

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 14 September 2011
9 (The hearing starts in open session at 3.04 p.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We
13 are in open session.
14 PRESIDING JUDGE STEINER: Good afternoon. Could, please, court officer call
15 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. Good afternoon and
19 welcome the Prosecution team, the legal representatives of victims, the Defence team,
20 Mr Jean-Pierre Bemba Gombo. Good afternoon to our interpreters and court
21 reporters. We will continue this afternoon with the questioning of Witness 33 by
22 Defence.
23 But before we start, before we bring the witness into the courtroom, Mr Haynes, I just
24 wanted to make an observation that may save us some time. A large part of your
25 examination of the witness yesterday was taken up with the witness reading

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1 documents into the record. If this continues, we may all have to be here for a long
2 time, since the Defence list of documents, it's something around 90 documents.
3 If the Defence intention is to read the documents into the record so that they are in
4 evidence, there is a more expeditious way of doing it. The Defence can move for the
5 admission of the documents into evidence, rather than having the witness read them
6 into the record.
7 The Chamber will have to consider, in any case, the admissibility of the documents in
8 its merits. In other words, the reading of the documents into the record does not
9 permit the Defence or any other party to side-step the admissibility question. The
10 Chamber will still need to rule on the issue of admissibility whether or not the
11 information has been read into the record.
12 So my question is whether there is another way for the Defence to, of course, submit
13 all pertinent questions, relevant questions, to the current witness without going into
14 reading dozens or almost 100 documents.
15 MR HAYNES: You can be assured that I will proceed judiciously and with due
16 regard to economy of time and, obviously, pressure on the witness because it's
17 difficult -- it's a task for him to read. I don't propose to put anything like 90
18 documents to him. As I've already told Mr Badibanga, there is a clue to which
19 documents I am proposing to put to him. They are the ones which, on the
20 Defence list of documents, has a "yes" in the "to be tendered" column. I think
21 anything that has a "no" in the "to be tendered" column, you can be confident I'm not
22 going to use with this witness. And I will, of course, avoid having him read things
23 where it has no evidential purpose but there are occasions when to have somebody
24 read the French, so that those of us for whom English is a more natural means of
25 communication, can understand the point that is to be put next and, on occasions, he

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1 will have to read things so that documents are translated, rather than read into the
2 record, but please be assured I will proceed in accordance with your observations as
3 best I can.

4 PRESIDING JUDGE STEINER: I thank you very much, Mr Haynes. As you know,
5 we are trying to conduct these proceedings in a fair and expeditious way and even in
6 relation to translation issues, maybe the Defence, together with the Chamber, we can
7 find a more appropriate way to have these documents translated, other than keeping
8 the witness reading them, in order to avoid that the whole schedule on witnesses'
9 hearings is subject to changes because we stay with this witness for longer than
10 necessary, but I'm sure the Defence will be sensitive for such an issue.

11 MR HAYNES: Your Honour, I confirm that, and if that is an invitation or an
12 initiative, it's certainly one I welcome that we look at, as it were, the means of
13 translation of documents in the future together, certainly that will be something that
14 we would welcome.

15 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. So I ask, please,
16 now the court officer to turn briefly into closed session for the witness to be brought
17 into the courtroom.

18 *(Closed session at 3.11 p.m.) Reclassified as Open session

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

20 (The witness enters the courtroom)

21 WITNESS: CAR-OTP-PPPP-0033 (On former oath)

22 (The witness speaks French)

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

24 (Open session at 3.12 p.m.)

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

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- 1 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.
- 2 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 3 PRESIDING JUDGE STEINER: Did you manage to rest and to take some time for
- 4 yourself?
- 5 THE WITNESS: (Interpretation) Well, no leisure activity, but that's okay. I had
- 6 sufficient rest. Thank you.
- 7 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony,
- 8 sir?
- 9 THE WITNESS: (Interpretation) I certainly am. I am ready.
- 10 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 11 under oath. Do you understand that?
- 12 THE WITNESS: (Interpretation) I understand that.
- 13 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
- 14 protective measures, that your image and voice broadcast outside the courtroom are
- 15 being distorted so that the public cannot identify you, but in order to keep that
- 16 protection you need to avoid giving identifying information while we are in open
- 17 session, such as names, people who you met, meetings in which you participated,
- 18 your profession, information like that. If need be, you just ask the Bench and we go
- 19 into private session and then you feel free to speak. Is that fine with you, sir?
- 20 THE WITNESS: (Interpretation) That suits me.
- 21 PRESIDING JUDGE STEINER: Thank you very much. I'll give back the floor to
- 22 the Defence. Mr Haynes.
- 23 MR HAYNES: Thank you, your Honour, and good afternoon to you.
- 24 QUESTIONED BY MR HAYNES: (Continuing)
- 25 Q. And good afternoon to you, Mr Witness.

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1 A. Good afternoon, Maître.

2 Q. We have only two sessions today, so I'll be asking you questions up until about
3 half-past-4, then you'll have a half-an-hour break and then I'll be asking you
4 questions between 5 o'clock and 6.30. Were you aware of that?

5 A. Yes, I certainly was aware of that.

6 Q. Good. I want, before we move on, just to go back to something we were
7 discussing yesterday afternoon and I want us to look again at a document that we
8 looked at then, and the document does not have a Defence number. For the benefit
9 of the gentleman here, it is CAR-DEF-0002-0667.

10 THE COURT OFFICER: The document as referenced by counsel is available on your
11 screens, and it's a public document.

12 MR HAYNES:

13 Q. Firstly, Mr Witness, can you read that document on the screen and do you
14 remember it?

15 A. Maître, with your indulgence, before I read this I would like to make a request.
16 For the documents which you showed yesterday but which were not discussed, well,
17 okay, I was very tired and because you didn't give me the opportunity to discuss
18 these documents, I would therefore ask you if we could come back to some of these
19 documents after we've gone through the reading. Okay. I can go on with the
20 reading.

21 Q. I don't want you to read it out to us, because you did that yesterday. I just
22 want you to read it over to yourself and see if you remember that we looked at it
23 yesterday afternoon.

24 A. Excuse me, Maître, I hadn't understood you correctly. Yes. Yes, I do indeed
25 remember it.

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1 PRESIDING JUDGE STEINER: Mr Haynes, this number has a number on the
2 Defence list of documents, or not?

3 MR HAYNES: No, it doesn't. There was -- there was, and is, an amended list on
4 which it appears to be document 97. I can have that filed immediately.

5 PRESIDING JUDGE STEINER: No, no problem, I was just checking my binder and I
6 couldn't find it.

7 MR HAYNES: No, there is a list and we can have it with you by the next break.

8 PRESIDING JUDGE STEINER: I'll follow on the screen. Thank you.

9 MR HAYNES: Okay, thank you.

10 Q. The committee that is being assembled by this letter is called an Enlarged
11 Committee of the Army; do you agree with that?

12 A. It's not an Enlarged Committee of the Army, it's a meeting, an Enlarged
13 Meeting of the Executive.

14 Q. Thank you, you're correct. It's a very high-powered body, isn't it?

15 A. I would like to be clear on this. Now, this meeting here, you're talking about a
16 body, but this body is not in the list of bodies as set up in the statutes. So, to be
17 accurate -- excuse me, are we in open session?

18 Q. We are, but if you're uncomfortable I'm sure that we can move into private
19 session if you feel there is information you have to give to answer the question.

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

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

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

23 THE WITNESS: (Interpretation) Thank you. I'd like to say the following:

24 While there was an enlarged meeting of the executive, these meetings were not held
25 on a regular basis and schedule which was set in advance. They were meetings

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1 which were held when there was a need to hold one, and at the few meetings at
2 which (Redacted) and which, as I said before, were not held on a regular basis, these
3 were meetings to report on things, to give feedback. It was done by the president or
4 the general secretary for the directors who were summonsed to attend the meeting.
5 So it was reporting back on negotiations. These were negotiations being conducted
6 outside the country, specifically, when there was a representation of the MLC in
7 Addis Ababa or Lusaka, in Pretoria or Gaborone. So when the delegation came back,
8 there was a need to report back, and this is often what happened.
9 Furthermore, this meeting, as I said yesterday, well, when there wasn't a cohesion
10 amongst the members of the movement or when there was frustration or
11 disagreement with the directors or when there were people telling lies about
12 members or the president, this was the opportunity for all members to wash their
13 dirty linen within the closed circle, but it wasn't a meeting where major decisions
14 were taken of whatever type they might be, no. These were just meetings to report
15 back, give reports.

