the code of conduct. I believe that that is how things worked.
24 And with regard to any offences, the disciplinary committee would then transmit the
25 punishment to be meted out to the court martial. This was independent of us and

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1 this had to be subject to an investigation, and the court would then admonish the
2 individual accordingly. Other individuals were even convicted, or sentenced to
3 death, to the death penalty, for having broken the code of conduct, for having killed
4 or for having committed excesses. There was a Minister of Justice, I remember, who
5 was the president of the tribunal, or the court. That's what I remember.

6 Q. What were Mr Bemba's own personal attitudes to discipline among the troops?

7 A. Counsel, I might answer your question by explaining a few matters, a few
8 details. He appointed a National Secretary for Justice and the General Staff were
9 supposed to follow what was going on via its G1. Also, the code of conduct existed,
10 and even if everybody was informed of its existence and content, well, what could he
11 do? Things happened and work had to be conducted in the correct manner by
12 respecting the code of conduct, the discipline and the directives.

13 Q. How were the troops made aware of the code of conduct?

14 A. Thank you, Counsel. I remember at the military academy soldiers attending
15 certain lessons. Well, the instructor in charge of discipline would have them sing.
16 He would have them sing the rules and regulations that they memorised accordingly.
17 A soldier doesn't think as such, Counsel. The manner in which a soldier is trained is
18 very different from the training that you receive. He has to memorise everything.
19 He has to retain everything. And in terms of discipline, if you ask him what
20 discipline is, well, then it means to him that he has to obey, without question. He
21 has to take this in.

22 For example, somebody who cuts off a piece of his clothing, a part of his cuff, for
23 example, in view of the fact that this is a piece of clothing that does not belong to him,
24 he knows that he will be admonished immediately as a result. This is something that
25 he has to retain.

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1 Q. You mentioned earlier in your evidence that there were people within the unit
2 called PCs. What were their functions?

3 A. The political commissioner had the same duties as the S5, and he would make
4 this kind of work more accessible in terms of code of conduct and some certain
5 regulations, rules and regulations, and upon leaving the training institution one
6 might forget these things, and as such the police commissioners would then go to
7 visit the various units and repeat this information.

8 Q. Thank you. I'm going to ask that we look just briefly at a document please.
9 It's Defence document 14, which is CAR-DEF-0001-0161. It's a public document. Is
10 that document familiar to you?

11 A. Yes, Counsel.

12 Q. Sir, unless you particularly want to read any section of it I'm not going to ask
13 you to read it all, but I wonder if you can help us as to this? How would disciplinary
14 offences be dealt with within the ALC and who would deal with them?

15 A. Thank you, Counsel. If anyone departed or if one did not comply with
16 discipline, as I said, any departures from discipline were dealt with in the following
17 way: If -- well, we have to make a distinction between disciplinary matters and
18 offences that -- criminal offences. If an offence -- let us say in a unit some
19 disciplinary problems occur, for example one does not carry out one's duty when one
20 is supposed to, in that particular case the unit could have to deal with the matter, the
21 commander would have to deal with it, the S2 would arrest the person in question,
22 the person who had broken the rules, and there is a provision, or a mechanism rather.
23 Let us say something happens and let us say that, for example, if one is arrested and
24 taken to the police station, 15 days, in any event the matter is dealt with by the
25 commander. However, if the offence is not criminal in nature, or not disciplinary, or

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1 becomes criminal, at that particular point you have to make a distinction between a
2 criminal offence, for example a killing -- well, if that's the case, it has to go up to the
3 higher level within that unit.
4 The offence may be sent to the court martial, in which case it's serious. If it's a
5 serious matter it's sent to the court martial, with a president and other people who
6 were familiar with such offences, and the court - this court - was a travelling court.
7 It would go around and deal with the various issues within the operational sectors,
8 and once finished in one particular sector it would move on to another sector or -- and
9 then go back to Gbadolite. That's how things worked.

10 Q. Thank you. Can you give us an example of a disciplinary offence, as opposed
11 to a criminal offence?

12 A. Well, smoking cannabis, for example. That's a disciplinary matter. The
13 commander may take stock of the situation, whether it's a repeat offence, or is it -- has
14 the unit been having such problems, such offences? And so that's an example and --

15 Q. Are there criminal offences that can be dealt with in a way that does not involve
16 them going to the court martial?

