

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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 1 February 2012
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Please, court officer, call the 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, welcome,
18 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre
19 Bemba Gombo. Good morning to our interpreters, court reporters. We will
20 continue today with the questioning of Witness 45 and, as we had yesterday, we are
21 going to sit from 9.30 to 4.30, if need be. I ask, please, the court officer to turn into
22 closed session in order for the witness to be brought into the courtroom.
23 *(Closed session at 9.37 a.m.)Reclassified as Open session
24 THE COURT OFFICER: We are in closed session, Madam President.
25 (The witness enters the courtroom)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Open Session)

ICC-01/05-01/08

- 1 WITNESS: CAR-OTP-PPPP-0045 (On former oath)
- 2 (The witness speaks French)
- 3 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 4 (Open session at 9.39 a.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 7 THE WITNESS: (Interpretation) Good morning, your Honour.
- 8 PRESIDING JUDGE STEINER: We hope you had the opportunity to rest, to have a
- 9 restful night, that you are feeling well and ready to continue giving your testimony.
- 10 THE WITNESS: (Interpretation) Yes, indeed I am ready.
- 11 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 12 under oath. Do you understand that, sir?
- 13 THE WITNESS: (Interpretation) Yes, I do understand.
- 14 PRESIDING JUDGE STEINER: And also to remind you about the protective
- 15 measures that were granted by the Chamber in order to protect your identity; and I'm
- 16 not going to repeat everything, but just to remind you that identifying information
- 17 shall not be given in public session. If need be, we go into private session as we've
- 18 done for the past two days. Do you understand that, sir?
- 19 THE WITNESS: (Interpretation) Yes, I do.
- 20 PRESIDING JUDGE STEINER: Thank you very much. I'll give back the floor then
- 21 to Mr Haynes. Mr Haynes, good morning. You have the floor.
- 22 MR HAYNES: Good morning, your Honour. Good morning, everybody.
- 23 QUESTIONED BY MR HAYNES: (Continuing)
- 24 Q. And good morning to you, sir.
- 25 A. Good morning.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 MR HAYNES: I'm going to start by asking you a few questions about your personal
2 details, and so obviously for that reason I'm going to ask the Judge that we go into
3 private session.

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

5 *(Private session at 9.41 a.m.)Reclassified as Open session

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

7 MR HAYNES: Thank you.

8 Q. Sir, I think in (Redacted), when you joined the MLC, you were (Redacted) is that
9 right?

10 A. Yes, that is correct.

11 Q. And where were you born?

12 A. I was born in (Redacted)

13 Q. And had you lived there all your life?

14 A. Yes.

15 Q. By (Redacted) I think you were married. When did you marry?

16 A. Please repeat your question.

17 Q. Certainly. When did you marry your wife?

18 A. (Redacted)

19 THE INTERPRETER: Correction from the interpreters: When asked whether he
20 had lived in (Redacted) all his life the witness said "No," instead of "Yes."

21 MR HAYNES: I thought he did.

22 Q. Where did you live other than (Redacted) before you reached the age of (Redacted)?

23 A. After (Redacted) I spent some time with my parents in (Redacted), and thereafter I went to
24 (Redacted).

25 Q. And can you tell us a little bit about your education and working experience up

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 until the age of (Redacted)?

2 A. When you talk about education, can you be more specific? Are you talking
3 about my studies?

4 Q. Yes.

5 A. I went to school (Redacted) primary, secondary and university education at the
6 University of (Redacted) where I obtained a Bachelor's degree in political and
7 administrative sciences in (Redacted). (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) rather, when the AFDL war broke out. And at that time I

12 left (Redacted) Thereafter, I was assigned to the (Redacted)

13 (Redacted)

14 before joining the MLC shortly after it was founded.

15 Q. Thank you. Now, I notice you have (Redacted) and

16 the other's between (Redacted)

17 (Redacted)

18 A. Do such questions have any bearing on the matter before us?

19 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me, I think in this case

20 I would like to know the relevance of involving family or the children of the suspect.

21 At what point is this relevant for the facts of the case?

22 MR HAYNES: Your Honour, I don't believe the witness is a suspect but it's relevant
23 to dates that will be important later on.

24 Q. You told us you had a (Redacted)

25 PRESIDING JUDGE STEINER: First, Mr Haynes, if you allow me just to, of course,

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 rectify what I said: The children of the "witness," not the "suspect." Whether these
2 (Redacted) you are saying that is relevant to the
3 facts of the case?

