

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(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 Tuesday, 31 January 2012

8 (The hearing starts in open session at 9.34 a.m.)

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

10 Please be seated.

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

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

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning Prosecution
18 team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo.
19 Good morning our interpreters and court reporters. We will continue today with the
20 questioning of Witness 45, and again as yesterday we will be sitting until 4.30 in the
21 afternoon. I ask, please, court officer to turn into closed session in order for the witness
22 to be brought into the courtroom.

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

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

25 (The witness enters the courtroom)

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- 1 WITNESS: CAR-OTP-PPPP-0045 (On former oath)
- 2 (The witness speaks French)
- 3 PRESIDING JUDGE STEINER: We can turn, please, into open session.
- 4 (Open session at 9.38 a.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
- 7 THE WITNESS: (Interpretation) Good morning, Madam President.
- 8 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony, sir?
- 9 THE WITNESS: (Interpretation) Yes, I am ready.
- 10 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under
- 11 oath. Do you understand that?
- 12 THE WITNESS: (Interpretation) Yes, I understand that only too well.
- 13 PRESIDING JUDGE STEINER: I also have to remind you that you are under protective
- 14 measures, that your image and voice that are broadcast outside the courtroom are being
- 15 distorted so that the public cannot identify you by your face or by your voice, but in order
- 16 to keep the protection of your identity you are requested to avoid giving in open session
- 17 any information that could lead to your identification, mainly information related to your
- 18 current or past occupations, meetings that you had with one or two persons that could
- 19 identify you, references to friends or neighbours, this kind of information.
- 20 If need be, you just let us know and we go into private session. In private session you
- 21 can feel free to talk because then nobody can listen to what you say outside the courtroom.
- 22 Is that fine with you, sir?
- 23 THE WITNESS: (Interpretation) Yes, very good.
- 24 PRESIDING JUDGE STEINER: I give then the floor to Ms Bala-Gaye. She will continue
- 25 questioning you on behalf of the Prosecution. Ms Bala-Gaye.

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1 MS BALA-GAYE: Thank you, Madam President. Good morning, your Honours.

2 QUESTIONED BY MS BALA-GAYE: (Continuing)

3 Q. Good morning, sir.

4 A. Good morning, ma'am.

5 Q. Sir, I would like to begin by asking you a few follow-up questions in relation to your
6 testimony yesterday. Now, you mentioned that Libya provided arms to the CAR
7 operation in 2002, that is to the MLC. My question is, to your knowledge, did Libya
8 provide any other means of support to Mr Bemba or the MLC for this operation in the
9 Central African Republic?

10 A. Well, apart from the weapons, there was also a financial source of support.

11 Q. Do you know how much Mr Bemba was paid by Libya for this operation?

12 A. I do not know the precise sum that he received. I merely know that he travelled to
13 Tripoli, and at the time Colonel Qadhafi sent him a special plane that landed in Gbadolite
14 and he travelled to Libya in order to receive money.

15 Q. Sir, do you know if Mr Bemba received any money from the Central African
16 authorities for this operation as well?

17 A. Well, yes. As far as the Central African authorities are concerned, there was a form
18 of retribution for this operation, in addition to the logistical support provided by the
19 authorities to the intervention troops, to the MLC troops that had intervened. There was
20 also a financial source of support, and some banks had been robbed and the money from
21 those robberies had been sent to Gbadolite.

22 Q. And I have the same question in relation to this amount that was received from the
23 Central African authorities. Do you by any chance happen to know how much was paid
24 by Central African authorities to Mr Bemba?

25 A. No, I do not know the precise sum of money because I was not directly called upon

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1 for this type of operation. (Redacted)

2 (Redacted) There were some people who were in the know, as far as those operations
3 were concerned.

4 Q. Sir, without mentioning any names, do you know if this money was collected by
5 Mr Bemba himself or if an intermediary was used to receive this money?

6 A. Intermediaries? Well, not directly via him.

7 THE INTERPRETER: Message from the English booth: The witness's answer was
8 unclear because it was not well constructed.

9 MS BALA-GAYE:

10 Q. Sir, if I could ask you to repeat your answer. I will repeat the question. The
11 interpreters did not catch your response. My question was do you know if Mr Bemba
12 collected this money himself, or did he use an intermediary or intermediaries?

13 A. He did use intermediaries, yes.

14 Q. Sir, I will come back to this question in private session and ask you for some names.
15 Now, during your testimony yesterday, you also mentioned the meaning of the
16 expression "Article 15." Are you able to tell us the origins of this article? Where does it
17 come from, Article 15, the expression?

18 A. Generally speaking, when the troops found themselves in difficult circumstances,
19 were finding it difficult to live or survive because the household funds were no longer
20 regularly forthcoming and also they were not receiving proper support, so they learned
21 how to survive by themselves. They got by. And under those circumstances they
22 applied what we refer to as "Article 15"; that is, getting by in order to survive in conditions
23 that were difficult in which they found themselves.

24 Q. Sir, perhaps you can assist us with this? Can you give us examples of the type of
25 acts that could be conducted under Article 15?

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1 A. Well, all survival operations, especially ransoming the population.

2 Q. Sir, to your knowledge do you know if such -- if Article 15 was in fact applied
3 during the operations in the Central African Republic between 2002 and 2003?

4 A. Yes, indeed. This was an operation that first and foremost enabled the MLC
5 soldiers to intervene in a capital where the -- where it's far easier for them to serve
6 themselves from the shops, and so after going there, after having repelled General
7 Bozizé's troops - these troops were considered as enemy troops, of course - they decided
8 subsequently to make use of the war booty and they said, "Well, each and every one of us
9 should do their very best to bring back as much war booty as possible." So that is the
10 interpretation of what you just mentioned; that is being Article 15.

11 Q. Sir, moving on to another question, do you know if the MLC had a transmission
12 centre?

13 A. A communications centre?

14 Q. Yes, indeed.

15 A. Yes, indeed. The MLC had set up a number of telecommunications, radio
16 telecommunications systems, where communication was possible between the president
17 of the MLC and the various commanders, or the various individuals in charge,
18 throughout the various localities and towns that were under the control of the MLC. So
19 yes, indeed, there was a communications system in place in order to enable the circulation
20 of or dissemination of information not only at the front line, but also as I said in the main
21 towns within the territory, or the district, and also the main towns within the chefferies or
22 the secteur. Yes, there was indeed a communication system in place, and in addition to
23 that, as I mentioned yesterday, there was also telephone satellites that the
24 commanders - the major commanders - at the front had at their disposal which enabled
25 them to be in permanent contact with the commander-in-chief.

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1 Q. Sir, between 2002 and 2003, do you know if Mr Bemba had to use this transmission
2 centre, or in fact a radio operator, in order to communicate directly with the troops in the
3 field?

4 A. Yes, indeed, he did communicate with his troops out in the field by or via this
5 means, via as I said radio telecommunication systems, and at home at his house he had at
6 least seven or eight satellite telephones that he used to communicate not only with those
7 in charge of the troops out in the field, but also with individuals around the world.

8 Q. Now, with these satellite telephones, did he need to go through the transmission
9 centre in order to use the satellite telephones, to your knowledge?

10 A. No, he used the telephone satellite system from his home. There was also a phonic
11 system that he had at home which enabled him to communicate with those in charge but,
12 as for the satellite telephone systems, they were installed at his house and he would make
13 direct telephone calls via this system from his own home.

14 Q. Sir, you mentioned a few MLC commanders who had satellite telephones and I will
15 come back to that in private session to ask you for the names. Now, I'd like to move on
16 to the Mambasa operation that you mentioned yesterday, and I remember that you
17 mentioned that the MLC committed some crimes in Mambasa. Now, I just want to have
18 a little bit of clarification in relation to that operation. When did it take place?

19 A. With regard to the precise date of that operation, well, I would need to think about it
20 somewhat. In fact this operation must have occurred in the year 2002, because the FLC
21 had been set up, as I said yesterday, in the year 2001. So it was January 2001 until I
22 believe September or October 2001, after which there was a sort of moment of nothing
23 happening where the territory between the MLC and the RCD-K/ML territory had to be
24 divided up and, in view of the fact that the RCD-K/ML troops had progressed to Isiro and
25 had continued their progression until Buta, I believe that there was a reaction. I think it

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1 was in June 2002 that this reaction concerned, which meant that the MLC troops then
2 occupied Isiro and they then moved forward to Mambasa. It was in fact shortly before
3 the intervention of the -- the intervention in the CAR, or of the CAR.

4 Q. Sir, you mentioned that there were crimes committed by the MLC troops in
5 Mambasa. My question is was there any investigation?

6 PRESIDING JUDGE STEINER: Mr Haynes.

7 MR HAYNES: Mr Bemba is not charged with any crimes relating to the Democratic
8 Republic of the Congo during this period of time and I object to this line of questioning as
9 being outside the temporal and geographical scope of the charges. And I just want to
10 add this. I want you to remember this moment when we are still sitting here in the year
11 2014 and the Defence are calling evidence, as they must do, to counter what is now being
12 led.

13 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

14 MS BALA-GAYE: Thank you, Madam President. Your Honours, we believe that this is
15 directly relevant to the issue of the measures available to Mr Bemba, or the MLC, during
16 this period. The crimes that were charged in the CAR are between 2002 and 2003. In
17 fact, it is directly relevant to know which measures were available to Mr Bemba under
18 Article 28 in order to determine what are reasonable and necessary measures in the
19 instance of the Central African Republic crimes that were conducted. So it is directly
20 relevant, albeit we are not charging Mr Bemba with these acts.

21 MR HAYNES: How?

22 PRESIDING JUDGE STEINER: Mr Haynes, we are not open for a direct debate between
23 the parties.

24 MR HAYNES: I apologise.

25 PRESIDING JUDGE STEINER: Apologies accepted.

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1 Ms Bala-Gaye, if you refrain from going further than the exact period of the facts that are
2 under scrutiny here I will allow the question, but please do not extend too much the
3 temporal and geographical scope of these facts that you are referring to.

4 MS BALA-GAYE: Sir -- thank you, your Honours.

5 Q. Sir, was there any investigation conducted in relation to this operation?

6 A. As I underscored yesterday, when international pressure was exerted in quite a
7 vigorous manner, in order to make sure that they were prepared for the accusations that
8 were to be levelled against them, Mr Bemba asked for an investigation to be rapidly
9 conducted, and there were some arrests, notably one of the commanders of the operation
10 by the name of Ngalimo, in addition to some soldiers, four or five soldiers.

11 The conviction was handed down in Gbadolite, and Commander Ngalimo was convicted
12 in addition to some members of his troops for murder and looting and I believe that
13 Commander Ngalimo was convicted to I believe five years in prison and the others
14 received somewhat lighter sentences but they were released one or two months later, I
15 believe.

16 Q. Sir, do you know if similar investigations were conducted in relation to the crimes
17 that were committed by MLC troops in the Central African Republic in 2002?

18 A. Well, I do not know whether I can refer to that as investigations but there were a few
19 arrests, a few elements or soldiers were taken to Gbadolite. They left the CAR and
20 specifically Bangui and were taken to Gbadolite. There was also a trial which took place
21 at the same time as the trial relating to the soldiers accused of acts of violence in Mambasa.
22 The two trials took place practically at the same time and these soldiers also received light
23 sentences.

24 Q. Sir, you mentioned that these trials took at the same time. For clarification, can you
25 recall when exactly this trial took place or an estimation of the period within which the

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1 trial took place? Are we still talking about 2002/2003?

2 A. Early 2003. I believe between the end of January and the beginning of February.

3 Q. And just to clarify, you said this trial took place in Gbadolite; is that correct?

4 A. Yes.

5 Q. Do you recall how long this trial lasted?

6 A. Between seven and ten days, I believe.

7 Q. And was this in relation to the operation in Central African Republic only or was

8 it -- are the seven to ten days in reference to both trials or only the one in the Central

9 African Republic?

10 A. The trial related to what had happened in the CAR.

11 Q. You stated that there were few arrests, few elements of the soldiers were tried. Do

12 you recall how many people were tried for the crimes committed in the Central African

13 Republic?

14 A. I no longer remember the precise number. I can only give you an approximation.

15 In the case of the Central African Republic, I think the number was five to seven.

16 Q. Sir, do you recall what charges were levied against these five to seven people for the

17 crimes in the Central African Republic?