17 A. Counsel, you must make a distinction here between the operational sectors.
18 Other offences such as the ones I see here, someone who was guilty of neglect for
19 example, who was reckless or ran a risk, or who endangered operations, within the
20 sector level -- if the person was at the brigade level --

21 THE INTERPRETER: Inaudible.

22 THE WITNESS: (Interpretation) -- then a disciplinary committee would be set up,
23 but at the sector level just imagine. Just take the case of a soldier in his battalion and
24 that person is taken to the sector, which is two ranks higher in relation to the place he
25 is, you can see what effect that would have. Do you see what I mean? The sector.

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1 That's it.

2 MR HAYNES:

3 Q. I'm not sure I do see what you mean. Are you saying that soldiers further up
4 the chain of command are dealt with differently to foot soldiers?

5 A. No, Counsel. When I speak of soldiers, I'm speaking of soldiers, military men.
6 I include both foot soldiers and officers in that. I'm talking about all the people who
7 came under the command of the Congolese liberation, and the code of conduct is not
8 exhaustive. There was also the Criminal Code - the Military Criminal Code - which
9 was also used. So it applied to everyone, whether the person was a private or an
10 officer. If the person had committed a serious offence, he would be punished under
11 one or the other.

12 MR HAYNES: Okay. Thank you. I'm going to ask that we go into private session
13 again, please, so that you can look at a document.

14 PRESIDING JUDGE STEINER: Court officer, please.

15 *(Private session at 12.38 p.m.) Reclassified as Open session

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

17 MR HAYNES: Thank you very much, and can the document on screen be replaced
18 with Defence document 6? That's CAR-DEF-0001-0178 (sic).

19 THE COURT OFFICER: Document CAR-DEF-0001-0078 is available on the screens
20 and it's a public document, but would not be broadcast because we are in private
21 session.

22 MR HAYNES: And could we go to the last page of the document and, if possible,
23 rotate it so that the witness can see it?

24 Q. Sir, I appreciate it's nearly ten years ago, but do you remember that document?

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 MR HAYNES: Okay. Thank you very much. Well, I'm not going to ask you any
17 more questions about that document, it can be removed from the screen and we'll try
18 going into open session, please, your Honour.

19 PRESIDING JUDGE STEINER: Court officer, please.

20 (Open session at 12.44 p.m.)

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

22 MR HAYNES:

23 Q. Sir, we're in open session, so if any question I ask you means that you have to
24 say something that tells us who you are, then please ask to go into private session.

25 Do you understand?

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1 A. Yes.

2 Q. Okay. When did you first learn that there had been an attempted coup d'état
3 in the Central African Republic in October of 2002?

4 A. It was on 25 October 2002.

5 Q. And how did you come to learn that fact?

6 A. I remember the sector, the sector commander in Gemena, south-east part of
7 Bangui, went to the office number 2 in Zongo. That's how I learned of that.

8 Q. And where were you at that time?

9 A. In Gbadolite.

10 MR HAYNES: And I think we're going to have to go into private session.

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

12 *(Private session at 12.47 p.m.) Reclassified as Open session

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

14 MR HAYNES:

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 Q. Did anything else happen on that day, 25 October, that you recall?

7 A. No. 25 October, we learned that the rebellion had exploded in Bangui. That's
8 all.

9 Q. What about on 26 October?

10 A. Oh, yes, 26 October. Yes, 26 October, (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) The G3

23 continued co-ordinating the crossing over, this company's crossing over, with the

24 Chief of General Staff. They continued issuing orders in Zongo so that a company

25 should cross over, and then they went back, something like that, and the crossing, the

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1 crossing occurred. They made contact with the CAR officers so that the group could
2 cross over, and they came back. The G3, the Chief of Defence Staff, continued
3 co-ordinating this operation. That was their work.

4 Q. How many men are in a company?

5 A. Somewhere between 80 and 120.

6 Q. And do you know where this company came from?

7 A. Yes. The company, it was the company of Captain -- what was his name?

8 Captain Kila (phon). It was a company that was deployed in the area of Zongo.

9 They were called back on an urgent basis so that they could be sent over to go see and
10 to prepare for the crossing of the brigade that was going to come.

11 PRESIDING JUDGE STEINER: Maître Badibanga.

12 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'm following the
13 French version of what the witness is saying and I think there may be a small
14 transcript problem. In the French version, the witness said a few moments ago, page
15 63, "They crossed over. I remember now they made contact with the CAR officers so
16 that the group could cross over and then they went back." And so on and so forth.
17 And that is also what the English version indicates, but I didn't hear the witness say,
18 "So that the group cross over." I think he may have used another word which could
19 affect the meaning of his statement, so perhaps the Defence counsel could clear that
20 point up. What I heard was that so that -- was it a group that crossed over? There
21 may be quite a different meaning intended. Or was it the majority that crossed over?
22 Perhaps a clarification could be sought.