4 MR HAYNES: Yes.

5 PRESIDING JUDGE STEINER: I will give you a vote of confidence, Mr Haynes, but
6 later we will come back on that.

7 MR HAYNES: Certainly.

8 PRESIDING JUDGE STEINER: Mr Witness, if you feel comfortable, you can answer.

9 MR HAYNES: I'll rephrase the question so that it doesn't involve children.

10 Q. Did you marry a (Redacted)?

11 A. Yes, (Redacted).

12 Q. Where did you meet your (Redacted) wife?

13 A. (Redacted)

14 Q. And was it (Redacted) with whom you travelled to (Redacted)?

15 A. Yes. When I met her in early (Redacted), shortly thereafter she came to be with me in

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 At the end of (Redacted) the movement -- or, rather, the head office of the joint military

20 commission was moved from (Redacted) to Kinshasa, (Redacted)

21 (Redacted)

22 In fact, the MLC had two representatives on the (Redacted)

23 (Redacted) He is the one who helped facilitate her trip from

24 (Redacted)

25 When she got to Gbadolite, it was at a time the Libyan government had sent a plane

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 to help Mr Jean-Pierre Bemba travel to Kampala, Maputo and Brazzaville. At that
2 time, I was absent but thanks (Redacted)

3 (Redacted)

4 Q. Thank you. Now, I want to move on, I'll leave that to one side for a minute,
5 we might come back to it. When was it, do you recall, that (Redacted)

6 (Redacted)

7 A. (Redacted) Well,

8 at that time, we were -- well, (Redacted) and there was a

9 group of young people who had just completed their training, and at that time (Redacted)

10 (Redacted). From (Redacted) called for me

11 through the phonographic system. I was informed through that system that my

12 presence was required in (Redacted). So -- in (Redacted), rather.

13 So I came from (Redacted), and it is at that time (Redacted)

14 (Redacted)

15 (Redacted). Gbadolite had just been

16 captured. He moved ahead to Gbadolite, and then (Redacted)

17 (Redacted)

18 (Redacted) which is what I did, and I went on to meet

19 him in Gbadolite.

20 Q. Can you help us with the year of your appointment?

21 A. The year? Well, that's difficult. You know, these things happened several

22 years ago and all I know is that I arrived in Gbadolite in (Redacted) and the

23 appointment had been made shortly before then. So it may have been in

24 (Redacted)

25 So what I retain as a benchmark is that shortly after the appointment I proceeded to

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted) and then shortly thereafter I went on to meet

2 him in Gbadolite. Another reference point for me is that it is during that period that

3 the final touches were made to the (Redacted).

4 Q. How long did you hold that office?

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. We will come on to that, but what was your function as (Redacted)

10 (Redacted)

11 A. I think I have already explained what the duties were. They included, first of

12 all, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Later on, in addition to those duties, I was also made (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted). I carried out that tour. And when I got to (Redacted), that is when I was
2 requested (Redacted).

3 Q. How many (Redacted) were you responsible for?

4 A. I have no recollection of the specific number.

5 Q. Well, if I put the number 26 to you, does that sound about right?

6 A. That might have been correct, it might have been 26, because others continued
7 to (Redacted). We were only at the outset so, you
8 know, things built up as activities out in the field built up and as new locations were
9 taken. It is possible, yes, but as I said I really do not have any precise recollection of
10 the figures.

11 Q. Who were the others who continued to (Redacted)
12 (Redacted)?

13 A. After me there was (Redacted), who is deceased, and at a given moment
14 in time there was (Redacted) after whom I believe there was -- well, I believe
15 that the structure was no longer in place. I think it was done away with.

16 Q. Well, I'll come on to that but one name you might be missing, does the name
17 (Redacted) ring any bells with you?

18 A. Which name are you providing?

19 Q. (Redacted)

20 A. I do not recall the name (Redacted). That might have been when I was in
21 (Redacted). As I said at an earlier stage, I went to (Redacted) and I am sure that after
22 me there might have been somebody else who took up that position in my absence.
23 However, when I returned, I heard that the school had been closed.

24 Q. Now, in addition to the political educators, was there an officer responsible for
25 political education within every unit of the ALC?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0045

1 A. Well, at the outset, the political educators within the units themselves were able
2 to present reports without going via the commanders. And why was this? Because
3 people were of the opinion that they could provide a report on certain reprehensible
4 acts that had been undertaken by commanders, such as embezzlement of household
5 funds or rations, or the manner in which they were treating the troops or the
6 population, for example, but subsequently this specific item was put to one side.
7 The R5 were appointed, they were under the commanders, and they no longer -- or
8 they did not have any autonomy, and without any autonomy they could not do
9 anything, their hands were tied, they could be punished by any of the commanders.
10 And from that moment in time the autonomy disappeared and then the issues started
11 to arise, and it meant that the structure had become inefficient as a structure in itself,
12 it no longer existed, because as a structure it had had a co-ordinator. And from the
13 moment on, where a co-ordinator was no longer in place, well, the raison d'être had
14 disappeared entirely.

15 Q. Well, you've mentioned an R5. I don't believe any such position exists, but
16 within a brigade there was a G5 and within each battalion there was an S5. What
17 was their function?

18 A. I didn't talk about R5. I talked about S5 within a battalion, that is, and a G5
19 would be within the General Staff itself.

20 Q. But what was the function of the S5?

21 A. The function of the S5? Well, I don't even know whether that S5 actually
22 existed even within the battalion. As I said, there might have been an educator, yes,
23 but the prevailing idea for setting up a structure with political educators was for them
24 to have a specific task and a specific autonomy as I explained at an earlier stage.