18 A. It was mostly extortion. They were accused of extorting the population.

19 Q. Now, you told us that you heard about crimes of rape in the Central African

20 Republic. Were there any charges for rape during this trial, for the crimes committed in

21 the CAR?

22 A. During that trial no reference was made to rape or murder. The only charges were

23 extortion, exploitation of the population by those soldiers who had been charged.

24 Q. Sir, you mentioned yesterday that only lower-ranking soldiers were tried and you

25 don't recall any officers being tried, or commanders. Do you know what the highest rank

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1 was among these five to seven people that were tried?

2 A. At that time there were no ranks. You had commanders, but those commanders
3 were commanders of brigades and battalions. Some of them were ex-FAZ, that is
4 soldiers of the former Zairean armed forces of Maréchal Mobutu. Those of them who
5 had joined the MLC continued to be referred to by their ranks. Some were colonels,
6 other majors, and so on and so forth.

7 At that time the rest of the troops did not have any ranks. It was only subsequently,
8 when we had to join the institutions - that is, the transitional institutions - that ranks were
9 allocated to the soldiers, including to the subordinate troops but during the period we are
10 talking about there were no ranks. It is for that reason that I can say that these were only
11 foot-soldiers. There were no commanders, that is those who led operations on the
12 ground.

13 PRESIDING JUDGE STEINER: It's not the first time in today's transcript that I see that
14 you make references to what was said yesterday and you are not giving the references.
15 So I would ask you please to do it, because this facilitates for Defence, legal
16 representatives and the Chamber. Thank you.

17 MS BALA-GAYE: Perhaps I can provide a few references now, Madam President?
18 Yesterday I mentioned that Libya provided -- that the witness mentioned that Libya
19 provided some weapons for the operations in the Central African Republic, and at present
20 I will only provide the English reference. I can provide the French later. And we are
21 referring to transcript 201, page 38 of the edited English version, lines 19 to 20.
22 I also referred to Article 15, to which the witness referred to yesterday, and this can be
23 found again in the same transcript, and the exact page I would have just shortly. I can
24 provide the French version for this one. It is page 57, line 24. And the English version is
25 from the edited transcript, and this can be found on page 52, lines 6 to 7.

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1 Q. Sir, you mentioned -- you mentioned that five to seven people were prosecuted.

2 Do you recall if these persons, if these people had Defence counsels? Were they
3 represented by a lawyer?

4 A. There were no lawyers. There was an MLC officer, who was previously national
5 secretary in charge of justice, and he acted as a lawyer. There was another soldier who
6 had occupied the position of judicial defence officer, so there was no sworn counsel who
7 was present at that trial.

8 Q. Sir, do you recall if this was the only person who represented the accused or were
9 there more than one person representing them?

10 A. Only those two persons were present and who acted as defence lawyers for the
11 accused persons.

12 Q. Do you know who appointed these two persons as the defence counsels for the
13 accused?

14 A. No, I really do not know who appointed them. I simply saw them and I didn't ask
15 the question to know who had appointed them.

16 Q. Was there a person in charge of these trials, a person presiding over the trial in the
17 Central African Republic -- regarding the Central African Republic crimes?

18 A. Yes, there was someone who presided over that military tribunal. It was a
19 jurisdiction referred to as a martial court.

20 Q. Sir, was this trial held in public or was this a closed trial, to your knowledge?

21 A. Yes, I know the trial took place in public.

22 Q. Can you provide the name of the person who presided over the military tribunal?

23 A. No, I do not think I can give that name in open session. Maybe during a closed
24 session?

25 Q. Sir, this is probably a name that was held in -- that is known to the public and, if the

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1 trial was held in public, you can go ahead and give the name.

2 A. Yes, the person who presided that martial court or military tribunal was known as
3 Bule Mohamed.

4 Q. To your knowledge does he have a legal background, sir?

5 A. No, he was a soldier who had studied at the higher military centre. At that time he
6 had the rank of major, so he did not have a legal background.

7 Q. Do you recall who appointed Mr Bule Mohamed as the president of this
8 court-martial?

9 A. It was Mr Jean-Pierre Bemba.

10 Q. Sir, do you recall if there was a person or organ responsible for putting the charges
11 in front of the court?

12 A. Yes, it was Madam Mika Ebenga.

13 Q. Was this person also a member of the MLC?

14 A. Yes, she was a member of the MLC.

15 Q. Do you recall who appointed her as prosecutor?

16 A. It was Mr Jean-Pierre Bemba who appointed her.

17 Q. Sir, do you recall what type of evidence was provided during the course of these
18 trials in relation to the crimes committed in the Central African Republic?

19 A. Evidence? Well, they were accused of having stolen mattresses mainly, as well as a
20 few other items.

21 Q. Sir, a short while ago you told us that light sentences were given for these five to
22 seven people who were accused. Do you recall the types of sentences? Can you specify
23 the duration?

24 A. It was from three to six months.

25 Q. Do you recall if any victims from the Central African Republic attended these trials,

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1 or were called before this trial?

2 A. Not a single victim was present during the hearings.

3 Q. Sir, do you know if these accused persons served the sentences that you mentioned;
4 three to six months?

5 A. They stayed in for a short while in jail. I believe after two or three months they
6 were released.

7 Q. Sir, do you know why these people were released after two or three months?

8 A. The objective of the trial was to demonstrate to the international community that the
9 military leadership of the MLC had no responsibility in the acts of violence supposedly
10 perpetrated by the MLC. A few journalists of the international media were present and,
11 immediately after they left, there was no longer any reason to maintain those soldiers in
12 detention and so they were simply released.

13 Q. Sir, I will come back to one or two questions in private session. Do you know if
14 Mr Bemba attended these trials?

15 A. No, he was not present during the trial, but at the end of each hearing the members
16 of the court went to his house to present a report.

17 MS BALA-GAYE: Madam President, I request that we move into private session briefly
18 so I can ask a few questions.

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

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

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

22 MS BALA-GAYE:

23 Q. Sir, we are in private session and so please feel free to give the names of other
24 individuals. Now, you mentioned that the objective of the trial was to demonstrate to
25 the international community that the military leadership of the MLC had no responsibility

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1 in the acts of violence in the CAR. Sir, can you tell us how you know this fact? How do
2 you know that this was the objective of the trial?

3 A. As I stated yesterday, there was a meeting that took place in Gbadolite in which all
4 the allegations against the MLC relating to the events in Bangui had to be discussed. A
5 few high-ranking officials proposed to the president of the MLC a solution that they
6 deemed to be realistic. They said that the defence of Mr Jean-Pierre Bemba was
7 untenable in the eyes of the international community because he had continued to deny
8 the facts, and so in order to exculpate himself he had to set up a commission of inquiry,
9 carry out a few arrests and invite the international media to a trial that would be
10 organised such that the world should be aware that some elements had been arrested,
11 tried and convicted and after that it was hoped that that would be the end of the matter.
12 It was from that perspective that the trial was organised, and after the departure of the
13 journalists of the international media there was no longer any reason to keep those
14 soldiers in detention because Mr Jean-Pierre Bemba always felt that the allegations against
15 him were not founded and that all the crimes alleged against the MLC soldiers were
16 simply a vilification and intoxication campaign, because by intervening in the Central
17 African Republic he had encroached on French interests and he believed that it was
18 France which was behind that operation to vilify the MLC and Mr Bemba personally. It
19 was because of that that the trial was organised, and this is why I told you a short while
20 ago that the trial was held simply for external consumption.

21 Q. Sir, you also mentioned that at the end of each hearing there were members of the
22 court that would report to Mr Bemba about what happened during the trial. How do
23 you know this, sir?

24 A. I know that because these were people that we knew. Whether it was the president
25 of the military tribunal himself, Mr Bule Mohamed, or the person acting as public

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1 prosecutor, Madam Mika, when these people returned they will say what they had done,
2 or even when they left the president's house they will say that they had come back from
3 the president's house after presenting a report on the hearing.

4 Q. Did any of them say this to you personally, or is this something that you heard from
5 other members of the MLC?

6 A. We did discuss with them. As I told you a short while ago, these were people that I
7 knew. They knew me very well, so whenever we met at the hearing they would say,
8 "Look, yesterday we went to the president's house to report on the developments in the
9 case," and specifically Mr Bule Mohamed, who was president of the court, I had known
10 him for a long time.

11 Q. Sir, you also mentioned that after about -- after serving a short part of their sentence
12 these people were released. I think you mentioned two to three months. Can you tell
13 us how you know that these people were released?

14 A. It was only too easy to know because Gbadolite is a small town, and they were
15 moving around after having been released. They were moving around freely, so we
16 could see this, and we knew that they had been released.

17 Q. Do you recall, do you know who ordered the release of these people? Was it
18 members of the court-martial or was it someone else?

19 A. Well, as I said to you, the martial court was not a permanent court. And after the
20 president of this court finished with his business, the reason why he came to Gbadolite is
21 then he returned home because he did have other functions and he -- it was in fact the
22 president of the MLC. He did not need any authorisation. He asked for them to be
23 released and they were released.

24 Q. Sir, before we return back to open session, I have a couple of questions in relation to
25 what you told us earlier. You mentioned that there were commanders who had satellite

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1 telephones. Can you provide the names of these commanders who had satellite
2 telephones, to your knowledge?

3 A. Well, as far as names are concerned, there was Commander Mustapha, Alongaboni,
4 Mondonga, Commander Alegbia, and there was also the Chief of General Staff Amuli,
5 who had a Thuraya, and there was also I believe Samba, and there was also Commander
6 Ndimba and Commander Widi. There we are. I do not believe that the list is exhaustive
7 but those are a few names, but I am at your disposal.

8 Q. Do you know which of these commanders that you've mentioned took part in the
9 operations in the Central African Republic in 2002?

10 A. The commander of operations in the CAR was called Mustapha.

11 Q. Sir, you also mentioned that there were intermediaries who would go to the Central
12 African Republic and receive money for the operation in 2002 on behalf of Mr Bemba.
13 Can you provide me with the name or names of these individuals?

14 A. Well, the main individual I'm aware of was Mr Bokolombe. And there was also
15 Mr Samuel Simene, who was based in Zongo, so that is the locality which is opposite
16 Bangui. He was controlling frontier operations between Bangui and Zongo and he
17 would often go to Bangui in order to establish contacts.

18 MS BALA-GAYE: Madam President, may we move back into open session? Thank
19 you.

20 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
21 (Open session at 10.36 a.m.)

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

23 MS BALA-GAYE:

24 Q. Sir, we're back in open session. Therefore, I would like to remind you to avoid
25 mentions names or information that could lead to your identification or the identification

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1 of others. Sir, you said that after serving a small part of their sentence these soldiers
2 were released. Can you tell us what happened to these soldiers after they were released,
3 if you know? Were they integrated back into the army, or not?

4 A. Yes, they were definitely reintegrated within the army. Commander Ngalimo, for
5 example, had received the rank of colonel. This was after the events that occurred in
6 Mambasa, so he received the rank of colonel, and the others were also reintegrated within
7 the army.

8 Q. Sir, do you recall when these soldiers were awarded ranks of colonel, as you've
9 mentioned, or reintegrated within the army? Do you recall when this took place?

10 A. Well, he was awarded this rank when ranks were granted to all of the ALC members,
11 the Congolese Liberation Army members. It was just before we left for Kinshasa, in
12 order to take part or participate in the transition institutions. Each military and political
13 component had granted or awarded ranks to its military members beforehand, because
14 during the Sun City meeting it was decided that when the army was reunited or -- one
15 had to recognise the various ranks that was granted to all the members of the political or
16 military wings. So recognition, if you like, came in the form of rank.

17 So within the political and military wings of the rebel movement, in view of the fact that
18 they did not have any rank, when reunification occurred they needed to be awarded a
19 rank. So upon unification, they received a rank and they received a command and
20 within this general's framework they obtained a rank. So it was within this general
21 framework of granting rank to military members or soldiers from the rebel movement.