23 MR HAYNES: Don't worry, your Honour, I'm going to deal with this in very great
24 detail.

25 Q. Do you know when this company crossed over?

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1 A. Well, if I recall correctly, it was on the 26th. That's when the company crossed
2 over.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. And were you told at that time what contact had been had with the Central
7 African authorities?

8 A. No. That would be a matter of strategy, operations. We did what we were
9 told to do.

10 Q. Thank you. Now, the company that crossed over, as far as you know, did they
11 remain in the Central African Republic, or did they return to Zongo?

12 A. The company went back in the evening. The company came back. They just
13 made contact to deal with some issues relating to the cross-over and then they came
14 back.

15 Q. Is that usual for a company to go in advance of a brigade, to make contact?

16 A. Directly to the town or to the agency, yes. That's called the forward or the
17 advance party that goes ahead to prepare for the crossing so that the main part of the
18 group can cross over. You see, that unit was on the outskirts of Zongo. They knew
19 the place, they knew Zongo, so they went and they made contact with the Central
20 Africans.

21 Q. Thank you.

22 PRESIDING JUDGE STEINER: Sorry, Mr Haynes, I think we have here -- again, I
23 heard the witness talking about the "gros" and it was translated into English as
24 "group." I'm sure the -- when we have the edited versions, the interpreters will
25 check on this slight problem on translation. Sorry to interrupt, Mr Haynes.

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1 THE INTERPRETER: Message from the interpreter: The English interpreter said,

2 "The main part of the group, so that the main part of the group can cross over."

3 MR HAYNES: Well, let's see if we can clear it up while it's there.

4 Q. When you talked about the main part of the group crossing over, what were
5 you referring to, sir?

6 A. When I talk about the main part of the group, or "le gros," the French word, it is
7 a tactical expression which distinguishes a company from the remainder of the
8 brigade. So the tactical word in French is "le gros," which is the main part of the
9 group?

10 Q. Thank you for that. Now, (Redacted)

11 (Redacted) the company had been sent to Central Africa, (Redacted)

12 A. Well, that was at the level of preparations at the general staff. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Do you remember what time of day (Redacted)

19 A. Well, Counsel, it must have been in the (Redacted)

20 (Redacted) but I do not quite remember. But it (Redacted)

21 and, you know, these things happened a long time ago and I didn't know that these
22 types of questions would be put to me.

23 Q. Okay. But just so that we are clear, you said that (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. That's okay, I just wanted to clear that up. (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 Q. Thank you.(Redacted)

18 (Redacted)

19 A. No. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. I think we probably need you to be explicit. (Redacted)

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1 (Redacted)

2 A. Well, in the operational planning stage, the commander-in-chief is the one who
3 lays out his intention, to the effect that, at (Redacted), I believe that (Redacted) carry
4 out an operation in Bangui. Then it is not for him to determine the units that will be
5 involved in the operation, but (Redacted) to see that operation conducted
6 with strict compliance with the code of conducts according to our practice, and so on
7 and so forth.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Now, regarding the case in hand, the unit was being called upon to operate on a
17 territory that was different from our territory, a territory which we were not familiar
18 with, we did not know it, so we therefore had to hand over that unit and place them
19 under the orders or the operational control of the Central African authorities, if I do
20 recollect properly.

21 Q. Who did select the units that were to go to Bangui?

22 A. What I remember is that we were experts, but there was a clash, or there were
23 clashes in Bangui, a neighbouring city. We were aware of the distances and
24 therefore we didn't need to take a unit that was too far away, which might require
25 transportation by air. So we took into account the issue of distance, mobility,

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1 counter-mobility and so on and so forth. These considerations led us to work
2 through the Chief of General Staff to propose that the closest brigade should be
3 assigned that mission.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. Yes. I do recall that pursuant to the Lusaka Agreements we were recognised as
8 a country, and in the same manner as the former DRC, the former Government of
9 Kinshasa, we also enjoyed some prerogatives which enabled us to undertake this kind
10 of mission. You see, the Lusaka Agreements recognised that we had that kind of
11 jurisdiction, namely to ensure that security prevails between and among
12 neighbouring countries, as well as to take care of the administration of our territory,
13 which by the way was recognised as a state.