16 MR HAYNES:

17 Q. Where did they take place?

18 A. The meetings were held in Gbadolite, (Redacted).

19 Q. We're in private session. Where in Gbadolite?

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. Just one question on this page of the document: What does it mean when it
4 says, "copy for information"?

5 A. When it's noted "copy for information," this means that one copy is kept for the
6 persons listed in the document, a copy is kept for them.

7 Q. Well, on this occasion it says, "copy for information to the président national du
8 MLC," doesn't it?

9 A. Yes, indeed.

10 Q. So does that indicate that a copy was sent to Mr Bemba for information, but the
11 invitation to the meeting was to all the others listed underneath?

12 A. Indeed, yes.

13 Q. What I neglected to do yesterday was to show you the second page of this
14 document, and I wonder if we could go over to that now, please. (Redacted)

15 (Redacted)

16 (Redacted)

17 A. I think so, but I'm not sure about that because you're asking me to answer this
18 about things that happened tens of years ago. So I'm not certain about that.

19 Q. Well, what does it indicate to you that the secretary-general was making
20 opening remarks at 0900 hours?

21 A. Look, if there was provision at the time for the secretary-general to give these
22 opening remarks, that's because it was part of the rules of the running of that
23 meeting.

24 Q. We're in private session. (Redacted)

25 (Redacted)

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1 A. Well, the documents indicate that (Redacted)

2 (Redacted)

3 Q. But, I mean, now you've seen this document again, doesn't it indicate that this
4 was a meeting chaired by the secretary-general to which the president was not
5 invited?

6 A. Counsel, I think I just answered that question a short while ago, when I said
7 that an enlarged meeting of the executive could hold in the absence of the president.
8 Didn't I answer that question?

9 Q. If you did say that and I didn't hear it, then please accept my apology, but now
10 that you've said that we can move on. Yesterday afternoon, when we broke, we
11 were in the middle of talking about the Chief of General Staff. I think we can now
12 go -- no, we'll stay in private session, with your Honours' leave. Are you aware
13 what function General Amuli currently has?

14 A. General Amuli currently holds the position of Chief of General Staff -- Deputy
15 Chief of General Staff in charge of operations.

16 Q. And to whom does he now answer?

17 A. Well, to answer your question I must tell you, based on the little knowledge that
18 I have, my understanding of how the army functions today in the context of today's
19 institutions. The army is placed under the authority of the president of the republic
20 and of the government. This means that the political mechanism has control over
21 the army through the Ministry of Defence.

22 Now, General Amuli, as the Deputy Chief of General Staff in charge of operations,
23 falls under the direct authority of the Chief of General Staff of the national army.

24 Q. Do you know whether he is currently in command of any particular operation?

25 A. Currently, I think he is leading operations in the east of the country.

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1 Q. That certainly accords with my understanding. Would that be at Goma?

2 A. I am not in a position to give you a specific answer. All I know is that he is in
3 charge of operations in Goma, Bakuva and North Kivu. In fact, the part of the
4 eastern region of the country. I'm not very sure.

5 Q. And the commander-in-chief of the army of which he is Deputy Chief of Staff is
6 President Kabila; is that right?

7 A. No, no, not at all. There is a Chief of General Staff in place at the general staff.

8 Q. Very well. Now, having established what he's doing now, I want to go back
9 and discuss, as we were doing yesterday, his function in the MLC during the relevant
10 period. I'm going to ask to that extent that we go into open session. Are you
11 content with that?

12 A. That is fine with me, but with your leave I would like us to revisit a document if
13 possible; a document which you showed me yesterday?

14 Q. Well, I'm the one who asks the questions and conducts this examination. I'm
15 sure if you indicate which document it is you'd like to revisit, the Prosecution can
16 take it up with you in re-examination. Is that all right?

17 PRESIDING JUDGE STEINER: Mr Haynes, it appears that the witness wanted to
18 give some clarification in relation to a document that was shown to him yesterday.
19 I think he should be permitted to clarify something for the sake of the record.

20 MR HAYNES: Well, if he can indicate what document it is we'll do our best, but --

21 PRESIDING JUDGE STEINER: Mr Witness, can you indicate which document
22 you're referring to?

23 THE WITNESS: (Interpretation) Yes, Madam President. I'm referring to the
24 document which dealt with the appointment of magistrates, or judges, and also to the
25 other document which dealt with the War Council. Those are the two documents

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1 I'm referring to, your Honour.

2 PRESIDING JUDGE STEINER: Could it be document 16 of the Defence list, the
3 appointment of Mr Honoré Keto? Is it this one?

4 THE WITNESS: (Interpretation) I do not quite remember the numbers, but it is a
5 document which I was shown yesterday dealing with the appointment of magistrates
6 by the secretary-general of the MLC.

7 PRESIDING JUDGE STEINER: I think we can -- during the break we can try to
8 retrieve the document. You can continue then, Mr Haynes, and we will come back
9 to this document after the break. We can retrieve from the transcript - yesterday's
10 transcript - in due time.

11 MR HAYNES: Yes, thank you. We can take this document from the screen, please,
12 and can we pass into open session, please, your Honour?

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

14 (Open session at 3.40 p.m.)

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

16 MR HAYNES:

17 Q. We're talking now about the Chief of General Staff. Who would have been
18 immediately subordinate to him within the structure of the ALC?

19 A. I think you need to refer to the structures of the ALC rather than the MLC, that
20 is immediately after him within the ALC, to avoid any confusion. My answer,
21 therefore, would be that after him there were some deputies within the structure of
22 the ALC army. One of the deputies was in charge of administration, or you can call
23 it personnel, there was another deputy in charge of operations, the third deputy was
24 in charge of logistics and a fourth deputy was in charge of intelligence. There was a
25 fifth deputy in charge of civil and political activities.

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1 Q. Thank you very much. And what about the brigade commanders? Did they
2 answer directly to him?

3 A. As stated previously, after the general staff, if memory doesn't fail me, there
4 were sectors under which we had brigades.

5 Q. Thank you very much. That's very helpful. And do you happen to know
6 how many brigades were in each sector?

7 A. Well, I am not able to give you that kind of information, because (Redacted)
8 (Redacted)

9 (Redacted) because I was more involved in my duties within
10 my service.

11 Q. I understand that and we're coming on to that later, but you did have some
12 military training. Underneath the brigade commanders there would have been
13 battalion commanders as well, wouldn't there?

14 A. That is a different question. You asked me how many brigades there were.
15 You did not ask me what the hierarchy was and who came after the brigades, but
16 what you have said is correct. After the brigades we had battalions.

17 Q. And what military unit is the next one down from a battalion?

18 A. After the battalion, you would have a company.

19 Q. Thank you. And you may have already told us this, but how many men
20 approximately are there in a company?

21 A. A company is made up of three platoons, and a platoon can have 33 soldiers, so
22 if we multiply 33 by 3, that gives 99. Ninety-nine soldiers to a company.

23 Q. Thank you. Now, if you can't help us with this then so be it, but imagine if a
24 company commander in Beni wanted to send a platoon to capture a hill, what
25 processes would he go through to execute that manoeuvre?

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1 A. Listen, the company commander operates as a commander within the battalion
2 or at the level of the brigade. In the same manner, he will call together his close
3 collaborators and they will define the strategic, tactical and other objectives or goals,
4 and before starting the operation proper, he must obtain the approval of his direct
5 hierarchy.

6 Q. And that would be his battalion commander?

7 A. Yes, indeed, he must refer to his battalion commander.

8 Q. Thank you very much. Now, the movement of a brigade is a major strategic
9 decision, isn't it?

10 A. Yes, absolutely. Logically, a brigade cannot on its own move without the
11 approval of its direct hierarchy.

12 Q. And one would expect the commander-in-chief to be involved in a major
13 strategic decision like the movement of a brigade, wouldn't one?