22 Q. Sir, apart from the trial that you've mentioned in Gbadolite, in relation to the crimes
23 committed by MLC troops in the Central African Republic in 2002, do you know of any
24 other measures taken by Mr Bemba or the MLC for the crimes committed in the Central
25 African Republic?

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1 A. No other measures were taken, with the exception of this trial that I have just
2 alluded to.

3 Q. Sir, for how long have you known Mr Bemba?

4 A. I have known him since 1998.

5 Q. Sir, in the time that you've spent with the MLC, how would you describe Mr Bemba
6 as leader of the MLC?

7 A. As a leader of the MLC, I would say that he was a courageous individual, but, well,
8 he was characteristically a very authoritarian individual, and he was a tyrant.

9 That -- those were his defining characteristics. He was also quite insensitive towards
10 human suffering.

11 Q. Sir, do you know for how long Mr Bemba has been the leader of the MLC?

12 A. One can have two perceptions of the MLC: First and foremost as a political and
13 military movement, and also as a political party. Mr Jean-Pierre Bemba was the leader of
14 the MLC from September 1998, when it was created, until today.

15 THE INTERPRETER: "Until today, in fact," repeats the witness.

16 MS BALA-GAYE: Madam President, I only have a few questions remaining. I request
17 that we move into private session.

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

19 *(Private session at 10.45 a.m.) Reclassified as Open session

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

21 MS BALA-GAYE:

22 Q. Sir, we're back in private session. Please feel free to give information that could
23 lead to your identification, or that of others. Sir, can you tell us why you left the MLC?

24 A. During the war, we were of the opinion that the concentration of power in the hands
25 of one sole individual and the authoritarianism could be put down to the fact that we

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1 were at war. We had seen that slippages had occurred, and after the war we hoped that
2 the setting up of the transitional institutions and contact with other institutions, because
3 we were on our way to democracy at the time, we thought that there would have been
4 some positive development; that is to say towards further democracy, towards a greater
5 level of consideration within the MLC which in the meantime had become a political
6 entity. Unfortunately, as things progressed, we noted that there was yet more
7 authoritarianism and also a tendency to marginalise the founders of the MLC; (Redacted)
8 (Redacted) We noted that there was a Machiavellic tendency; that is to say that the first
9 companions at war had to be marginalised and eliminated probably in order to retain a
10 source of historic legitimacy.

11 It is true that Mr Jean-Pierre Bemba had used us over that period, but in reality, in view of
12 the fact that he was sure that he was going to win the presidential elections in the year
13 2006, he wanted to work with other individuals, other individuals that he had entered into
14 contact with before the war, people who had not taken part in those operations and who
15 could not therefore dispute any historical legitimacy that he might have. So he tried -- he
16 worked with these newcomers and he marginalised practically all the individuals that he
17 worked with at the outset.

18 So, noting what was happening, (Redacted)
19 (Redacted) We were seeking an explanation. We did not understand why we were being
20 increasingly marginalised and, well, he said that he was going to win the elections, that he
21 no longer needed us, that he wanted to work with other individuals, and that is when the
22 penny dropped and I then (Redacted)

23 As I was also in charge of a province under the MLC, I thought that if this all fell apart
24 there might be a haemorrhage (Redacted)
25 (Redacted) He expressed himself

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1 clearly. We understood what was going on. We understood his modus operandi. He
2 wanted -- once he realised that a certain number of senior officials knew too much, then
3 he would set you aside and he would continue with other individuals by his side (Redacted)
4 (Redacted)
5 (Redacted) Some people remained behind, but
6 practically all of them have left by now because each and every one of them realised with
7 time what his modus operandi was. That is what I can say in summary about my
8 departure.

9 Q. Sir, can you provide the names of the other individuals who left the MLC from the
10 (Redacted)

11 A. Everybody left. (Redacted)

12 (Redacted) nearly all of them left and there

13 are some who joined (Redacted) with whom we worked during the war also left.

14 Dominique Kanku, who also left. There are many of them. Nearly all of them left.

15 (Redacted) nearly all of them have left.

16 There is only one remaining I believe, Jean-Pierre Singo, who was not really a political
17 individual, but all of those who played a political role have left.

18 THE INTERPRETER: Message from the English booth: Could the witness please be
19 requested to pronounce the names clearly and possibly to spell them if they are complex?
20 Thank you.

21 MS BALA-GAYE: Thank you, sir. I will not be asking you for any more names, so I'll
22 just ask Madam President if we may return back to open session?

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

24 (Open session at 10.53 a.m.)

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

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1 MS BALA-GAYE:

2 Q. Sir, we are back in open session and I only have a couple more questions before I
3 conclude. I remind you not to mention any information that could lead to your identity,
4 or the identity of others. Sir, what is your motive for testifying before this Court today?

5 A. There was an event, an event that occurred that led me to testify. After the
6 elections in 2006, war broke out in the centre of Kinshasa between Jean-Pierre Bemba's
7 troops and the soldiers of the regular army. Many people died, and for the simple
8 reason that Mr Jean-Pierre Bemba had not accepted his defeat at the elections. After that,
9 I thought to myself that it was imperative -- well, you know, we have come up against
10 many a case in Africa where it is the small fry who end up standing trial and the superior
11 authorities, or the real power holders if you like, those who plan and think up these
12 crimes, they escape justice. So I thought to myself, "Well, if we want Africa to move
13 forward, then this justice needs to be applicable to all and sundry so that, when everyone
14 realised that nobody can escape justice, then the major leaders will have to think carefully
15 before committing certain acts."

16 Q. Sir, I have one last question. Now, based on your knowledge of the MLC and how
17 it operated in practice, was there any other person, apart from Mr Bemba, who could take
18 measures in relation to the MLC troops for the crimes that they committed in the Central
19 African Republic?

20 A. Well, it was very difficult for anybody else to take decisions. Well, I'm not saying
21 that -- of course out in the field I'm not saying that he was the one who actually ordered
22 them to go and loot and rape, no. If we think about it on another level, as to who could
23 decide whether an investigation was launched, whether there be any sanctions, whether
24 there be a decision to displace the troops, it was the commander-in-chief who had that
25 power to decide. The others merely followed orders from him, with regard to command

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1 of troops that is. So the violent acts committed out in the field were a problem of
2 discipline, but when taking a decision with regard to the troops, as I explained earlier, he
3 was the only individual who could take such a decision because this was an army that had
4 been designed in his image. He was the one who had created it. He was the true
5 person in charge.

6 MS BALA-GAYE: Sir, I would like to thank you very much for your patience and your
7 co-operation. I've come to the end of my questioning.

8 Madam President, I would like to provide the transcript to the reference in relation to
9 Libya providing arms from yesterday, the French version. It's page 42 of yesterday's
10 transcript and it's lines 23 to 28. And it might be helpful just to point out that the term
11 "Article 15" came from transcript 85, the English version, and it's lines 1 to 17, and the
12 French version of transcript 85, page 9, lines 13 to 28. Thank you very much.

13 PRESIDING JUDGE STEINER: Thank you very much, Ms Bala-Gaye. Mr Witness, it's
14 11 o'clock. It's time for a short break, half-an-hour break. We will suspend, then, and
15 after the break the legal representatives will put to you some questions, the questions that
16 were authorised by the Chamber. I ask, please, the court officer to turn into closed
17 session for the witness to be taken outside the courtroom. We will suspend and resume
18 at 11.30.

19 *(Closed session at 11.01 a.m.)Reclassified as Open session

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

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 11.01 a.m.)

24 *(Upon resuming in closed session at 11.38 a.m.)Reclassified as Open session

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

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1 PRESIDING JUDGE STEINER: Welcome back. I ask, please, court usher to bring the
2 witness in.

3 (The witness enters the courtroom)

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

5 (Open session at 11.40 a.m.)

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

7 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

8 THE WITNESS: (Interpretation) Thank you.

9 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to the legal
10 representatives of victims I would like a clarification, and I'm referring to the French
11 transcript page 14, lines 17 to 22. It was said in public session. You mentioned that in
12 the court-martial there were "Il y avait un cadre de MLC," "There was an MLC officer
13 who had previously been the national secretary in charge of justice who acted as lawyer".
14 And following that, you mentioned that there was a "défenseur judiciaire."
15 Could you please clarify what would be the difference between these two persons,
16 someone that held the office, "office de défenseur et le défenseur judiciaire"?

17 THE WITNESS: (Interpretation) Based on what I observed Mr Kedeshiba who acted as
18 lawyer was a jurist, so he was allowed to act as a lawyer. The other one was of a lower
19 level, and since no lawyer was available who was really qualified he was taken as a legal
20 defender or "défenseur judiciaire" who would accompany the other person and try to
21 defend the accused persons.

22 PRESIDING JUDGE STEINER: And now I will give the floor to the legal representatives
23 of victims. Maître Zarambaud, are you the first one? Maître Zarambaud, you have the
24 floor. I just wanted to remind you, or to call your attention, to the fact that some of the
25 quotations in your questioning are -- bring identifying features, so you -- I will have to ask

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1 to go into private session many times. Many of your quotations cannot be read in public
2 session. You have the floor.

3 MR ZARAMBAUD: (Interpretation) Thank you, your Honour, for allowing me to
4 address the Court.

5 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

6 Q. Good morning, Mr Witness.

7 A. Good morning, Mr Zarambaud.

8 Q. I'm sorry that I did not have the opportunity to meet with you before this hearing,
9 but this was due to circumstances beyond my control.

10 My name is Mr Zarambaud Assingambi and normally I am a lawyer at the Central
11 African Republic Bar, but here I am the legal representative of certain victims; that is
12 alongside my colleague, Maître Marie-Edith Douzima.

13 The Chamber has kindly granted me leave to put a few questions to you, and in my
14 application to the Chamber I had included several excerpts of your statements that you
15 gave to the investigators of the Office of the Prosecutor. I thought that a lot of time has
16 passed and that it would be necessary to help you jog your memory, but after listening to
17 you answer the Prosecutor's questions I realised that you have a very good memory and
18 therefore I will not quote many of those excerpts as earlier planned, especially since the
19 Presiding Judge has said that that would have necessitated a closed session.

20 My first question is simple. You have been to Bangui, as you have said, and you are
21 certainly aware that there the citizens of the Central African Republic usually refer to
22 Jean-Pierre Bemba's men as "Banyamulengue." According to you, is that appropriate?

23 A. That name comes from the fact that the chief of operations, Mr Mustapha, that is
24 Commander Mustapha at the time who is today a general, is a Munyamulengue.

25 Banyamulengues in fact are Tutsis from Kivu. They originate from a mountainous area

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1 known as "Mulengue," and since they hail from that mountainous area that is why they
2 are referred to as "Banyamulengue," that is the inhabitants of Mulengue, and since the
3 commander of the operations was one of them, in his inner circle there were other
4 Banyamulengues like him. So this is a name that was maintained, and in the Central
5 African Republic all the soldiers of the MLC came to be known as "Banyamulengues" and
6 that was simply because of the commander and his inner circle who were
7 Banyamulengues. That is how I can explain that name.

8 Q. Thank you very much, Mr Witness. I would like to mention references that are not
9 meant for you, but it is CAR-OTP-0034-0042 and that is the first page and the reference
10 page is 0475-0476 and 0477. These references relate to the issue of the decision to send
11 troops to the Central African Republic, and in those various references you stated that this
12 decision had been taken unilaterally by Mr Bemba. Also, in your answers to the
13 Prosecutor's questions, you were quite explicit on that. I simply would like to ask you
14 one follow-up question.

15 Given that this decision was taken unilaterally by Mr Bemba and former President Patassé,
16 was that decision taken in writing? Was there a written document?

17 A. Personally, I did not see any written document. As I explained yesterday, and in
18 my statement to the OTP, this was an issue that came under the discretionary powers of
19 the commander-in-chief of the MLC. Well, was there a written document sent to whom?
20 But I would say that, as far as I know, except the Chief of Staff at that time can contradict
21 me, I do not believe that there was a written document. I did not see any document and I
22 did not hear anyone mention the fact that there was a written document approving that
23 movement of troops to the Central African Republic. Obviously, he discussed with the
24 commanders, he took the decision and he made the necessary logistic and transportation
25 resources available in collaboration with the CAR authorities for those troops to be

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1 deployed.