14 PRESIDING JUDGE STEINER: Mr Haynes, the whole part of your previous
15 questions I think it's something that could have been done in public session, because
16 it is general information that does not involve the position occupied by the witness.
17 So can you please check whether we should continue in private session, even to talk
18 about the Lusaka Agreements and number of troops that crossed and when? This is
19 not information that involves the personal position occupied by the witness.

20 MR HAYNES: I think it does, because the question was: (Redacted)

21 (Redacted) So I'm afraid I

22 think the question does betray his identity.

23 PRESIDING JUDGE STEINER: Okay, let's continue then.

24 MR HAYNES: I might be being better safe than sorry, but it did seem to me this line
25 of questions is all about (Redacted)

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1 Q. Do you know when the troops began to move from Imese?

2 A. Yes, Counsel.

3 Q. And when was that?

4 A. I said already that it was from 29 to 30 October 2002.

5 Q. And do you know by what means they moved from Imese to Zongo?

6 A. The Central African authorities put or made available a ferry. Ours was
7 broken down and so we used their ferry to move the troops from Zongo to Bangui,
8 dropping them off on the other side.

9 Q. But what about the 180 kilometres from Imese to Zongo? Do you know how
10 they made that trip?

11 A. Yes, I do.

12 Q. And how was that?

13 A. On foot. On foot. They walked on foot.

14 Q. And do you know how long it took a brigade to walk 180 kilometres?

15 A. Yes, Counsel.

16 Q. Can you tell me?

17 A. Now, you have to make a distinction between administrative walking and
18 tactical walking. Now, which type of walking are you talking about?

19 Q. Well, do you have direct knowledge of when all the units arrived in Zongo
20 ready to cross the river?

21 A. Yes, Counsel. They arrived and they crossed over on the same day; that is
22 from the 29th until late on the 30th, very late on the 30th.

23 Q. Was the commander of the unit that was sent to the Central African Republic
24 chosen (Redacted)

25 A. It was his brigade that was selected and therefore he was also automatically

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1 involved.

2 Q. And I'm sure we all know this, but what was his name?

3 A. General Moustapha.

4 Q. And did he travel with the units from Imese to Zongo?

5 A. Yes, Counsel.

6 Q. And perhaps you can help us as to this? Do you know whether he was
7 amongst the first to cross the river, or the last, or somewhere in the middle? What
8 would be standard practice?

9 A. Standard practice requires that the lead unit is in front, it crosses over and
10 establishes what is known as a bridge and then the commander and his troops cross
11 over.

12 Q. I don't want us to misunderstand each other. So would the commander be
13 amongst the last to cross over the river?

14 A. No, he crosses in the middle; that is the first unit crosses, then he crosses and
15 then behind, as a rear security -- rather, because things were secure in our area, there
16 was no interest for him to be at the rear. So he was going into a different country
17 and he had to be within the companies that went over, the first and then the second
18 company, so that he may be able to contact the Central African authorities in order to
19 have a clear understanding of the mission to which he has been called.

20 Q. Thank you. Now, you've told us about the movement of the units. (Redacted)
21 (Redacted)

22 A. Orders had been given. The commander designate was implementing the
23 orders, or executing them, and that is not all that happened. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR HAYNES: Okay. Just before we finish, I'm going to ask that we look at a
5 document please. It's a document we've looked at before. It's Defence document 36,
6 which is CAR-D0 -- no, bear with me a second. It's D04-0002-1514 and I think the
7 page number we want is 1628. No, I'm wrong about the page number. Can we go
8 forward two pages possibly?

9 No, I'm going to have to correct this tomorrow, I think, because the tape's going to
10 run out, so I think I'll stop there and make sure I put the right document on the screen
11 tomorrow.

12 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

13 Could, please, court officer turn into open session.

14 (Open session at 1.26 p.m.)

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

16 PRESIDING JUDGE STEINER: Mr Witness, we thank you very much. It's enough
17 for today. We will adjourn and resume tomorrow morning at 9.

18 I thank very much the Prosecution team, the legal representatives of victims,
19 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
20 court reporters.

21 I will ask the court officer to turn into closed session for the witness to be taken
22 outside the courtroom. In the meantime, we will adjourn and resume tomorrow at 9.

23 *(Closed session at 1.27 p.m.) Reclassified as Open session

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

25 (The witness stands down)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

- 1 THE COURT OFFICER: All rise.
- 2 (The hearing ends in closed session at 1.28 p.m.) Reclassified as Open session
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 5 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.