14 A. Yes, that is the universal position.

15 Q. I mean, forgive me this observation, but do you know who the
16 Commander-in-Chief of the United States Army is?

17 A. No, no, I do not know him.

18 Q. Not personally, but do you know what title he holds? It is the President of the
19 United States, isn't it?

20 A. Are you talking about the Chief of General Staff or the Commander-in-Chief of
21 the Army? I don't understand your question, counsel.

22 Q. I said "Commander-in-Chief." I hope it was correctly translated.

23 A. No, I heard "Chief of General Staff," not "Commander-in-Chief." Now, for the
24 Commander-in-Chief, I do not know what the constitutional provision in the United
25 States on that matter is, and I therefore cannot make any statements about something

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1 relating to a country that I do not know.

2 Q. But you would expect, wouldn't you, the President of the United States to have
3 some involvement in the decision to send a brigade to Afghanistan, for example?

4 A. Universally speaking, a general staff is under the authority of the
5 commander-in-chief, but let me repeat myself: That I do not know what the
6 provisions of the American Constitution on this matter are and therefore I cannot
7 make any pronouncements on it.

8 Q. You would have expected under the statute of the Movement for the Liberation
9 of Congo for Mr Bemba to be involved in a decision concerning the movement of the
10 brigade, wouldn't you?

11 A. The constitution or statutes clearly spell out that the commander-in-chief shall
12 define general policies relating to operations, and the Chief of General Staff shall
13 implement or execute the general operations policies as defined by the
14 commander-in-chief.

15 Q. Well, we'll move on. What involvement, to your knowledge, did General
16 Amuli have in the organisation for execution of operations in the Central African
17 Republic in 2002?

18 A. Can we go into private session, please?

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

20 *(Private session at 3.52 p.m.) Reclassified as Open session

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

22 THE WITNESS: (Interpretation) Regarding military operations in Bangui, I have
23 already testified before this Court that things did not unfold according to the normal
24 provisions of the hierarchy and the constitution of the army. Things did not happen
25 that way simply because on one occasion before me the Chief of General Staff

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1 complained about being dissatisfied with an order that was directly given to General
2 Mustapha without going through him, and he learnt about this order from General
3 Mustapha and not from the commander-in-chief. (Redacted) what
4 I am telling the Court now. (Redacted), there was a
5 problem within the command authority.

6 Now, I therefore would say that in relation to the operations in Bangui the
7 procedures were thwarted (Redacted) General Amuli himself make such an
8 allusion at some point

9 MR HAYNES:

10 Q. Well, I appreciate that at that time (Redacted)
11 (Redacted)
12 (Redacted)

13 A. You see, I could give you a host of examples to point out that my former
14 president was not one who would easily backtrack once he had taken a decision, and
15 this I say in relation to (Redacted) in particular, and I do not know
16 what human relationship may have existed between my president and General
17 Amuli.

18 All I can say is that General Amuli (Redacted) he complained about these things to
19 the president. All that happened was that during a (Redacted)
20 (Redacted)
21 (Redacted)

22 Q. Very well. Well, I want to show you a section from another document, please.
23 In due course, this will be Defence document 98, but for present purposes it is
24 CAR-DEF-0001-0634.

25 This is a document on the organisation of the Army for the Liberation of Congo and,

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1 having just looked at that, can we go to the final page, please, and can we go to the
2 bottom of the page. Can you read the signature at the bottom of that page, or the
3 signatures?

4 A. I see only one signature, that of General Mongapa Sumi.

5 Q. Thank you. And who was he?

6 A. During the rebellion, Brigadier-General Mongapa Sumi was the G1 of the army.

7 Q. Thank you. Now can we go to page 7 of this document, and it's the lower half
8 of the page, please. Thank you.

9 I'm sorry, Mr Witness, I'm going to try and avoid having you read things as much as
10 possible, but I am going to have to ask you to read what appears on the page there.
11 Do you mind doing so?

12 A. I don't mind, not at all, Counsel. I will do so. "Intervention of the ALC in the
13 Central African Republic. Needless to recall here that the ALC crossed the Ubangi
14 river on two occasions, the first time in July 2001 and on a second occasion in
15 October 2002 -- between October 2002 and March 2003. These two interventions
16 always came at the behest, or the request, of the authorities of the Central African
17 Republic, whose president was then Mr Patassé and, first of all, from Mr Bozizé, the
18 current President of the Central African Republic, who was then the Chief of General
19 Staff in 2001, and then by General Gamby, who was Chief of General Staff in 2002.
20 Let it be recalled that the decision to send the ALC forces and the implementation of
21 such decisions have always been done with the approval of the high command.
22 That was the case when the ALC troops were sent to Bangui in the Central African
23 Republic. It was the Chief of General Staff who then appointed the unit that crossed
24 the Ubangi river into the Central African Republic. The ALC troops sent to the
25 Central African Republic," and the sentence is incomplete.

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- 1 Q. Thank you. During (Redacted) General Amuli, (Redacted)
2 (Redacted) it was he who had designated which unit would go to the Central African
3 Republic?
4 A. Well, look, Maître, the Chief of the General Staff at the time, General Amuli,
5 wasn't (Redacted)
6 (Redacted) The information I have just
7 provided you with had to do with something (Redacted)
8 (Redacted)
9 (Redacted) or something of that kind. It has absolutely nothing to do with that.
10 And the document that you have just shown to me, well, if I have a look at the date
11 and the place where it was drafted, well, it comes from Kinshasa, and that was a long
12 time after the rebellion, I think. So I can't give much credit to this document, much
13 value to this document. That's my way of looking at these things.
14 Q. Well, let's leave the document to one side. The complaint that General Amuli
15 made (Redacted) order or instruction that had been given to Mustapha
16 directly; is that correct?
17 A. Yes, yes. He apparently learned about this because he spoke to the
18 commander. This did happen on occasion, and in the course of a discussion with
19 General Mustapha, apparently he learned about an order that the commander and the
20 chief had allegedly given and that he wasn't aware of it, and he wasn't happy about
21 that, that's what I'm saying.
22 To be more precise or if you want more information, contact General Amuli. He will
23 tell you whether (Redacted) but he is in the best position to provide you with
24 all the details (Redacted) details of the order that was issued.
25 I don't know. I am saying that this was something that (Redacted). I

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1 learned about that, and he was really unhappy about it. (Redacted)

2 Q. And how had he come to learn about it?

3 A. I have told you that he spoke to Commander Mustapha. How this happened,
4 I don't know. Was this in the course of a conversation over the radiophonies, or was
5 it a conversation via satellite phone? I know nothing about that.

6 Q. But, in any event, at the time he was in communication with Colonel Mustapha,
7 General Amuli was?

8 A. Yes, yes, of course. That was the case on occasion, (Redacted) he
9 had spoken with General Mustapha on one occasion, so he was in contact too with
10 General Mustapha.

11 Q. What had they been talking about?

12 A. Well, Maître, now you are asking me to repeat myself again, as you do on every
13 occasion. I have already said that General Amuli didn't (Redacted)
14 (Redacted)

15 (Redacted) I've told you about (Redacted) and if there is any
16 other information that ought to be provided, he is in the best position to provide you
17 with such information, not I.

18 Q. Very well. Just two more things based on the document we were looking at.
19 What is a G1?

20 A. G1 is the Chief -- the Deputy Chief of the General Staff in charge of
21 administration and personnel.

22 Q. Thank you. And did you know General Mongapa to have any particular
23 nickname?

24 A. General Mongapa was one of the officers in the circles. The nickname, (Redacted)
25 (Redacted) was Yalolo. (Redacted)

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1 Q. Thank you. I don't know how that is going to come out in the transcript, but
2 we've heard reference to somebody called Lolo. Is that the nickname that you were
3 telling us about just then?

4 A. Yes, affirmative. I prefix that with a "Ya." In the Congo, "Ya" is a term that is
5 used out of respect for those who are senior.