2 Q. Thank you, Mr Witness. That answer is very clear. My third series of questions
3 refer to the first page 00442 and it is page 0477, which I mentioned some time ago
4 alongside other paragraphs. This refers to your statement in which you said that he was
5 the leader and that he issued orders to the soldiers even on the ground. You have
6 already answered questions on this issue, but I will ask you a follow-up question. At a
7 military level, what was Mr Jean-Pierre Bemba's rank in October 2002 when he deployed
8 troops to the Central African Republic and what is his current rank?

9 A. As I explained earlier, there were no ranks as such. There were simply positions.
10 So his position was commander-in-chief of the Congolese Liberation Army, which was the
11 armed wing of the MLC. So he was practically the supreme commander. And as I also
12 stated there was a General Chief of Staff under his authority, that was another position,
13 but since that person had belonged to the former army of Mobutu and he had the rank of
14 colonel, he was referred to as "colonel" because of his previous rank. It was only when
15 we were preparing to join the transitional institutions that ranks were awarded based on
16 the decision of the president of the MLC and the commander-in-chief of the Congolese
17 Liberation Army. Obviously, he granted himself the rank of lieutenant-general.
18 When we joined the institutions in the transitional constitution, it was stated that for the
19 authorities, because he had been appointed vice-president of the republic and so he had to
20 give up that military rank. That is how come he exercised those duties of vice-president
21 of the republic, alongside the other vice-presidents. There were four vice-presidents in
22 total, so he gave up that rank of lieutenant-general and kept only the rank of
23 vice-president of the republic during the transitional period.

24 Q. Thank you very much. My fourth series of questions refer to the same reference,
25 page 483, and it concerns your statement about logistical problems. You mentioned here

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1 that it was President Bemba who issued instructions regarding logistics. I would like to
2 know whether you can give details to the Chamber on Bemba's powers in the area of
3 logistics between October 2002 to March 2003 in the Central African Republic?

4 A. What I can talk about the logistics to send troops to Bangui, as I have said he took
5 the decision for those troops to be transported to where they were going either by river,
6 by road, or even by plane. As soon as he took that decision, in order for that decision to
7 be implemented and the troops to be transported, he was the one who issued instructions
8 as to how that was to be done. He sought information on how troops could be
9 transported from one location to another. If it was by motor boat, then there was need to
10 have fuel and he would have to approve that fuel to be provided. If it was by road, then
11 he had to give his approval for the vehicles to go and carry the troops. If it was by a
12 plane or aircraft, the Antonov or the helicopter could never fly unless he gave his personal
13 approval. He had to indicate that such-and-such an Antonov or other plane should fly
14 from one location to another, and the same applied to the helicopter. The helicopter
15 could not fly without his authorisation, because it needed fuel and he would be the one to
16 approve it.

17 Q. Thank you, Mr Witness. The interpreters have just reminded us that we should
18 comply with the five-second rule between question and answer.

19 A. Thank you very much.

20 Q. My next series of questions, that is after logistics, will be command on the ground.
21 There are many references. The first page 0442. This is also 0486-0494. I'm not going
22 to read out what you said in your statement except one little excerpt which is important:
23 You stated that, for example, "What was the morale of the troops in the military positions.
24 The commander reported on the situation and sometimes Mr Bemba would say, and I
25 quote, 'I asked you to take that location and you have not done so. You have not

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1 succeeded in taking that position.' And sometimes the commander would justify himself.
2 If Mr Bemba was not happy, he would order the commander to continue or to stop and
3 wait for a few days before going out again." End of quote.

4 Now, my question is as follows: Did all the commanders have means of communication
5 for him to be able to contact them directly?

6 A. There was a communication system which, first and foremost, went through radio
7 telecommunication systems that were set up everywhere, where the senior commanders
8 were to be found, in order to facilitate communication. Wherever the need arose for him
9 to speak with a commander, he would then call the operator who would then get in touch
10 with the commander who would then find the item of equipment and the commander
11 would report back to him subsequent to which he would give him instructions. And it
12 could also happen through the various satellite equipment that I talked to you about,
13 notably the satellite telephones by which one could glean information and give
14 instructions to the commander.

15 Q. I thank you, Mr Witness. Now, for clarification purposes, the system that you have
16 just described, was it used during the operations in the Central African Republic from
17 October 2002 to March 2003?

18 A. Well, at that moment in time the commanders who were to be found in the CAR had
19 satellite means of communication at their disposal, such as when they were at the front
20 they had certain equipment and when they were in Bangui, when the mobile telephone
21 network was installed in Gbadolite, then of course it was far easier to communicate via
22 mobile telephone. When the Bangui operation was under way, they were given satellite
23 equipment in order to enable such communication to take place.

24 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me, in relation to your
25 set of questions 6 and 7, if you are going to make reference to the excerpts of the transcript

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1 we should go into private session.

2 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. I believe that I
3 shall continue in the same vein; that is to say, I won't provide any quotations, I shall
4 merely mention the substance of the matter.

5 Q. Now the substance of the matter for this series of questions, Witness, is you talked
6 about Radio Liberté, which was the MLC's radio station. Now, I would like to know
7 where this radio was located precisely.

8 A. The transmitters, the MLC radio transmitters, were set up in the main locations, or
9 localité, that were under the MLC control. This was with a view to facilitating
10 communication and the dissemination of messages to the population. There was also a
11 transmitter in Gbadolite. There was a transmitter in Gemena, in Zongo, in Bondo
12 because (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) I would like to know whether this

16 radio was broadcast in Bangui and whether it was broadcast in a language that could be
17 understood?

18 A. Well, the transmitter that was set up in Zongo meant that, yes, it could be broadcast
19 in Bangui. The population at the frontier, well, you know, the frontiers were defined at
20 the Berlin conference by the western world and there were certain populations that had
21 been separated in ethnic terms by these artificial frontiers but they share the same
22 language. You have Mobayi-Mbongo, Mobayi-Banga, where they speak Sango, but you
23 also have population in Zongo that also speak Sango but of course there were
24 programmes that were broadcast in Sango.

25 THE INTERPRETER: Can the witness please be requested to slow down? Thank you.

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1 PRESIDING JUDGE STEINER: Maître Zarambaud, if I may, just for the sake of the
2 transcript, you can always make reference to the page you are referring to of the statement.
3 I would appreciate if you don't quote parts of the statement, but the reference to the page
4 has to be made for the easy -- to facilitate the checking of the information. So in this case
5 we are talking about CAR-OTP-0034-0465, paragraph 5, if I'm not mistaken.

6 MR ZARAMBAUD: (Interpretation) That is indeed correct, Madam President.

7 Q. Mr Witness, I would like to now talk about the various means of air transport. In
8 your statement in page CAR-OTP-0034-0463 and also 0467, paragraph 9 and 19, you
9 talked about a helicopter but you also made mention of an Antonov. Now, what I would
10 like to know is whether you can tell the Chamber the number of aircraft that were at the
11 disposal of the MLC and its president at that moment in time?

12 A. At that time there was an Antonov that had been involved in an accident and there
13 was also subsequently the delivery of a second Antonov that was operational. The first
14 Antonov was taken out of operation. Now, apart from this Antonov, there was another
15 one that had been captured in -- when the -- Basankusu when the MLC had taken that
16 location from the governmental troops. Now, with the exception of that or those
17 Antonovs, there was one helicopter and on occasion, when the president of the MLC
18 wanted to travel, he would hire small aircraft, King Air aircraft, to complete his journey
19 with. So when he didn't travel by helicopter he preferred to travel on these small King
20 Air aircraft that he would hire.

21 Q. Thank you, Mr Witness. I won't put my eighth series of questions to you which
22 were on the subject of the behaviour of soldiers out in the field because they were either
23 not nourished or not correctly nourished, that is, in view of the fact that you have
24 provided us with ample explanation on this subject yesterday and today, so I won't be
25 putting any questions to you on that subject.

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1 Now, my ninth series of questions is on the subject of the vehicles that you saw in
2 Gbadolite, vehicles that were from looting activities. CAR-OTP-0034-0523 is the
3 reference number. I have provided a list of what you stated in your statement, and
4 I would like to know whether, with the exception of the vehicles that you listed, whether
5 you saw any other vehicles either in Gbadolite or in Zongo?

6 A. The vehicles that I listed were the vehicles that I saw in Gbadolite. As for Zongo,
7 on the way to Bangui, I only spent one night there and in the morning I made the crossing.
8 Of course there was a lot of traffic between Bangui and Zongo, so I did not really
9 concentrate on the matter but it is a well-known fact that many -- much of the war or
10 much of the looting - bounty - was sent to Zongo from Bangui, according to the
11 information we received, that is. Now, with regard to what I saw, those are the vehicles
12 that I mentioned yesterday.

13 Q. Thank you, Mr Witness. Now, this is a question that you have already answered
14 but I shall put it to you in search of further clarification. CAR-OTP-0034-0499, paragraph
15 12 and also paragraph 13. This question refers to the forms of punishment that the MLC
16 soldiers might be submitted to, those who committed violent acts out in the field. Now
17 my question to you is: Why is it that those soldiers out in the field who committed
18 violent acts were not punished by their commander or by the supreme commander?

19 A. As there was difficulty in supplies, in receiving supplies, there was also a certain
20 laissez-faire in terms of discipline because the commanders were not able to properly
21 nourish their troops and, as a result, were not able to properly punish them. And, of
22 course, these commanders were also overwhelmed with the incidence of racketeering and
23 extortion out in the field.

24 At the outset, had we been able to contain these incidents of extortion and racketeering,
25 because of course there were certain political entities that were trying to educate the

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1 military, that were trying to instill in them the notion of respect for the population, they
2 said, "Well, in order to win a population, you have to have the population on your side.
3 It is the population, after all, who gives you the basic items of information in order to
4 identify the precise location where the enemy is to be found. If you are in conflict with
5 the population by virtue of reprehensible acts that have been committed, this very
6 population will not provide you with any information. To the contrary, they will
7 provide the information to the enemy."

8 Now, people were making sure that the rations arriving were distributed to the troops,
9 but there was very little discipline amongst them. And an effort was made for supplies
10 to be provided to the troops but, once the political body had been done away with, there
11 was no longer an external eye that could make sure that the rations received by the
12 commander were used in the right manner and properly supplied to the troops. That is
13 when the racketeering and extortion increased, and there was a slight laissez-faire in
14 terms of discipline of course.

15 At the outset, the politics of the situation meant that we were in a position to train our
16 officers to follow our train of thought, but after a while we decided to go the easy way and
17 recruit en masse. So the Zairean armed forces, well, for the most part these officers were
18 badly educated; that is to say, that they were inclined to racketeer, to -- which means that,
19 in view of the fact that the original train of thought had been abandoned, those officers
20 who had acquired bad habits had a subsequent bad influence upon the troops out in the
21 field.

22 Q. Thank you, Mr Witness. Now, with regard to Mr Bemba's knowledge of these
23 violent acts, I am here referring to page 0034-0491, you indicated -- also at page 0500,
24 paragraph 6, you indicated that by a number of means of communication Mr Bemba had
25 been informed of the violent acts that were being committed out in the field, but that he

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1 did not react in the way that you said he should have done. Do you continue to hold this
2 opinion?

3 A. There were constraints, whatever the case may be. As I said at an earlier stage,
4 there was this mistake of abandoning the original idea of training young officers ourselves
5 so that they could take command with another frame of mind. There was also a lack of
6 funding. There was also a lack of rations, or supplies, for the soldiers. So in order to
7 punish, they would have had to -- well, they would have had to make a financial effort in
8 order to improve the lot of the soldiers and this effort was not made. They were
9 conscious that they could not punish people who were up against problems of supply in
10 terms of rationing and household funds, petty cash. I believe that these were also
11 problems in themselves.

12 Q. Thank you, Mr Witness. I shall move on to one last question which has a bearing
13 on the court-martial conviction. To my mind, Mr Witness, with regard to this conviction
14 of the martial court, or court-martial, there is a document that is mentioned often and
15 certain reports have been written in this regard. Personally, I have not seen this report
16 and I hope that you have. This is the judgment itself. Have you acquainted yourself or
17 have you been able to peruse the judgment that was handed down by this court-martial?