6 Q. Thank you. And sorry to go on about this, but at the time of the rebellion, his
7 rank would have been colonel?

8 A. Yes, from the beginning of the rebellion, up until the time that ranks were
9 conferred upon individuals, he was a colonel, but after ranks were conferred, he was
10 a lieutenant -- well, then he was a lieutenant-colonel. After ranks were conferred, he
11 was promoted to a higher level colonel. He wasn't happy with that rank. He
12 appealed against it and he won the appeal, and he was promoted to general from the
13 rank of this higher level colonel.

14 Q. It would not have been unusual to have heard someone refer to him as Colonel
15 Lolo?

16 A. You know, Maître, even after these ranks had been conferred, as we had the
17 habit of calling him, addressing him, as Colonel Lolo, well, sometimes we would
18 make a mistake and use this term, you know.

19 Q. Thanks very much. I'm going to move on to another topic now, and I think we
20 can confidently go into public session for a little bit. So I'm going to ask the judge if
21 we can do that, okay?

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

23 (Open session at 4.11 p.m.)

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

25 MR HAYNES:

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1 Q. Sir, I want to go back now, as it were, to the history of the movement and the
2 rebellion. During the course of the rebellion, was there any involvement of Chadian
3 militia or movements?

4 A. Yes. In fact, troops from Chad were involved on the enemy side; that is to say,
5 on the government side.

6 Q. And in particular, in what region of the Congo were Chadian troops involved?

7 A. The Chadian troops started intervening when we managed to take over Lisala.
8 At that time his excellency, the president, wasn't there, he was in Uganda. And so
9 there was an attack, a lightning attack carried out by the Chadians, as a result of
10 which we almost lost Lisala. Many troops had fled in the direction of Bumba. If it
11 hadn't been for the intervention of his excellency, the commander-in-chief, who came
12 on a plane belonging to the Ugandan ally, with Ugandan troops, so the
13 commander-in-chief, together with this Ugandan unit, managed to halt the Chadian
14 advance and get the ALC troops who were fleeing in the direction of Bumba to return.
15 So this is the time during which I can recall the first occasion on which the Chadians
16 intervened.

17 Q. And where did they enter the Congo, from which other country?

18 A. I think that they must have used the Central African Republic as the territory
19 that they passed through in order to reach the Congo.

20 Q. Thank you. And, if you know, about how far into the Congo did they
21 advance?

22 A. As I have just said, when they launched their first attack, which ended in failure,
23 when they were driven back they were driven back and they no longer managed to
24 conquer any territory and so they left the Congo. From Gbadolite, they left the
25 Congo and returned to their country.

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1 Q. Did they, so far as you were aware, remain allies of the government forces after
2 that attack?

3 A. After the Lisala attack they in fact remained the government's allies, but in
4 Gbadolite I believe that there was a disagreement between them and they left without
5 their ally being aware of the fact, according to the information that I had at the time.
6 It seems that the Chadians left in secret, without the governmental ally being aware
7 of the fact, and I do not know the reasons for this.

8 Q. I know you find dates difficult, but can you help us as to when approximately
9 the Chadian attack was?

10 A. I believe that it must have been in 1999. It must have been in 1999, but as for
11 the month I can't remember it. I'm sorry.

12 Q. That's fine. Did you come to learn how the Chadian forces had behaved
13 towards civilians in the Congo?

14 A. Yes, absolutely. The Chadians, but not just the Chadians. The Chadians,
15 together with their ally the government, conducted themselves rather badly in
16 relation to the population of Équateur whom they considered to be brothers of the
17 commander-in-chief, his excellency, the national president. They believed that the
18 population was conniving with the ALC and, therefore, they were really maltreated.
19 That is true.

20 Q. Are you able to give us examples of the sort of maltreatment that was meted out
21 to people in Équateur?

22 A. Well, in Businga some civilians were killed, assassinated. They would steal
23 things from the population. They would do this by force. As far as I know, it was
24 that sort of treatment that often occurred. There you have it.

25 Q. Thank you. Now, I'm going to ask you some questions about the transitional

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1 phase initially in public session, so for the moment please be careful in how you
2 answer these questions. I will go into private session, with the Court's leave, to ask
3 some later questions. In a few sentences, what was the transitional phase?

4 A. The transitional phase refers to a phase that commenced after the
5 Inter-Congolese dialogue that was held in South Africa between February and April,
6 if I'm not mistaken. A document was signed, according to which there was to be a
7 transition that was to bring together all the opposing parties, all the belligerents,
8 within the government.

9 Q. Again, the best you can do, when approximately did it begin?

10 A. Maître, don't hold this against me. I will try, however. There was Sun City 1
11 and there was Sun City 2. Sun City 1 was in July 2001, if I remember this correctly
12 between June and July 2001. Sun City 1 was a failure and so the second stage of
13 these negotiations took place between February 2002 and April 2002, if I remember
14 this correctly.

15 Q. And as a condition of the transitional phase, was there supposed to be an end to
16 hostilities?

17 A. Yes, naturally. There was an agreement that was signed between the
18 belligerents, between the warring factions. It was called the Lusaka agreement. It
19 was supposed to establish a ceasefire and, if I am not mistaken, this agreement was
20 on 10, 30 and 31 July 1999. I may be mistaken, but I think that is it.

21 Q. Was that condition of an end to the hostilities observed?

22 A. Well, not at all, Maître. Not at all. Above all, not on the side of the
23 government. On the government's side, there were a number of provocations.

24 Q. Thank you. After the Lusaka accords, was there a monitoring process at
25 Lusaka?

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1 A. Yes. Yes, I believe that there was a monitoring process and there were
2 meetings around the year 2001, the purpose of which was to carry out monitoring in
3 Gaborone I think. So, yes, there was a subsequent monitoring process.

4 Q. And by "monitoring," what we understand each other to mean is monitoring
5 breaches of the agreement?

6 A. Yes. Yes, of course, because there was also the MONUC, the UN mission in
7 the Congo, whose task was also to monitor the line that had been traced and to
8 ensure that the warring factions concerned did not cross that line?

9 Q. Thank you. And just to clarify something you said earlier, or something you
10 said on a number of occasions, when you talk about "the government forces" you are
11 talking about the government of President Kabila; is that right?

12 A. Yes. Yes, whenever I refer to "the government forces" what I have in mind is
13 President Kabila's forces.

14 MR HAYNES: Good. Well, we're nearly at the break, but I'm just going to ask you
15 a few questions about (Redacted) so I'm going to ask Her Honour if we can go into
16 private session for that purpose?

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

18 *(Private session at 4.27 p.m.) Reclassified as Open session

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

20 MR HAYNES:

21 Q. (Redacted)

22 A. Yes, absolutely. (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. No, no, (Redacted)

2 (Redacted) No, no. Politicians participated in those meetings, and on
3 occasion officers too when it was a matter of discussing issues that concerned the
4 army.

5 Q. And, lastly, (Redacted)

6 (Redacted)

7 A. No, not at all.

8 Q. Now, one person who did I think represent the movement in the monitoring
9 process was Valentin Senga; is that correct?

10 A. Yes, yes, absolutely. There was a monitoring committee that had been set up
11 in Lusaka, and the first person official to be deployed there was Papy Gabongo and
12 another official whose name was Aimé Felle (phon). These are the first two
13 individuals to be sent over there, and afterwards they were relieved of their duties by
14 the commander-in-chief over there, His Excellency Jean-Pierre Bemba. They were
15 replaced by Valentin Senga and Justin Kangundu. Both of them were members of
16 the movement.

17 Q. And the position at the monitoring process in Lusaka was effectively a
18 permanent position, wasn't it?

19 A. Yes. When they were appointed they stayed there on a permanent basis
20 because it was this committee that was responsible for things that was within that
21 committee, that there had to be denunciations when the Lusaka agreement was
22 breached.

23 Q. Once Valentin Senga went to represent the movement in Lusaka, (Redacted)
24 (Redacted)

25 A. Yes, yes. He returned sometimes and then he would go back. He'd spend

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- 1 three, four, five days there and then he would go back to Lusaka.
- 2 MR HAYNES: Thank you very much.
- 3 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 4 (Open session at 4.31 p.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Mr Witness, we'll have a half-an-hour break for you,
- 7 our interpreters and court reporters to have some rest. It's 4.30. We will resume at
- 8 5 o'clock.
- 9 Court officer, please turn into closed session for the witness to be taken outside the
- 10 courtroom.
- 11 *(Closed session at 4.32 p.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 4.33 p.m.)
- 16 *(Upon resuming in closed session at 5.02 p.m.) Reclassified as Open session
- 17 THE COURT USHER: All rise. Please be seated.
- 18 PRESIDING JUDGE STEINER: Welcome back. I ask, please, court usher to bring the
- 19 witness in.
- 20 (The witness enters the courtroom)
- 21 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 22 (Open session at 5.05 p.m.)
- 23 THE COURT OFFICER: We are in open session, Madam President.
- 24 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 25 THE WITNESS: (Interpretation) Thank you. Good afternoon.

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- 1 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 2 THE WITNESS: (Interpretation) Yes, I am ready.
- 3 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor. Sorry. Mr Haynes,
- 4 I'm sorry. Before I give you the floor, Judge Aluoch wants to request a clarification.
- 5 JUDGE ALUOCH: This is in respect to the English transcript, page 29, where you posed
- 6 the question to the witness: "When you talk about 'the government sources,' you are
- 7 talking about the President Kabila; is that right?" The witness said, "Yes, yes, yes.
- 8 Whenever I refer to 'the government forces,' what I have in mind is President Kabila's
- 9 forces." Just to put this into perspective, are we talking about Kabila 2, just to be very
- 10 clear? Yes, Mr Witness.
- 11 THE WITNESS: (Interpretation) Thank you. When I talk about "government forces,"
- 12 depending on the context of the question, this may be the late President Kabila or the
- 13 current President Kabila, depending on the circumstances and the point in time; the
- 14 circumstances in time.
- 15 JUDGE ALUOCH: It is Mr Witness who gave this evidence, so I just want to confirm
- 16 that in this particular context you are referring to the present, President Kabila, not the
- 17 late; is that right in this context?
- 18 THE WITNESS: (Interpretation) Okay. Sorry, I must respect the five-second time
- 19 wait. Now, in the context we were referring to earlier, I was talking about the late
- 20 President Kabila, the late President Kabila, because at the time he was the one holding the
- 21 position. The late President Kabila, he was the one, the father.
- 22 JUDGE ALUOCH: Okay. All right. Yes.
- 23 MR LIRISS: (Interpretation) Could I help the Court? The rebellion started in 1998, and
- 24 until 2001 it was Kabila the father. He was assassinated in January 2001, so from 2001
- 25 until transition it was Kabila the son. So when we talk about "Kabila," you have to take

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1 into account those two periods. Thank you, your Honour.

2 JUDGE ALUOCH: So, thank you. Maybe it will help if you pointed out Kabila 1 or

3 Kabila 2, just to put everything into perspective. Thank you.

4 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

5 MR HAYNES: Thank you very much, your Honour.

6 Q. Welcome back, Mr Witness.

7 A. Good afternoon.

8 Q. During the period 2002/2003, did the MLC have a chief of communications?

9 A. When you talk about the chief of communications you're referring to a spokesman,
10 or are you referring to a chief in charge of a communications centre? I'm a bit perplexed
11 as to what you mean.

12 Q. The latter, a chief in charge of a communications centre.

13 A. Thank you very much, because a spokesperson is also called a chief of
14 communication. There was in fact, as part of the general staff, a communications centre
15 which was directed by a member of the military force whose code-name was Lima Lima.
16 I can't remember what his real name was.

17 Q. Could it have been "Lengbe"?

18 A. Indeed, yes.

19 Q. And were you familiar with the communications centre? I mean, did you know
20 where it physically was?

21 A. Yes, indeed. The communications centre of the general staff was next to the official
22 residence of His Excellency, President Jean-Pierre Bemba. It was just next door.

23 Q. Thank you. Did the building have a name?

24 A. Yes, of course, it had a name, and it will come back to me. It will come back to me.

25 It's the case as was earlier, I was stuck with the name Lima Lima, but his name was indeed

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1 Lengbe. The name will come back to me.

2 Q. While we're on the topic of names of buildings, do you remember there was a
3 building known as Colombe?

4 A. Thank you, Counsel. I'm pleased to hear this term again. Colombe was the
5 building which had the general secretariat.

6 MR HAYNES: Thank you very much. Now, I think for the next few questions just out
7 of an abundance of caution I better ask the Judge if we can go into private session, please?

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

9 *(Private session at 5.14 p.m.) Reclassified as Open session

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

11 MR HAYNES: Thank you.

12 Q. (Redacted) messages through the communication centre?

13 A. Yes. Yes, of course. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) At that time, it was this

17 communication centre which (Redacted)

18 (Redacted)

19 (Redacted) to the communication centre

20 (Redacted) could establish contact with the person out in the field.

21 Q. Thank you. When you talk in terms of (Redacted) communication radio, what sort
22 of device (Redacted)

23 A. Are you referring to the communication network?

24 Q. No, it's just that in answer to my last question you said, (Redacted)

25 (Redacted) I want to know what sort

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1 of communication radio (Redacted)

2 A. These were long-range transmission radios.

3 Q. Is that a hand-held device, (Redacted)?

4 A. No, (Redacted). It was a fixed radio. It wasn't a mobile
5 radio.

6 Q. And when you say "long-range," what was its range?

7 A. (Redacted) all the territory which was under our control.

8 Q. (Redacted)

9 (Redacted)

10 A. (Redacted) messages like that, but they were not messages that could be transmitted
11 in full. (Redacted) a section that was in charge of operations that could
12 transmit them. (Redacted) If they had, for
13 example, a message or a letter (Redacted) from outside, they needed to get into contact
14 with (Redacted) to say that a certain person was going to bring, for example, a goat. That's what
15 (Redacted) such-and-such a person is going to bring in say a sheep, or
16 a dog. Those were the codes (Redacted). When they talked about goats (Redacted) it
17 was either an urgent report, or -- these were the code-names and (Redacted)
18 the person who would bring in the message.

19 Q. So that we are clear, (Redacted)

20 (Redacted) in the Central African Republic?

21 A. It's very easy. In fact (Redacted), a frequency that was open all the time, and that
22 frequency was given to agents inside the territory and even to the informers, so there was
23 nothing to hide. On that frequency (Redacted), but there
24 were other frequencies too and, when the informer got on to the frequency that was open
25 all the time, he'd be asked to change over to another frequency which was always coded.

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1 He (Redacted) change over to that frequency and then we could establish communications
2 without any problem and speak.

3 Q. (Redacted)

4 (Redacted)

5 A. Yes. Yes, of course (Redacted) that the

6 range of the radio didn't go as far as it did. (Redacted) that the range was long enough,

7 but (Redacted) establish contact with people in Brazzaville. (Redacted)

8 (Redacted)

9 Q. And when you say that the frequency was coded, what do you mean by that?

10 A. What I mean is that you have a frequency with a number, but (Redacted) under

11 codes with letters and these were codes that (Redacted) all agents that were inside the

12 territory and even to informers that could be outside. (Redacted)

13 (Redacted) you know, there are specialists who can decode messages.

14 Q. Thank you. So, if I understand it, (Redacted)

15 (Redacted) a series of letters and numbers which could then be turned into a meaningful

16 sentence by the person at the other end who had the code?

17 A. Well, if you talk about a sentence, a sentence has meaning when you read it, but

18 when you read a code there's no meaning. You can't understand it. They are just letters.

19 They are just at random. That's it. If I'm going to say "1972," am I going to say, "The

20 colour blue"? No, no, that's not what it was. There were figures that were replaced by

21 letters. The figures could be replaced by letters. That's just an example I was giving

22 you, but (Redacted) decoding messages. (Redacted) operators. That was what they

23 had to do. They got the message, they received the message and they decoded it (Redacted)

24 (Redacted)

25 Q. I do understand what you are talking about, believe me. Why was it important to

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1 correspond in code?

2 A. It was very important so that a third party couldn't be informed of the message.

3 Q. (Redacted)

4 (Redacted)

5 A. Yes, affirmative. Because the operators had their files, all the messages were filed
6 by them no problems.

7 Q. I'm going to come on to a document in a minute but, just so that we understand you,
8 the records (Redacted) were they in code, or were they in French?