18 A. I did not personally see this document and, as I explained, you need to place the
19 events in their specific context and I have explained this extensively. I explained why the
20 court-martial was set up. It was with a certain purpose in mind, that is of clearing of all
21 the charges the commanders, or supreme commanders, during these events, and once
22 these trials had been held in front of a number of journalists from the international press
23 nothing else was important. What was of importance at the time was that the whole
24 story should be forgotten about, that the negotiations should be completed, that the
25 sharing of responsibility amongst the various transition institutions be completed, that

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1 was the most important thing, and then people went to Kinshasa, they took up their
2 various positions and I am sure that the events in the CAR seemed to be a long way away.
3 Had this document existed at the time I do not believe that there was an archiving service
4 to preserve it, and everyone was of the opinion that the events were in the past and that
5 there should not be any further developments subsequently. So that was the frame of
6 mind surrounding the trial, and after the events it was inconceivable to know what the
7 future held at the time.

8 MR ZARAMBAUD: (Interpretation) I would like to thank you, Mr Witness, for having
9 answered all of my questions. I have finished and I would like to thank the Chamber for
10 having allowed me to address the Court.

11 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Before I give the floor
12 to Ms Douzima, Judge Aluoch appears to have a clarification to ask.

13 JUDGE ALUOCH: Thank you.

14 Mr Witness, I have a clarification to seek from the real-time transcript. It's page 43,
15 where you start to answer questions about troops, and I think line 4 this is what I'm
16 interested in and I will read it, "At the outset the politics of the situation meant that we
17 were in a position to train our officers to follow our train of thought, but after a while we
18 decided to go the easy way and recruit en masse."

19 Now, when you say "... we decided to go the easy way and recruit en masse," did this
20 affect the -- did this in any way affect the troops that were sent out in the CAR? Would
21 you say they were trained -- they were recruited en masse? And by "en masse" I
22 understand you probably mean there was no time to train them. Can you just explain
23 this area of your evidence, please?

24 THE WITNESS: (Interpretation) I believe that there is a problem in terms of
25 interpretation. I did not say that we had chosen the easy way by recruiting en masse. I

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1 said that we had chosen an easy way by recruiting officers who did not have the right
2 levels of morality to train the troops in order to avoid acts of violence and racketeering.
3 And why did I say that? Because as we were progressing I believe that this was
4 President Museveni's idea who said that we should take our time to train our troops
5 ourselves, but also to train our officers and the officers could be trained in Uganda.
6 At the outset this did indeed start this process, but after a while we stopped training
7 officers. We integrated ex-FAZ officers from Maréchal Mobutu's army. These were the
8 Zairean forces, that's how we called them, and when they took command we sensed that
9 there was a lack of discipline and there was an increase in the number of incidents of
10 racketeering and extortion.
11 So in view of the fact that this situation continued, when the troops were sent to Bangui
12 this practice spread because, as they were so far away from large towns and cities, it was
13 something that could be controlled. It did not reach the extent that the activities had
14 reached when the troops were in a town or city like Bangui. Maybe before deploying
15 them there should have been some explanation in terms of standards of morality to be
16 upheld, and one needed to institute discipline measures. So without going via a capital,
17 without training, of course there were devastating effects.
18 JUDGE ALUOCH: Thank you.
19 PRESIDING JUDGE STEINER: Thank you. I enjoyed this opportunity of the
20 clarifications sought by Judge Aluoch. It appears at that in -- at page 43, line 7, what the
21 witness said ex-FAZ was translated to "en masse" and at the same time, on page 46, the
22 answer given, the clarification given by the witness on line 12, I heard the witness say "by
23 way -- "by recruiting ex-FAZ officers" and that reference, it's not in the English transcript,
24 so just for the sake of future correction of the transcript this -- two times this reference to
25 ex-FAZ officers.

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1 Maître Douzima, you have the floor. I just would like to call your attention that your
2 quotations and questions on set of questions number 3, if you keep like that should be
3 asked in private session. You have the floor, Maître.

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

5 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

6 Q. Good afternoon, Mr Witness.

7 A. Good afternoon.

8 Q. Mr Witness, I am Maître Marie-Edith Douzima Lawson and I am a lawyer at the
9 Central African Republic Bar. I represent a certain number of victims in these
10 proceedings in which you have been called to testify. It is for this reason that those of us
11 legal representatives of victims applied to put some questions to you because we
12 represent the concerns of the victims in this trial. I will ask you questions based on your
13 statements given to the Office of the Prosecutor. I will also seek clarification from you
14 regarding the answers that you gave to the Prosecutor yesterday and today.
15 Mr Witness, since you are subject to protection measures I will ask you some of my
16 questions in private session. It is possible that I may ask you a question and, as you did
17 with the Prosecutor, you may feel that it is more appropriate to give an answer in private
18 session. In that case, you will ask leave from the Presiding Judge. Have you
19 understood me?

20 A. Yes.

21 Q. Mr Witness, my first question is based on one of your statements to the OTP, and it
22 is CAR-OTP-0034-0442, page 0484. Mr Witness, you stated that all the important
23 decisions were taken by Bemba, but not the minor decisions. You gave an example of an
24 important decision. Now, can you give us an example of a small or not so important
25 decision?

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1 A. Talking about the less important decisions, I can give you the example of the
2 appointment of an assistant resident territorial administrator. This is a minor decision
3 that he could not take. That is an example. There are other decisions that were taken in
4 certain services, such as medical services. For example, decisions relating to nurses.
5 These were small decisions. There were several types of less important decisions that
6 did not have any effect on the MLC policy, that did not have any impact on the leadership
7 of the armed wing of the MLC. This was where the major decisions were taken, but
8 there were also certain purely administrative decisions involving the life of a
9 political/military movement such as the MLC, and those were decisions that I would
10 consider as minor.

11 Q. Thank you, Mr Witness. You have jumped the gun. I was going to ask you the
12 question about the difference between an important decision and a minor decision, and
13 you have already answered the question. Now I'll move to CAR-OTP-0034-0442, page
14 0485. Mr Witness, you talked about the recruitment of the MLC troops in 2001 and 2002.
15 I would like to know how those recruitments were conducted.

16 A. Recruitments were carried out on a voluntary basis. If you allow me, I would like
17 to speak a little bit about the political context. The MLC was mainly active in the
18 Équateur province. It so happens that Maréchal Mobutu hailed from the Équateur
19 province. After he was overthrown by President Laurent-Désiré Kabila, leader of the
20 AFDL, and as you know, in Africa, quite often the place of origin of the defeated leaders
21 are stigmatised by the new government. So the AFDL movement started stigmatising
22 and creating martyrs out of the inhabitants of the Équateur, accusing them of having
23 committed crimes with the former leaders. So this created some frustration amongst the
24 inhabitants of the Équateur province. And when the MLC was created, Mr Jean-Pierre
25 Bemba was the leader. He also came from the Équateur province. So for the

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1 inhabitants of that area it was a sort of deliverance, so this created a lot of enthusiasm and
2 many parents, many young people came to be recruited. Furthermore, the people of
3 Équateur province have the reputation of being warriors, so it was easy to carry out
4 recruitments. Many young people offered themselves up for recruitment.
5 Also, there was this feeling of participating in a great event and travelling right to
6 Kinshasa in triumph, and this sort of encouraged people. So within this particular
7 context, many young people volunteered themselves to be recruited into the MLC. So
8 the bulk of the troops of the MLC was made up of people who came from the Équateur
9 province.

10 Q. Thank you for that lengthy explanation. I'm speaking specifically about the
11 recruitment of troops. Yesterday you testified, and the reference is page 47, lines 18 to 19,
12 that is the edited transcript, you stated that after the recruitment of the troops they were
13 trained by Ugandan instructors. My question to you is to know how long the training
14 lasted?

15 A. Generally speaking, the training took three months.

16 Q. I will follow up on that answer. Do you think that three months is enough?

17 A. Whether it is enough or not, I really do not know. It depends on what you are
18 referring to. Teaching someone to shoot? Well, there is basic training of a soldier,
19 particularly within the context of an unconventional war, involving a political and
20 military movement. The soldier can be taught how to shoot, he can be taught to carry
21 out exercises and how to carry himself on the battle-field, so the soldier has to be trained.
22 You can be given training for eight months or ten months, but if the soldier has never
23 heard a tank fire or if he had never heard a shell explode, or a shell from a cartouche, if he
24 hears this for the first time he can flee. But if he is on the field, if he is on the battle-field
25 and becomes experienced, then he becomes well-trained, so it is relative.

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1 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, as you suggested a short
2 while ago, I am going to move on to my third series of questions and I propose that we go
3 into private session.

4 PRESIDING JUDGE STEINER: Maître Douzima, if it makes no difference for you,
5 I would suggest that you go to question 4 and 5 and then at the end of your questioning
6 we can put in private questions -- in private session all questions that need to be
7 addressed in private session, but it's of course just a suggestion.

8 MS DOUZIMA-LAWSON: (Interpretation) I agree with your suggestion, your Honour.

9 Q. I will continue with training. The reference is CAR-OTP-0034-0442, page 0499.

10 Mr Witness, when you say that it was the political commissioners who had to teach the
11 soldiers the code of conduct, which meant that this code was not implemented by the
12 soldiers, do you mean by that that the code of conduct was never part of the training of
13 the troops?

14 A. The political instructors did not have as their only duty to disseminate or popularise
15 the code of conduct. They had several duties, including explaining to the troops the
16 objectives of the armed struggle, explaining to the troops how they had to treat the
17 population within that context of unconventional warfare or guerrilla warfare, which
18 required that there should be a sort of symbiosis between the troops and the population.
19 The political instructors actually also had to ensure that the funds and the rations
20 available should be distributed equitably to the rank and file soldiers so that they should
21 be able to feed themselves as necessary. That would have been necessary to reinforce
22 discipline, because you can control troops better if they are well fed, but as soon as the
23 body of a political instructors or educators was eliminated there was an impact on
24 conduct and the rational use of resources allocated to the commanders in the field.

25 PRESIDING JUDGE STEINER: For the sake of clarification, it is the second time the

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1 witness mentioned the suppression or elimination of this body of instructors or educators.

2 When did this take place, if you know?

3 THE WITNESS: (Interpretation) (Redacted)

4 (Redacted)

5 (Redacted)

6 that group of political educators no longer existed and so I am not in a position to tell you

7 at what particular time that group of educators was eliminated.

8 PRESIDING JUDGE STEINER: Thank you.

9 Maître Douzima.

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

11 Q. Mr Witness, I would like to refer you back to your testimony of yesterday. It is
12 page 58, lines 1 to 4, of the edited version of the transcript. Mr Witness, you stated that
13 they moved towards the east, Mambasa and Beni. You said that it was during this
14 expedition that certain expressions emerged such as "Effacer le tableau", and "Effacer le
15 tableau" meant according to you that people had to loot and destroy everything that they
16 came across. Do you know whether this operation, "Effacer le tableau," spread to the
17 Central African Republic?

18 A. I do not know, because this expression was used specifically in the east. I did not
19 hear about that expression in the Central African Republic, but the mode of operation
20 seemed to be practically the same, including racketeering and looting. The expression in
21 the east was "Effacer le tableau", or "Wipe the board," but in Bangui I do not know
22 whether there was another expression used, but what actually happened on the ground
23 demonstrated that there was an absence of moral education of the troops and this had an
24 impact on their behaviour in Mambasa and in Bangui.

25 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Mr Witness. You answered

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1 some of the questions that I intended to put to you in private session. I do not know
2 whether we can go into private session right now for me to ask the remaining questions?