9 A. Earlier I said that for messages which were confidential there were messages that
10 were sent in coded form, but there were other messages. For example, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) If (Redacted)

14 (Redacted)

15 (Redacted) There's no reason for doing so.

16 So even (Redacted) His Excellency, the President Jean-Pierre

17 Bemba, sometimes after (Redacted) the normal (Redacted) of the day - the daily

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) So it depended on the

22 situation. There were some messages that had to be sent in a coded way and others
23 didn't.

24 Q. You may have misunderstood me. I wasn't asking you about how the messages
25 were sent. I was asking you about how they were recorded at the centre. Were they

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1 recorded in a book?

2 A. There is always a record file in a communication centre and that file provides the
3 basis for finding a reference to one message or another.

4 Q. What was it called?

5 A. Look, (Redacted) operators who were doing their job, and (Redacted)
6 (Redacted), and the messages (Redacted)
7 had to go through the department which was in charge of dealing with them, analysing
8 them and all of that. So don't ask me too many questions about the communication
9 centre, or about the way the radio system works. I couldn't answer that.

10 Q. (Redacted) the book of messages?

11 A. What register are you talking about? (Redacted)

12 Q. Yes.

13 A. Well, I have told you that whenever (Redacted)
14 sometimes after His Excellency, the President Jean-Pierre Bemba, would (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)

18 That is the answer I can provide to your question.

19 Q. Thank you. (Redacted)

20 (Redacted)

21 A. (Redacted) some professionals already at work at the centre when (Redacted), but the
22 operators themselves were soldiers, ALC soldiers, but (Redacted) were
23 professionals of the service who were already working.

24 Q. Thank you. Now can we come to the situation when (Redacted) communication
25 centre wasn't working and (Redacted) the communication centre of the general staff

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1 operated by Lima Lima. (Redacted)

2 (Redacted)

3 A. The operators prepared the messages (Redacted) and then

4 would take the message to the communication centre at the general staff and then

5 transmit or signal it accordingly. That is, relying on what had already been drafted (Redacted)

6 (Redacted)

7 Q. And how about receiving a message through Lima Lima's communication centre?

8 A. (Redacted)

9 free access whenever necessary. It is true that they were often very busy and they

10 worked a lot. They worked indeed very much, sometimes 'til very late at night they

11 would be working.

12 (Redacted) operators from time to time might go there and not be successful in their mission,

13 but from time to time they would be given access so that the frequencies could be

14 switched, and then they would access the frequency (Redacted) and in which case they

15 would receive all the messages and then they would leave and bring such messages back

16 from the general staff.

17 Q. And presumably you knew that the general staff communication centre operated an

18 almost identical system (Redacted)

19 A. I do not think that I can agree with you on that point. It is true that there was a

20 register (Redacted) at the centre, at the centre of the general staff

21 communication unit. (Redacted) register in which their messages were recorded, and it is

22 true that such a register existed but that was only in relation to written, written messages

23 exclusively.

24 Several times, on several occasions, and (Redacted) on several occasions,

25 His Excellency, President Jean-Pierre Bemba, could have asked the operator, Lima Lima,

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1 to look for such-and-such a commander. Even the Chief of General Staff could also do so
2 by calling Lima Lima on the walkie-talkie and asking him to locate such-and-such a
3 commander and to switch them on to his own frequency at home, and that happened on
4 several occasions. Several times that was done.

5 So Lima Lima would look for the requested commander, sometimes unsuccessfully,
6 maybe because the troops were moving or because of bad weather. You may want to
7 know that the long-range signalling system did not or does not work very well in poor
8 weather, so he would go on looking for the requested person and then, once such a person
9 is located, they would be put on hold and requested not to move.

10 At that time, the operator would give an order for all radio transmissions to be shut down,
11 for all those who may be on that frequency; that is, all those of the army who would be on
12 that frequency and I'm referring to an army frequency which was secret and which was
13 coded.

14 So, whenever the president or the Chief of General Staff was then available, or when they
15 would be off another telephone communication or free from a meeting or from whatever
16 they were doing, then he would come to the signals system.

17 What happened generally was that that person could be on hold for five, ten minutes, as
18 need be, and then the general staff or the president would have a discussion with them at
19 the appropriate moment, and this kind of discussion was not recorded; it wasn't written
20 down. Those were words that were spoken and were lost in that communication.

21 Q. How many times did (Redacted) communication centre stop working?

22 A. (Redacted) a breakdown on a number of occasions. There was one time when (Redacted)
23 (Redacted)

24 (Redacted) radio system. You may want to know, by the way, that these were not
25 brand new equipment. It was second-hand, (Redacted), and they

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1 would break down very easily (Redacted)

2 Q. And how many times (Redacted)

3 (Redacted)

4 (Redacted)

5 because it would have been done by the operators. (Redacted) provide the

6 gist of the message, which they would then draft, (Redacted) they

7 would proceed to signal it or to transmit it.

8 Q. So, if I understand the position correctly, (Redacted)

9 (Redacted)

10 A. I was referring to written messages. Whenever (Redacted)

11 (Redacted)

12 (Redacted) then, to have direct

13 communication on the telephone with some agents, (Redacted) I do not

14 know how those messages were prepared.

15 They used some numbers and some very complex and complicated system. It is a

16 profession. This is something that is done by people who are trained to do it. Not

17 everyone is given to sit in front of a transmission unit or a signalling unit and issue signals

18 which will comply with all the issues of confidentiality.

19 Q. How many times in a period of, say, a year (Redacted)

20 (Redacted)

21 A. Counsel, you are asking me to answer as if there was a scheduling of the breaking

22 down of the systems (Redacted)

23 (Redacted) the communication centre at the general staff. I think that that's a rather, should I

24 say, superficial question?

25 Q. Well, (Redacted) once a week, once a month, once a year?

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1 How often?

2 A. I have just answered you. That's what I have just told you. Counsel, can you
3 yourself schedule the time at which your vehicle is going to break down? Can you know
4 that ahead of time? Counsel, I know that you're the one putting the questions to me but I
5 am the one expected to answer your questions. So maybe I'm answering your question
6 with a question, but what else can I do?

7 Q. Well, you've told us that there were several occasions (Redacted) the
8 communication centre of the Chief of General Staff (Redacted) commanders being
9 put on hold. How many times is "several occasions"?

10 A. The brief answer is, I do not know. In fact, I no longer know.

11 Q. What commanders were being put on hold? Give us a name.

12 A. Counsel, (Redacted) I believe I've already talked about, one
13 occasion on which General Mustapha was put on hold. (Redacted)

14 (Redacted) He was put on hold, and (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) only the operator was

18 allowed in the room. All other third parties had to be out of the room. That was the
19 rule and that is how it was. So my testimony is that it happened on several occasions,
20 several occasions that commanders would be put on hold in a similar manner. Several
21 times, several times. Whether it be the commander-in-chief or the Chief of General Staff,
22 I can say categorically that this was the case.

23 Q. But you can only recall one occasion; is that right?

24 A. But no. I have talked about General Mustapha because it is for that reason that I
25 am here. We are talking about Bangui here, and it is in that connection that I talked

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1 about Mustapha, but if you want me now to talk about the other commanders, I can do so.

2 On one occasion - and by the way it was not the first occasion - I referred to a discussion
3 between the commander-in-chief and Colonel Alongaboni, who at the time was a colonel.
4 I did not only talk about General Mustapha.

5 Q. How did you know it was General Mustapha who was on hold (Redacted)
6 (Redacted)

7 A. (Redacted)
8 (Redacted)
9 (Redacted)

10 Q. Can I ask you about Mr Bemba's compound? Can you describe it to us?

11 A. He used to stay in a family home in Gbadolite, and when we, when one -- well,
12 when the MLC and the KML merged into the FLC, his residence continued to be a family
13 home in a compound belonging to one company, owned by late Papa Bemba, called Inera.
14 And he had a residence at Lisala as well and in Bunia, still within the FLC, he had another
15 residence there. That is in Bunia.

16 Q. Let's concentrate on the house in Gbadolite. How many times have you entered
17 that house?

18 A. I entered that house several times.

19 Q. With what frequency?

20 A. That's a difficult question, Counsel. You're asking me to do something quite
21 difficult. You see, whenever the president (Redacted)
22 (Redacted) to his residence, and
23 on other occasions, when (Redacted)
24 (Redacted)
25 (Redacted) he would ask (Redacted) that money to his house, and he would call Philemon,

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1 who was in charge of the treasury, to collect that money from his residence and to put it
2 into the public treasury.

3 Q. When you went to his house (Redacted) where in the house did you meet
4 him?

5 A. In the living room.

6 Q. And where is that in the house?

7 A. This is impossible. It was the living room, wasn't it? The living room was in the
8 living room. How else can I put it? It was in his living room.

9 Q. Was the compound guarded?

10 A. Yes, yes, one could say so. It was very well guarded.

11 Q. And were you allowed to enter the house armed?

12 A. Well, let me tell you something that is extremely important: (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) and all the senior staff knew it very well, that such was the case. In fact, it did
17 happen that if (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) So everybody knew. All the staff knew, and (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Now, when you put such a question to me, it is as if you were asking His Excellency

2 Jean-Pierre Bemba's bodyguard whether he ever carried a gun next to Jean-Pierre Bemba,
3 when he was next to Jean-Pierre Bemba. That's what your question sounds like.

4 Q. Well, that is my next question, in fact: Were the armed guards in the compound
5 allowed into the house?

6 A. The armed guards were only authorised into the house when the
7 commander-in-chief himself asked a commander to come, and so they could do so, but the
8 commander did not have the right to access the house by their own decision.

9 Q. Thank you. Now, in 2002, was there a cellphone network in Gbadolite?

10 A. I believe that there was a Vodacom system in place already. I believe, I think so.

11 Q. Well, I'm going to suggest to you that that wasn't until later, in 2003. Did you -- did
12 you have a cellphone at the time of these events?

13 A. Well, if it was introduced in 2003, then, well, a short while ago I said that I believed
14 that it must have been at that time, which means that I wasn't certain of the time-frame.

15 So you have given me this information, and I want to say that (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. The HF radio was, for a period of time, the only means of communication within the
20 territory controlled by the MLC, wasn't it?

21 A. No, no, not at all. Not at all. From the very beginning His Excellency, President
22 Jean-Pierre Bemba, had a satellite suitcase, which I referred to previously. Then,
23 subsequently, there was a distribution of a consignment of satellite phones, Thuraya. I
24 don't know whether he bought them or whether he received them as a gift, but that
25 consignment of Thuraya telephones came in. (Redacted)

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1 not successful. (Redacted) the Thuraya phones were to be
2 given to brigade commanders. (Redacted)
3 (Redacted) satellite communication facilities as well.

4 Q. Yes, but for a long period of time there were very few satellite phones, weren't
5 there?

6 A. Yes, yes, of course. If there had been many of them, many of them, indeed, I do not
7 see why (Redacted) but the fact is that at that time the priority was
8 for the brigade commanders to have a set each, and it was understandable because they
9 were the ones on the ground and they needed more to use the satellite phones (Redacted).

10 Q. And so I understand the position, there was not one satellite phone (Redacted)
11 (Redacted) is that right?

12 A. (Redacted) any satellite phone in (Redacted) organisation, up until the time (Redacted)
13 (Redacted)

14 Q. And that's a cellphone, rather than a satellite phone, isn't it?

15 A. (Redacted) a GSM telephone.

16 Q. Now, during this period, Mr Bemba had negotiators in Lusaka and Sun City and
17 Harare and various other places, didn't he?

18 A. When you say that he had negotiators it's as if they were there on a permanent basis,
19 but what I know is that whenever there were negotiations that required the presence of an
20 MLC delegation sometimes he himself would head the delegation, but on other occasions
21 it would be the general secretary. That was the situation.

22 Q. They were in Lusaka on a permanent basis, though, weren't they? You've told us
23 that.

24 A. Yes, but you weren't just referring to Lusaka. You mentioned a certain number of
25 places, but in Lusaka there was in fact a committee that represented us. There were two

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1 individuals whose names I have provided, the names of those individuals who
2 represented us there, but you mentioned a number of countries.

3 Q. Do you know how contact was made with the representatives in Lusaka?

4 A. Yes, I remember that on one occasion when Valentin Senga had returned to
5 Gbadolite, well, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) he was under a lot of pressure. (Redacted) I
10 found out that this was done via satellite phone.

11 Q. Thank you, that was all I was really looking for. And do you know how he kept in
12 touch with President Museveni, for example?

13 A. Well, you know, as where contact with President Museveni is concerned, I
14 personally never -- I was never present when there was communication between him and
15 President Museveni and so I don't know if this was contact via satellite phone. I know
16 nothing about this. Nothing.

17 Q. And do you know during this period where Mr Bemba's family were?

18 A. If I'm not mistaken his family was in Belgium, or in Faro in Portugal if I'm not
19 mistaken. I don't have precise information, but the family did nevertheless spend a few
20 days of holiday in Gbadolite and then the family would leave again.

21 Q. And do you know how he kept in contact with his wife and children?

22 A. No, Maître. No, I don't want to meddle in the private life of the president.

23 Q. Do you recall when it was that this consignment of mobile phones arrived -- sorry,
24 satellite phones?

25 A. Maître, I don't clearly remember the date, but I think that -- although perhaps I am

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1 mistaken, but I think that it must have been around 2001 or 2002; perhaps around the
2 beginning of 2002. I'm not certain, but this is my opinion.

3 Q. Why do you say that?

4 A. Well, in fact, when I take some time to think about the matter, I try to recall the
5 events, the period during which (Redacted) and I try to determine whether
6 General Amuli during that period of time may have had a satellite phone, something like
7 that.

8 Well, I'll provide you with another detail. Before Sola (phon) arrived, when the president
9 moved, went to the negotiations and (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) in the residence there was an

14 operator, a lady operator, who was in the residence, and whenever the president needed
15 such-and-such a person, the lady operator would call Lima Lima to locate the person
16 concerned. The person would then go to the living room, where all the devices were, and
17 the president would then establish contact with that person. I believe that was before
18 this consignment arrived. Even General Amuli was sometimes summoned to go and
19 speak on the phone in the president's living room, which is where there was another
20 phone, or rather which is where another satellite phone had been left. That was before
21 this consignment, but I can't give you the exact periods of time because all of this is very
22 complicated.

23 Q. Through your position, did you know whether satellite phones were available for
24 sale in the Congo?

25 A. No, because (Redacted). The

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1 president's private secretary, Jean-Pierre Sango, who also had a satellite phone, and there
2 was Simene who also had one, but it wasn't a -- it wasn't provided by the president.
3 These were their phones. I think they bought them. So they would buy credit for the
4 phone in Kampala; what we call credit. This was in Kampala. They would phone a
5 contact there, who had to buy the credit so that they could use this credit for their phones.

6 Q. So how many satellite telephones did you see in total in the Congo?

7 A. I've just provided you with some names; the names of senior staff who had them.
8 When the consignment arrived, well, I don't know how many of them there were in that
9 consignment, but I saw General Amuli with a certain number of telephones, and that's
10 when I found out that there were telephones that had been bought and that they were
11 going to be distributed to the commanders. As for the number, well, a certain number
12 did arrive in a package - in a box - and that's when I learned about the fact that there were
13 satellite phones, but I couldn't tell you how many there were exactly.

14 MR HAYNES: Thank you. Can we pass back into open session, please, your Honour?

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

16 (Open session at 6.10 p.m.)

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

18 MR HAYNES:

19 Q. How and when did you first become aware that Bozizé was attempting to remove
20 President Patassé from office in the Central African Republic?

21 A. I found out about this through officers. One has to realise that there were two
22 operations. There was the operation that consisted of halting, putting an end, to the
23 butchery of the former President Kolingba. That was the Sun City one. What am I
24 saying? It was Operation Bangui 1 and I believe that this was in 2001. I am not sure
25 exactly any more. And then as far as the second operation is concerned, which took

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1 place in October, I found out about that not through official channels. Well, in fact again
2 it was through officers who spoke about it, so that is how I found out about this for the
3 very first time.