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

4 *(Private session at 12.52 p.m.)Reclassified as Open session

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

6 MS DOUZIMA-LAWSON: (Interpretation)

7 Q. Mr Witness, I take your word for what it's worth and I would like to refer you to
8 your testimony of yesterday, page 67, lines 18 to 28. You stated that, like everyone else,
9 you learned through the media about the reprehensible behaviour of MLC soldiers in the
10 CAR. There were cases of looting, rape and so on and so forth. You continued by
11 stating that, when you went to the CAR (Redacted)
12 (Redacted) you heard citizens of the Central African Republic
13 deploring the behaviour of the MLC troops. You stated that you did not actually witness
14 what happened, but according to you did -- what you heard, does it seem to you to be
15 plausible and probable?

16 A. We are referring now to a value judgment. I did, indeed, hear citizens of the
17 Central African Republic deploring that attitude, but generally speaking, as I explained to
18 you a short while ago, there was a problem of lax discipline of the troops, specifically with
19 regard to their behaviour, and there were also a shortage -- there was also a shortage of
20 resources that would have enabled the troops to receive appropriate rations. So it is not
21 incorrect to state that there were excesses, acts of violence in the Central African Republic,
22 because this happened in Mambasa too and so I can say that those acts of violence were
23 perpetrated. Even within the MLC it was acknowledged that there had been problems in
24 Bangui. There was disagreement about the scope of those problems. Some people
25 claimed that the problems were not widespread, they were limited, that there are people

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1 whose interests were undermined by that incursion and that they exaggerated the
2 responsibility of the MLC, but other people accept that these were widespread acts of
3 violence that can be considered as crimes against humanity. So there is a disagreement
4 about scope here, but there were acts of violence that were perpetrated.

5 Q. Mr Witness, your answer prompts me to ask you another question which I could
6 have put to you in open session, but this is the question. On page 12, lines 1 to 9, in this
7 morning's hearing, you talked about a trial of MLC soldiers who had committed crimes in
8 the CAR. Was there any investigation that took place prior to that trial?

9 A. I do not believe that there was a prior investigation. I do not think so, because
10 there was the need to proceed expeditiously because the objective was to show to the
11 international community that the MLC was doing something to punish those who
12 perpetrated acts of violence. In fact, at one point it was proposed that the president of
13 the MLC should write to the Secretary-General of the UN requesting him to carry out
14 investigations and arrest those responsible for those acts of violence, and I believe the
15 MLC president actually wrote that letter. So there were no in-depth investigations,
16 because if that had been the case you would also have had witnesses and victims because
17 investigations require time, but this process was very expeditious. There was no witness,
18 there were no victims, there were no lawyers, as I have explained to you.

19 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I have two questions left, but
20 I am looking at the time.

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

22 (Open session at 12.59 p.m.)

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

24 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

25 Mr Witness, we will suspend now for our lunch-break. It's 1 o'clock. We'll be back at

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1 2.30. Maître Douzima, the legal representative of victims, still has some questions to put
2 to you, and soon after the questioning by the legal representatives the Defence will start
3 its questioning.

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

6 *(Closed session at 1.01 p.m.)Reclassified as Open session

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

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 1.01 p.m.)

11 *(Upon resuming in closed session at 2.36 p.m.)Reclassified as Open session

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

13 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

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

15 (The witness enters the courtroom)

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

17 (Open session at 2.38 p.m.)

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

19 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.

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

21 PRESIDING JUDGE STEINER: I hope you had the opportunity to take some rest
22 during the lunch-break and that you are ready to continue giving your testimony?

23 THE WITNESS: (Interpretation) Yes, I'm ready.

24 PRESIDING JUDGE STEINER: Thank you very much.

25 I give back the floor to Maître Douzima. You have the floor, Maître.

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1 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. I

2 would like to request that we go into private session, because my last two questions

3 could be identifying for the witness.

4 PRESIDING JUDGE STEINER: Could, please, court officer turn into private session.

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

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

7 MS DOUZIMA-LAWSON: (Interpretation)

8 Q. Mr Witness, during the hearing of yesterday, and that is edited transcript page

9 53, lines 8 to 12, while speaking about the operation in the Central African Republic

10 you stated as follows: "Bemba told us with a lot of satisfaction that everything was

11 going very well, that the troops were making progress and that General Bozizé's

12 soldiers had been forced back and so on and so forth." Do you know whether in the

13 course of that operation Jean-Pierre Bemba travelled to the Central African Republic?

14 A. What I can say is that personally I did not witness any trip he might have made

15 to the Central African Republic during that period. This is because, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Can you please give us the name of that head of internal security?

23 A. Alain Munanga.

24 Q. Thank you. Mr Witness, I will now refer to one of your statements to the OTP,

25 that is to conclude, and I will ask you a question that had been put to you in another

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1 way by the Prosecutor. This is what you stated: "When we realised the true nature
2 of Jean-Pierre Bemba, we left the MLC." The question is, or rather was what do you
3 understand by the true nature of Jean-Pierre Bemba, but while listening to the lengthy
4 explanation that you gave this morning to the Prosecutor - and this is real-time
5 transcript page 24 to page 27 - when you talked about the totalitarianism of Mr Bemba
6 and the fact that he was insensitive to human suffering and so on and so forth, would
7 be -- would it be correct for me to consider that those explanations you gave can
8 constitute an answer to my question, or do you have anything to add?

9 A. I believe that in that statement I summarised my assessment. I always felt that
10 he was someone, as I have said before, who is courageous and intelligent, but who
11 unfortunately never succeeded in transforming himself in such a way that in addition
12 to his intrinsic qualities he would have been able to add the human element.
13 So it is that absence, that lack of humanity, that is his greatest drawback. The day
14 that he will become much more humane I believe he would be a great leader for the
15 country, but as long as he does not integrate that human dimension that I believe his
16 action may turn out to be catastrophic for the country.

17 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Mr Witness, for having
18 kindly answered my questions.

19 Your Honour, I have no further questions.

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

21 Court officer, please turn into open session.

22 (Open session at 2.46 p.m.)

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

24 PRESIDING JUDGE STEINER: Thank you.

25 Mr Witness, legal representatives have concluded their questioning and now I'll give

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1 the floor to the Defence team and I suppose Mr Haynes is going to lead your
2 questioning.

3 Mr Haynes, you have the floor.

4 MR HAYNES: Your Honour, thank you very much as always.

5 QUESTIONED BY MR HAYNES:

6 Q. And good afternoon, sir.

7 A. Good afternoon.

8 Q. Sir, my name's Peter Haynes and I'm one of the counsel who represents
9 Jean-Pierre Bemba. Do you understand that?

10 A. Yes, I do.

11 Q. You and I are going to be talking to one another for a day or so, I guess, so
12 please try and remember everything you've been told so far. Wait until my answer
13 has been fully translated to you before you begin a response. Do you understand
14 that?

15 A. Yes, I understand very well.

16 Q. And do not hesitate to tell us if at any time you feel tired, or uncomfortable.
17 Do you understand that?

18 A. You want me to answer? Yes, I do not have any problem with that.

19 Q. And when we are in open session, as we are now, please be careful not to give
20 answers which might reveal your identity. Do you understand that?

21 A. Yes.

22 Q. I will always try and make sure that my questions don't seek such answers
23 when we are in open session and I will remind you when we are in open session. Is
24 that clear?

25 A. Yes.

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1 Q. Good. Sir, would you describe yourself as an idealist, or a man of principle?

2 A. A man of principle? An idealist? I believe that every human being must have
3 principles and also adhere to a certain ideal. I believe that is obvious. I do not
4 imagine that one can live without ideals or principles if you're a human being.

5 Q. Thank you very much. What ideals, or principles, was it about the MLC that
6 appealed to you in (Redacted)?

7 A. In (Redacted), as I have already explained, what attracted me was -- well, in fact let
8 me begin by placing things in context. We had been living through a difficult
9 situation. In 1990, Maréchal Mobutu decided to launch the democratisation process
10 following pressure that had been exerted on him and this was as a result of the end of
11 the Cold War and the fall of the Berlin wall, so he no longer had that support that he
12 had given that he was the incarnation of the fight against communism in Africa. At
13 one point he did not want to let go and there was a deadlock in the political situation.
14 Then subsequently he was driven from power by the AFDL under the leadership of
15 Laurent-Désiré Kabila. He took over power in Kinshasa. He had the support of the
16 Ugandans and the Rwandans. The Rwandans were very active, he fell out with the
17 Rwandans and then sent them away, but the Rwandans returned in another form;
18 that is under the guise of the RCD, the Congolese democratic movement. They came
19 and they captured the town of Kisangani (Redacted). I was there at the time
20 (Redacted) and I saw Rwandans who had
21 started issuing orders and I immediately understood that there was a risk of
22 Balkanisation and this worried us greatly.
23 When Jean-Pierre Bemba arrived in Kisangani, he told us clearly that he was against
24 the machinations of the RCD and Rwanda. He was a patriot he told us and he
25 wanted Congo to remain one and indivisible and that was the aspiration of all our

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1 compatriots. He told us that he wanted to create a movement which would be
2 considered as the third way. There was of course a struggle against the dictatorship
3 in Kinshasa. We wanted democracy to come out triumphant and we were also
4 fighting against any attempt at Balkanisation and the activities of Rwanda through
5 the RCD.

6 So he told us that our struggle is not to take power for the sake of power, but if we
7 can reach an understanding through negotiations, to put in place a system that would
8 make it possible for the sovereign people of the country through elections to elect
9 their leaders, that would be good because he was ready to respect the results of the
10 ballot box and even if he did not win it was not a problem for him because he wanted
11 the country to become democratic.

12 So we thought this was a fantastic idea. We needed a movement that was fighting
13 for democracy and at the same time fighting against all the forces that could create a
14 disintegration of our country. That is what I can say.

15 Q. Thank you. And those were ideas with which you identified personally for
16 eight years; is that correct?

17 A. These were indeed ideas with which I identified, but I have to point out that
18 there were two separate periods. There was the period of war during which initially
19 we were making good progress, we had created a group of political educators, we
20 had started training officers (Redacted)
21 (Redacted)

22 After that we went to Kinshasa and the struggle was to ensure that we should
23 manage our organisation well in such a way as to win the elections. However,
24 progressively we realised that there were problems that were emerging. We had for
25 a long time hoped that we were going to overcome those hurdles, but they were

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1 simply becoming more difficult.

2 Q. Sir, what view did you have of the dictatorship of President Laurent Kabila?

3 A. At that time, when Laurent-Désiré Kabila started his movement against the
4 dictatorship of Maréchal Mobutu, I believe that the entire population of Congo
5 supported his movement and the alleys, specifically the Rwandans, were considered
6 as people who had come in to help us get rid of the dictatorship and everyone
7 thought that he was going to institute democracy.

8 It so happens unfortunately that upon his arrival in Kinshasa the first measure that he
9 took was to suspend the activities of all political parties and to impose the AFDL as
10 the only political entity. He said that this would last for a period of two years. His
11 justification for that was that he had not identified any credible parties that would
12 function in a way to promote the institution of democracy. He stated that the parties
13 had to seize the opportunity provided by those two years to better organise
14 themselves. One wonders whether he was correct, but the explanation that he gave
15 was not clear and in our opinion this was a movement backward. This was not
16 satisfactory to us and we had to fight to be able to achieve democracy.

17 Q. Did you support armed struggle against President Kabila?

18 A. My view at the time was that the armed struggle was one of the means, as I
19 already explained, by which the regime in Kinshasa was going to be changed. I
20 believed at the time that all the Congolese forces had to converge around the
21 negotiating table in order to introduce a new political order, a new democratic
22 political order. Because of the prevailing situation in Kisangani, I felt that the armed
23 struggle at that time was an option in the struggle against the regime in Kinshasa and
24 against the centrifugal forces that were working for the Balkanisation of our country.

25 Q. What was your reaction when following the death of Laurent Kabila his son

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1 appointed himself as president?

2 A. First of all, I never supported political assassination. You see, the history of
3 our country was plunged into matters of political assassination quite early and that is
4 how the political crisis of our country started and have been going on to this very day,
5 so I do not support political murders or assassination.