4 Q. And as to when, was it when Bozizé's forces had arrived in Bangui?

5 A. I couldn't provide you with any information about that.

6 Q. Were you aware that Bozizé's attempted coup was supported by Chadian forces?

7 A. Yes, I learned about that.

8 Q. Given what you have told us about the events of 1999, with the Chadian invasion,
9 did you regard the presence of Chadian forces in Bangui as a threat to the security of the
10 MLC?

11 A. I can't consider that to have been a threat to the MLC, because the Chadians were no
12 longer the allies of the government at the time, as far as I know. They were no longer
13 allies of the Congolese government of President Joseph Kabila, so their objectives had
14 certainly changed. Their objectives were no longer to intervene in the Congolese
15 territory. Their objectives were to topple the Central African government. So I can't say
16 that that could have represented a threat. Perhaps it developed into a threat later.
17 Perhaps the government, the Congolese government, was going to take advantage of this
18 situation to destabilises the MLC in its territory, but one should also bear in mind the fact
19 that during this period an agreement had already been signed, at the Inter-Congolese
20 dialogue, as a result of which we were to embark on this transitional period. So would
21 the Congolese government have needed this alliance with the Chadians? Well, this is an
22 analysis that has to be carried out, and one can't just say that it may have represented a
23 threat to the MLC.

24 Q. Were you aware that President Patassé was a democratically elected Head of State?

25 A. Yes, I heard about this. One hears about these things through the media, about

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1 elections that are held in Africa.

2 Q. And were you also aware that CEN-SAD had pledged to support him against the
3 unlawful coup of Bozizé?

4 A. I know nothing about that.

5 Q. And that other foreign countries, such as Libya, were providing military support too
6 to President Patassé?

7 A. That was said.

8 MR HAYNES: I just want to go back to a document we looked at briefly yesterday, it's
9 document 92 on the Defence list, and can page 2 be briefly placed on the screen?

10 THE COURT OFFICER: Document CAR-OTP-0009-0162, first redacted version, at page
11 0163, is available on your screens and it's a public document.

12 MR HAYNES:

13 Q. Let's leave the MLC aside for one minute. Did you regard the attempted coup by
14 Bozizé as a threat to the stability of the Central African Republic?

15 A. It depends on the motivation that Bozizé had in advance because we, as a rebel
16 movement at the time, also fought against a government. We had our own reasons.
17 What were Bozizé's reasons? I know nothing about that, so I can't answer that question
18 of yours.

19 Q. We looked at this yesterday, it's the preamble to the MLC Statute. Can you count
20 six paragraphs down and read to us, please, the paragraph that begins "Que pour
21 assurer"?

22 A. "In order to ensure that there is peace and political stability, that the Congo needs in
23 order to develop, the Congo must contribute to reinforcing the political stability of its
24 neighbours." With your leave, if I may comment on this? May I?

25 Q. Well, I'm going to ask you a question and if you want to build your comment into

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1 the answer, then that's fine. Did not supporting political stability in the Central African
2 Republic, your immediate neighbour, not justify intervention?

3 A. Supporting political stability in Africa is a praiseworthy thing. However, one must
4 ask oneself in what situations should such political stability be supported, within what
5 sort of a framework? And in this paragraph when it says that the Congo has to
6 contribute to reinforcing the political stability of its neighbours, no reference is made to a
7 rebel movement. Reference is made to the Congo as a legally established government, I
8 believe.

9 Q. Did you understand the situation in the Central African Republic to be urgent, when
10 you first came to know about it?

11 A. The commander-in-chief or, if you don't want me to refer to him, if the High
12 Command had decided that the MLC should intervene, the High Command had its
13 reasons to do so. But if, as I have already said here, if I was included -- if I had been
14 included in that, and my voice would have been heard at least for a second, I would have
15 dissuaded the High Command from launching this operation, because I believed that we
16 had already signed a global and all inclusive agreement that was to lead us to our
17 objectives.

18 It's true at the beginning these objectives had to do with military conquests but
19 subsequently the objectives changed and were those of a democratic conquest. So I don't
20 see why one would have intervened in a neighbouring country and suffered all the
21 consequences that were not necessarily -- well, I mean, there would have been crimes,
22 looting and so on, and we would have lost our own troops that were at the end of the
23 combat that was being led.

24 Why would they go and die? For what cause would they go and die? In Central Africa,
25 if I had been given a second to speak, I would have protested against this operation.

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1 Q. Do you know where Olivier Kamitatu was in October 2002?

2 A. I don't have a precise idea, but I remember that in December 2002 there was an MLC
3 delegation in Pretoria. I don't know whether Olivier Kamitatu was a member of that
4 delegation in Pretoria. I am somewhat hesitant.

5 Q. We know that at the time Valentin Senga was in Lusaka, wasn't he?

6 A. Yes. In fact at the time he was in Lusaka and then a few months from the
7 beginning of the transition I believe that the committee no longer had any reason to be
8 there, so he and Justin Kangundu returned to Gbadolite.

9 Q. Now, who controlled finances in the MLC?

10 A. There was a national secretary who was responsible for finances.

11 Q. Well, let's see if I can cut this short: Two people were in charge of finances, weren't
12 they, Simene and Muamba?

13 A. I wouldn't say that there were two persons, but I know that Simene, during the
14 intervention of our troops in Bangui, I know that Simene was between Bangui and Zongo
15 and this was in order to deal with -- how shall I put it, financial issues. As far as I know,
16 and if I'm not mistaken, it was also to deal with buying, procuring logistics for the troops.
17 So I believe that at this time he was sent there to carry that mission alone, whereas our
18 national secretary has, as part of his duties, well, his duties are broader. His duties aren't
19 limited to the operations to be carried out in Bangui. He has broader responsibilities and
20 duties, so I don't know whether at this time it was François Muamba who held that
21 position in the national secretariat for finances. I'd have to try and remember these
22 things.

23 It's difficult for me to recall who was in such-and-such a national secretariat up until the
24 end. That's all the more the case since there was a lot of reshuffling, and so on. So all of
25 this is very complicated.

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1 Q. Under the constitution, under the statute, the army didn't have a separate budget,
2 did it?

3 A. I think that there was -- well, I myself never participated, not even on one occasion,
4 in drawing up the MLC budget but I think it should have been a consolidated budget for
5 the movement. It should have been a consolidated budget.

6 Q. So the financial implications of sending a brigade of soldiers to Bangui would need
7 to have been discussed with the secretary for finance, wouldn't it?

8 A. Given the way the army functions, the army determines what its needs are, at the
9 level of the general staff, and then what it needs are for the troops and this is all sent to the
10 general staff and then the general staff drafts a report that is sent to the
11 commander-in-chief. And as of that time, from that point in time onwards, I don't know
12 what procedures followed from that point in time. When the needs reached the
13 commander-in-chief, well, after that stage, I don't know what subsequently happens.

14 MR HAYNES: Thank you. I think that might be a good moment.

15 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

16 Mr Witness, we will adjourn for today. It has been enough. We hope you can have a
17 very restful night. I suppose the parties and participants have been informed that
18 tomorrow we are sitting only in the morning, as from 9 o'clock. I hope this is agreeable
19 to all of you? From 9 to 1.30. I thank very much Prosecution team, legal representatives
20 of victims, Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our
21 interpreters, court reporters, to Mr Witness of course. We will adjourn for today and
22 resume tomorrow morning at 9 in this very same courtroom.

23 I ask, please, court officer to turn into closed session for the witness to be taken outside the
24 courtroom and, in the meantime, we will adjourn to resume tomorrow morning at 9.

25 *(Closed session at 6.32 p.m.) Reclassified as Open session

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- 1 THE COURT OFFICER: We are in closed session, Madam President.
- 2 (The witness stands down)
- 3 THE COURT OFFICER: All rise.
- 4 *(The hearing ends in closed session at 6.32 p.m.) Reclassified as Open session
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
- 7 2012, and the instructions in the email dated 24 September 2013, the version of the
- 8 transcript with its redactions becomes Public