6 Now, when his son became president of the republic, he was not self-proclaimed, may
7 I say? It was in fact his father's inner circle which was unable to agree because they
8 were all working against each other. It was that inner circle which ultimately
9 decided to fall back on his son in order to allay all apprehensions. Now, when this
10 happened, we felt that this was not a proper way of getting to power. However, our
11 desire was that once the son came to power he would take a number of decisions, but
12 allow me first of all to state that (Redacted)

13 (Redacted) and our struggle was to promote the

14 Inter-Congolese dialogue. Ketumile Masire, the former president of Botswana, had
15 been designated as the facilitator for those talks, but he was dismissed because his
16 services were not satisfactory, but we felt that such a unilateral decision was not
17 proper and that it was only proper for that facilitator to continue to facilitate the
18 Inter-Congolese dialogue. So there was a difference of opinion between President
19 Kabila and the two rebel movements, the RCD and the MLC, so it is in that context
20 that the Inter-Congolese dialogue came to a deadlock. When Joseph Désiré Kabila
21 came to power, when Joseph Kabila came to power rather, our request was for the
22 Inter-Congolese dialogue to resume so that we could again resume deliberations,
23 organise the transition and then conduct elections so that a president would be
24 elected or would be recognised by all and sundry, so we would start by a transitional
25 period and then move on to elections. That was what we expected of him.

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1 Regardless of who was in power at the time, what really mattered was that those
2 commitments should be upheld, the commitments that were included in the Lusaka
3 agreements whereby the facilitator would be allowed to actually facilitate the
4 Inter-Congolese dialogue.

5 Q. Sir, I am not trying to --

6 PRESIDING JUDGE STEINER: Mr Haynes, I am sorry. I have to interrupt you for
7 just one moment and ask the court officer to go, please, into private session.

8 *(Private session at 3.06 p.m.)Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Mr Witness, I know that sometimes it's not easy to
11 measure all our words during a questioning, but you have been referring more than
12 (Redacted)

13 (Redacted) This is the kind of information that could lead to your identification.

14 We are ordering redactions on the transcripts, but we have a limited number of
15 redactions possible in a short period of time, so I would ask you please to pay a lot of
16 attention not to give this kind of information in public session.

17 Is that fine with you?

18 THE WITNESS: (Interpretation) All my apologies to the Presiding Judge. You
19 see, as I was providing those explanations, I was not able to distinguish between the
20 limitations that should obtain when speaking in closed session, or in private session
21 or in open session, so I wasn't being mindful of the green light before me which
22 should indicate that we are in open session and the red which would indicate the
23 contrary. So I am sorry. I will be more careful.

24 PRESIDING JUDGE STEINER: Beginning of your questioning yesterday that
25 sometimes I would have to interrupt you just to remind you of some details.

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1 Whenever you say "We did something," "We went to a place," there's no problem, but
2 if you say "I was" then we may have a problem. Thank you very much, sir.

3 Thank you, Mr Haynes. I am sorry for the interruption.

4 MR HAYNES: No, I was about to say the same thing myself.

5 PRESIDING JUDGE STEINER: I ask, please, the court officer to turn again into open
6 session.

7 (Open session at 3.08 p.m.)

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

9 MR HAYNES:

10 Q. Sir, I'm going to ask you two more questions in open session and then we're
11 going to go into private session, so for these two questions unless it is impossible
12 please try not to give an answer which describes any function you have had or job
13 you have done. Do you understand?

14 A. Yes, that's correct.

15 Q. In simple terms, in 2001 were you a supporter or an opponent of the regime of
16 President Joseph Kabila?

17 A. In 2001 first of all I was an opponent, but because we entered into negotiations
18 gradually -- well, let me say that initially all the protagonists to the negotiations were
19 cautious of each other, but as we moved gradually towards cessation of hostilities,
20 which was achieved, and then moved on towards political negotiations, we needed to
21 build confidence and trust. So we moved from the phase of enemies to one of
22 partners and you know that the purpose of negotiations is to find a solution. That is
23 why enmity at some point must give way to partnership, but we were political
24 opponents, political adversaries, who were attempting to become partners in a
25 negotiation that would hopefully lead to a solution.

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1 Q. To this day, do the AFDL and the MLC remain political opponents?

2 A. No, they are not political opponents for the simple reason that the AFDL no
3 longer exists.

4 Q. Well, that's my mistake. Do the MLC remain the political opponents of the
5 party of Joseph Kabila?

6 A. The MLC indeed has remained a political opponent, because up until the global
7 inclusive agreement was signed, up until that time there were three main components
8 involved; namely, the government with Joseph Kabila, MLC and then the RCD.
9 Apart from those three belligerent components, there were other entities of less
10 importance, these rebel movements which were known as entities, namely, the
11 RCD-K/ML, which I talked about yesterday; then there was the RCD National and
12 there was a third entity known as the Mai-Mai. Then there were two other unarmed
13 components, namely, the political opposition and the civil society, so there were five
14 components so to speak and three entities that came together to form this transitional
15 national unity government and they worked together over a three-year period to
16 organise elections.

17 During those three years of cohabitation, they were partners up to the time of the
18 elections when each component or party had to be pitted against the other. It is only
19 after the elections that the results indicated that they had -- that a majority had
20 emerged and an opposition as well, and I'm referring to the classical definitions of
21 those terms as would apply in a democratic setting.

22 Q. And were the main opposing parties in the presidential elections in 2006 the
23 MLC, and the PPRD, the party of Joseph Kabila?

24 A. Yes. During the 2006 election campaigns, yes, there was the PPRD and there
25 were other parties, but after the first round of presidential and parliamentary

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1 elections, three main parties emerged, namely the PPRD of President Joseph Kabila,
2 the MLC and then the PALU of Antoine Gizenga.

3 Q. Did you think Mr Bemba would win the presidential election of 2006?

4 A. The political field was open and he had the opportunity to win the elections,
5 just like Joseph Kabila could have won. Now, after the first round of elections, he
6 and Joseph Kabila came out on top and were then to go for the second round, so he
7 had every opportunity to win the elections and he even said that he was sure - he was
8 certain - that he would win the elections.

9 Q. That's why I asked you the question and I'll ask it again. Did you think he
10 would win the elections?

11 A. Personally, I believed that he had the possibility of winning the elections. He
12 was very popular in some parts of the country. However, there was a problem
13 which we were able to identify. The setting up of the party across the entire country
14 was something that he did not apply enough resources to. He did not believe that
15 politics required that the necessary resources be deployed to set up the party across a
16 vast country such as the Democratic Republic of Congo. 2,000,345 kilometres of road,
17 I think of square kilometres rather, would require the deployment of significant
18 resources.

19 Well, I know something about what I am telling you, but I think that we are in open
20 session here and if I were to continue speaking I might provide information that
21 would lead to my identification.

22 So, as I was saying a short while ago, the MLC was a big, a major party, but it needed
23 to lay out significant resources to ensure that it was set up across the country.

24 However, there was also another problem relating to the management of human
25 resources within the party, particularly the senior officials, so those were the

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1 shortcomings of the party and in any event I could say that there was a possibility for
2 him to win and he had the resources which could have made that possible.

3 MR HAYNES: Then I think now, with Her Honour's leave, we will go into private
4 session.

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

6 *(Private session at 3.19 p.m.)Reclassified as Open session

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

8 MR HAYNES:

9 Q. The concerns that you had about the structure and management of the party,
10 did you have them at the time (Redacted)
11 (Redacted)?

12 A. Please kindly repeat your question.

13 Q. Do you remember you told us just before lunch about how you had been (Redacted)
14 (Redacted)?

15 A. Yes, but that was not before (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) When he decided to

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Who were the other people present when you went (Redacted)?

8 A. There were (Redacted) of us who went to (Redacted) and

9 (Redacted) Well, we were supposed to be (Redacted) in number, but let me see:

10 (Redacted) There was (Redacted)

11 who was supposed to join us at the meeting because, you see, initially (Redacted)

12 (Redacted) was

13 absent. Following that meeting, we asked for an audience to be received by (Redacted)

14 (Redacted). We wanted to put a number of questions to him, questions which we

15 considered to be important.

16 Q. Who was the (Redacted) person who couldn't make the meeting?

17 A. (Redacted)

18 Q. Thank you. (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 Q. (Redacted)

24 A. (Redacted)

25 (Redacted)

26

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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 Q. (Redacted)
- 16 A. (Redacted)
- 17 Q. (Redacted)
- 18 (Redacted)
- 19 A. (Redacted)
- 20 (Redacted)
- 21 Q. (Redacted)
- 22 (Redacted)
- 23 A. (Redacted)
- 24 Q. (Redacted)
- 25 (Redacted)

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- 1 A. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 Q. (Redacted)
- 5 (Redacted)
- 6 A. (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted) Given the developments, marginalisation and efforts to
- 11 set us aside, we decided that it was impossible for us to continue (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 A. (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted) and furthermore, he himself had understood the complaints against

15 Mr Jean-Pierre Bemba did not come only from me. Most of the officers of the MLC

16 and even outside of the MLC were afraid. In fact, there had been tension in

17 Kinshasa, because the bodyguards of Mr Bemba did not hesitate to be hostile, to

18 attack people, and everybody knew that he had taken the decision to become

19 president in any way possible and we thought that it was necessary to prevent

20 bloodshed in Congo. Everyone had understood that Mr Jean-Pierre Bemba had

21 decided not to accept the results of the elections, because after the results were

22 proclaimed his bodyguards had entered into a confrontation with the regular forces

23 and this resulted in deaths in Kinshasa. At that time, the secretary-general had just

24 left. Mr Ndundu had also left the MLC.

25 THE INTERPRETER: And another person whose name the interpreter didn't get.

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1 THE WITNESS: (Interpretation) Many people were leaving the MLC.

2 MR HAYNES:

3 Q. (Redacted)

4 PRESIDING JUDGE STEINER: Mr Haynes, I am sorry to interrupt you. In relation
5 to the last answer given by the witness, the interpreter says that he could not get the
6 name of the last person you mentioned. You mentioned that "At that time the
7 secretary-general had just left, Mr Ndundu has left the MLC" and another person you
8 mentioned and this last name the interpreters could not get. Could you please
9 repeat the last name mentioned?

10 THE WITNESS: (Interpretation) I said John Ndundu. Well, the name is actually
11 José Ndundu and then Thambwe Mwamba.

12 PRESIDING JUDGE STEINER: Thank you.

13 Mr Haynes, maybe it is better if you repeat your question and sorry again to interrupt
14 you.

15 MR HAYNES: Absolutely not, your Honour, and you are quite right because I have
16 lost the context a little bit.

17 Q. The names of those two people you gave us, José Ndundu and Thambwe
18 Mwamba, are they people you say left the party (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

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

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1 (Redacted)

2 Q. Thank you. Now, whose idea was it that you should get in touch with the
3 International Criminal Court?

4 A. The idea for me to get in contact with the International Criminal Court? To
5 begin with, I thought that if I was asked I would obviously come and say what I know
6 in all honesty and in all impartiality. I really do not know what were the
7 circumstances or even the name of the person with whom I was in contact.

8 Q. Well, when were you first in contact and who put you in contact?

9 A. I've told you that I no longer remember the name or even the circumstances
10 under which this took place.

11 Q. Well, what was the first contact? A meeting, a telephone call, an email?

12 A. I no longer remember the circumstances of that contact.

13 Q. Did you contact them, or did they contact you?

14 A. Once again, I repeat that I no longer remember the circumstances under which
15 that contact took place.

16 Q. Who was the first person you met from the Office of the Prosecutor?

17 A. The first person? Well, it is not usual for me to retain names. I know that I
18 met with a gentleman. I no longer remember the name.

19 Q. Where did you meet him?

20 A. In Kinshasa.

21 Q. And what did he look like?

22 A. What did he look like? It was a man.

23 Q. Was he black, or white?

24 A. There was a white man and a black man.

25 Q. Do you see any of them in the -- in this room?

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1 A. No, I don't.

2 Q. And when was that?

3 A. I believe this was two years ago.

4 Q. Well, that would be 2010; is that right?

5 A. It could have been 2010 or 2009, one of the two. It is possible that I could be
6 mistaken.

7 Q. And what did this pair of men say to you?

8 A. What did they say to me? I think I met with different people at different times.

9 It is difficult for me to remember everything that they said. They told me that my
10 testimony would be necessary for the ascertainment of the truth, and I said that if it
11 was to determine the truth to the extent possible I would not have any problem with
12 that.

13 Q. You just said you met different people at different times. How many meetings
14 did you have?

15 A. It is not in my habit to count the number of meetings. It would be difficult for
16 me to tell you the number of meetings: Three, four, five?

17 Q. So at least three?

18 A. It could just as well be four or five.

19 Q. So what was the purpose of the follow-up meetings after the one where you
20 were told your testimony could be important?

21 A. Can you kindly repeat the question, please?

22 Q. Yes. What was the purpose of the second, third, fourth and possibly fifth
23 meetings after you had been told your testimony might be important at the first one?

24 A. It was necessary to organise my travel, as is the case with all witnesses, so this
25 was preparation for the trip just as was the case with the other witnesses.

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1 Q. What other witnesses?

2 A. Many witnesses who come by here. I believe that you know them better than
3 myself. I do not know the witnesses, but I know that just like in any trial there are
4 witnesses who appear; that is any trial that is organised according to the usual
5 standards. They always have witnesses, and for those witnesses travelling here I
6 believe that their trips have to be organised. That was the same case with me.

7 Q. Well, we'll come on to that in a minute, but who knew about these meetings
8 with the Office of the Prosecutor?

9 A. Who? For example, where? At the International Criminal Court? At the
10 democratic -- in the Democratic Republic of Congo? Within my family? Please try
11 to be more specific.

12 Q. Within your political party.

13 A. No one was aware. This is not an issue that concerns a political party. It is an
14 individual issue. A person who is going to testify does not need a political party to
15 do so, more so because I had to testify on events that took place before I joined a
16 political party other than the MLC. I did not need anyone's approval. I am an
17 adult and I am able to take a personal decision.

18 Q. So President Kabila did not know you were talking to the Office of the
19 Prosecutor?

20 A. Why would he have been informed about that? That is of no concern to him.
21 President Kabila is the president of the republic and (Redacted)

22 (Redacted) I am not a member of the executive, so there is a
23 separation of powers. There is the executive branch of government.

24 If a minister has to travel abroad, he needs the approval of the head of government or
25 the president of the republic, (Redacted) needs to travel he does not need to

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1 ask for the authorisation of the president of the republic, or even to inform him, so I
2 did not need to inform him about something that does not concern him.

3 Q. But did you?

4 A. I did not do it because I did not have to do it.

5 Q. (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Do you recall coming to The Hague in (Redacted)

20 A. Yes, I came to The Hague indeed, but I don't know whether it was (Redacted) As

21 I have already told you, I do not remember the date, but I know that I have travelled

22 to The Hague before once and this is my second time. It may have been (Redacted).

23 Yes, that is possible.

24 Q. Did you travel here alone?

25 A. Yes, I am an adult, adult enough to travel alone. I don't need to travel with

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1 someone. I can come here by myself.

2 Q. Did you meet anybody else here from Kinshasa during that visit?

3 A. Anybody else from Kinshasa, here? Well, I see that there will be very few
4 people from Kinshasa here in The Hague. Are you talking about the population at
5 large in The Hague, or are you talking about persons from the Court? Please, could
6 you be more specific in your question?

7 Q. Yes, I mean former members of the MLC?

8 A. Very well then, the answer is, no, I did not meet anybody here who resembles a
9 former member of the MLC.

10 Q. Thank you. And do you recall on the last occasion that you came to The
11 Hague you were interviewed by a group of people probably somewhere in this
12 building?

13 A. Yes, I remember that some people indeed received me and that is always the
14 case when a statement is to be made, but it was not here. What I mean is that it was
15 not in this building.

16 Q. It's not important, but during the course of that trip did you provide the Office
17 of the Prosecutor with contact details for yourself?

18 A. My contact details? Yes, yes, I provided them, because I needed to come for
19 the trial. How was I going to come for the trial if they did not have my contacts?
20 That was the least thing -- the least of the things that I needed to provide.

21 Q. And do you recall what contact details you gave to them?

22 A. My telephone number.

23 Q. Are we talking about a cell phone, or a landline number?

24 A. A mobile telephone.

25 Q. What about anything else? Did you give them a number (Redacted)

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1 (Redacted)

2 A. (Redacted) Now, I don't recall whether I gave
3 them my email. Maybe I did, but in any event I gave them my business card, and I
4 believe that on that business card my email address must appear, must figure.

5 Q. Thank you. Were you at some stage informed that you would be required as a
6 witness before the Court?

7 A. When I came to give a statement to the OTP I was already coming as a witness
8 and I knew that during the trial I would be appearing as a witness, so I could not
9 change from an OTP witness to something else during the trial.

10 Q. After your first trip to The Hague, were you contacted by telephone or email at
11 all?

12 A. By email, no. By telephone, yes, in relation to making the travel arrangements
13 for my trip to The Hague.

14 Q. And when was that?

15 A. Well, I don't remember. Well, I receive phone calls - several phone calls - in a
16 day and it's difficult for me to remember exactly which phone call I may have
17 received on what day. It's difficult.

18 Q. Do you recall in September of last year somebody came to take your passport
19 away so that you could have a visa to come to The Hague?

20 A. Well, I know that when one needs a visa one has to submit a passport for the
21 visa to be placed in it. Without the passport a visa cannot be issued, so I must have
22 given my passport at some point for the visa to be placed in it.

23 Q. How many visas have you had in the last four years?

24 A. I would need to look at my passport to see how many visas I have been granted.
25 I have told you that I travel a number of times even (Redacted), so I

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1 have also travelled on a private basis and I do not keep stock of the number of visas
2 that I have been granted. If I had known that you were going to put this question to
3 me I would have counted the visas, but the short answer to your question is that I
4 have several visas on my passport, (Redacted)
5 (Redacted)

6 Q. Sir, is it right that the Prosecution and the Court lost contact with you in
7 September of last year?

8 A. Would you please kindly repeat the question?

9 Q. Yes. Were you out of contact, so far as the Prosecution and the Court were
10 concerned, in September of last year?

11 A. I do not know whether I lost contact, because I can -- I could have been reached
12 at any time. It is true that at some point I was out (Redacted)
13 (Redacted)
14 (Redacted)

15 some people may have attempted to contact me at that time. You see, there are some
16 parts (Redacted) where we have no network and maybe that is when they
17 were not able to reach me. In any event, I wasn't missing and evidence of that is that
18 I am here. I didn't disappear.

19 Q. Did you know you were supposed to be here three or four months ago?

20 A. Three/four months ago? I don't know. What I know is that at some point my
21 mind was focused on what was most important for me, that (Redacted)
22 (Redacted) I was working and as I told you a short while
23 ago (Redacted) I have work to do and I don't know whether it was during that
24 period that they tried to contact me. I do not know. So maybe you want to ask that
25 question to the OTP and find out from them whether they were looking for me during

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1 that time? However, when I got here, I was not informed. They did not tell me that
2 they had been looking for me three/four months ago. Maybe they forgot to ask me
3 or they forgot to tell me about that? I don't know.

4 Q. Did you speak to anybody from the Prosecution or the Court three or four
5 months ago?

6 A. Maybe, that's possible, but I don't know. Now, you said that three or four
7 months ago I was expected to come here to testify. Well, I don't know. I don't
8 know whether I had a discussion, but it may have been possible. You see, I receive
9 many phone calls and I do not know whether I can say with certainty that this month
10 I was called and this other month I was not called. What I know is that I had been
11 called up to testify at some point and I explained very clearly that the (Redacted)
12 (Redacted) were going on and that I was not available, I could not come and that I
13 would only be available (Redacted) That's my answer.

14 Q. I just wondered what you meant when you said "However, when I got here I
15 was not informed. They did not tell me that they had been looking for me three or
16 four months ago." What did you mean by that?

17 A. What I meant is that those who received me and took me to the place where I
18 am staying did not tell me that they were looking for me. The driver who took me to
19 the hotel did not tell me that.

20 Q. Did you ever tell anybody at the Prosecution or the Court that you were
21 frightened to come and give evidence (Redacted)
22 (Redacted)

23 A. If I were frightened, I would not be here to testify. What I said is that there
24 were some security concerns at some point, and you must be aware that there are a
25 number of activists here. You also know that there are Congolese networks here in

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1 Europe, networks of Congolese whose main duty is to attack people from the Congo.
2 The latest attack was that against (Redacted) I am sure
3 that you heard about the aggression (Redacted), and it is in part for that
4 reason that I felt that it was necessary for all necessary measures to be taken to spare
5 me the possibility of an attack, and as I also mentioned earlier I had already been
6 attacked twice in my country and I don't want that to occur here.
7 You may also be aware that the (Redacted) was attacked and in that attack
8 (Redacted) It is for that reason that I
9 felt that the requisite security conditions needed to be applied.

10 Q. And are you there talking about the conversation you had in the last week or so
11 with a representative of the Office of the Prosecutor?

12 A. What did you say? Please repeat your question.

13 Q. Are you telling us about a conversation that you had in Kinshasa with
14 somebody from the Office of the Prosecutor?

15 A. In Kinshasa? Well, I think this was in the course of a telephone conversation.

16 Q. When was that?

17 A. I think it was shortly after the president of the senate was attacked.

18 Q. Was that this calendar year?

19 A. Yes, this year.

20 Q. Thank you. Were you informed you were expected to be here to give evidence
21 on 16 January, two weeks ago?

22 A. 16 January? Well, I think I got some information, but at that time I had some
23 family matters to deal with, a private matter which I needed to settle.

24 Q. Well, it's not difficult. It's only two weeks ago. Did you think you had to be
25 here on 16 January and did anybody tell you that?

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1 A. Yes, I was told that on the phone.

2 Q. Then why weren't you here on 16 January?

3 A. I have already told you that I had some private family matters to deal with.

4 Q. And then following that did somebody come to see you in Kinshasa from the
5 Court and the Office of the Prosecutor?

6 A. I do not know whether there were people from the OTP or from the Court. All
7 I know is that there was contact. Contact was made with me in relation to my travel
8 arrangements to The Hague.

9 Q. Did they tell you why they had had to come to Kinshasa to see you?

10 A. Did they tell me they were coming to Kinshasa to see me? Well, no, those who
11 contacted me simply told me that once I was ready to come -- or they asked me if I
12 was ready to come for my testimony and I told them "Yes," that I had had family
13 problems before, but that the matters had been settled. So I don't know whether
14 they had come especially to see me, whether they had come from here or whether
15 they were based in Kinshasa. I didn't ask them any such question. All I did was
16 hand over my passport for the visa.

17 Q. Well, didn't they say to you, "We've had to come to Kinshasa because nobody
18 can get you on the telephone"?

19 A. No.

20 Q. Were you aware of anybody from the Prosecution or the Court trying to call you
21 in early January, telling you you had to be here?

22 A. Well, I was not aware of that. All I know is that when they called me they got
23 me on the phone and then we met to make arrangements for the trip. And as I said,
24 let me repeat, I had some very sensitive family matters to deal with. Now, if
25 anybody were looking for me during that period, well, I was concerned about settling

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1 that family matter and I was not -- or rather my phone was not always with me.

2 Q. But you didn't have any voicemail messages or missed calls from the OTP, or
3 the Court?

4 A. I do not know. Maybe I have to listen to the messages again on my phone to
5 find out if there are any such messages on it.

6 PRESIDING JUDGE STEINER: Mr Haynes, if I may, when we have a two-hour
7 session we have also the problem with the tape, which is exactly a two-hours tape,
8 and we have only two minutes if you want to complete your last question, otherwise
9 we should suspend.

10 MR HAYNES: We'll take a break there.

11 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

12 Court officer, please turn into open session.

13 (Open session at 4.25 p.m.)

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

15 PRESIDING JUDGE STEINER: Thank you.

16 Mr Witness, thank you very much. We will adjourn for today. We've had almost a
17 two-hour session. This is our limit and the limit for our interpreters and court
18 reporters. We thank you very much.

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

22 I will ask the court officer to turn into closed session for the witness to be taken
23 outside the courtroom. In the meantime, we will adjourn and resume tomorrow
24 morning at 9.30. Court officer, please.

25 *(Closed session at 4.27 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 4.27 p.m.) Reclassified as Open session
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 7 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.