25 I don't want to return to that.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 So, of course, some of the soldiers then came under the command of certain
2 commanders who had disciplinary power over them. And at the time, were a
3 political educator to commit a mistake, the commander then would report back to
4 their hierarchy. However, (Redacted), I found that this co-ordination was no
5 longer in existence, that it had disappeared. And at a commander level, as I said, we
6 had many ex-FAZ officers that we had integrated, that is to say officers from
7 Maréchal Mobutu's former army, who brought with them their culture of extortion,
8 racketeering. And we saw that with them there was an increase of reprehensible
9 acts because some of the commanders were even encouraging their troops to
10 racketeer for them.

11 So there were certain commanders who were of the opinion that household funds or
12 petty cash was their property, and there was no longer anybody in place, in a position,
13 to be able to denounce them. I do not know quite what you are saying there, as to
14 whether this person existed, but they were inefficient, these individuals; they could
15 not denounce these acts without being punished by the commander, because they
16 were directly under this commander. They no longer had any autonomy.

17 Q. So it follows that you thought the work you were doing was important and
18 valuable then.

19 A. Yes, indeed, because when the structure was functioning in the manner that I
20 described, we noted that first and foremost there was the commander who had a
21 certain sense of restraint. He would not behave in any old manner because he was
22 frightened of the reports that would be drawn up by the political educators. He was
23 frightened of the hierarchy. And those troops who had received moral education, if
24 you like, respected the population, lived in harmony with them and respected their
25 property.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Subsequently there were certain slippages, as I explained to you, and I was of the
2 opinion that it was important for these structures to retain their original
3 characteristics because afterwards when there were things left to slide, when there
4 was a laissez-faire, when there was a lack of discipline and vigilance, there were
5 negative results with regard to the operations, operations in Mambasa and Bangui.

6 Q. And just remind us who it was who created this role, (Redacted)
7 (Redacted).

8 A. But I have just told you, I've already answered that question, I answered you by
9 saying that it was Jean-Pierre Bemba who called me. When I was in (Redacted)
10 he asked me to come. And before I went to (Redacted), after the fighting in (Redacted),
11 because there had been a counter-offensive on the part of the governmental troops,
12 and after this he called us, we were in (indiscernible), and those senior officials who
13 had come from Kisangani and who had to go through military training, well,
14 subsequently there was these clashes. And he called us to say, "You need to go to
15 the main units and (Redacted)," after which he called me again
16 when I was in (Redacted), where I went from (Redacted), and he gave me the
17 (Redacted)

18 He, first and foremost, tasked we with explaining to them what their role was and
19 then with deploying them. I think I've already answered that question.

20 Q. Thank you. And what was the basic text that the political educators used to
21 educate the forces?

22 A. There weren't any basic texts, as such. As I explained, initially they were
23 trained for this purpose by the Ugandan educators after which (Redacted)
24 (Redacted) with them, subsequent to which they were deployed out into the field. As
25 I said, there was a programme as a draft MLC document that was already in existence.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 There was also the MLC statute. And after there was also the code of good conduct.

2 (Redacted) as I just said

3 to you, providing you with a few details, and then they were deployed out into the
4 field. Subsequently, after what I had said to them, they were to receive further
5 training.

6 Q. Thank you. Just a couple more questions on this. You've been asked about
7 Article 15. Article 15 of what, so far as you are aware?

8 A. I have been put the question on Article 15. And, as I said, Article 15 of what?
9 Well, this is quite simply a code way of saying, in general terms, that people had to
10 get by in order to live when conditions had become very difficult for the troops in
11 terms of supplies, et cetera. And so they said, "Well, listen, you just have to apply
12 Article 15. You have to do everything you can to survive in these difficult
13 conditions." That is what I can tell you on the subject. You might have another
14 meaning for it; I am telling you what I know.

15 MR HAYNES: It's just occurred to me we can probably be in open session for these
16 questions, your Honour.

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

18 (Open session at 10.15 a.m.)

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

20 MR HAYNES:

21 Q. Sir, who is Pepe Kalle?

22 A. Pepe Kalle is an artist, a musician.

23 Q. Can you sing Article 15?

24 A. I am no singer, I am no musician, so I have never sung in my life and I am not
25 going to start here at the International Criminal Court. I'm not going to embark

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0045

1 upon a career as a musician here.

2 Q. But you've heard the Pepe Kalle song "Article 15," haven't you?

3 A. Yes, I do believe that I have heard that song.

4 Q. And that's what Article 15 is, isn't it, it's a popular song?

5 A. Yes, it is indeed a popular song which did say that in a difficult situation people
6 should learn how to get by. And soldiers, in difficult circumstances, also applied
7 Article 15 which says that one should try and get by in order to survive in a very
8 difficult environment. And this application turned out to be negative, because what
9 is important is not the concept itself but the way in which one applies it.

10 And the way in which it was applied out in the field by men who were armed and
11 who were finding it difficult to receive supplies and to survive, well, this had
12 negative repercussions on the civil population. Whether Pepe Kalle sang Article 15
13 and whether it was applied in order to survive, well, it had an affect and acts were
14 committed that had incalculable effects on the population.

15 And I think that here we are going from music to a far more real situation, that is the
16 life of human beings. I think that when Pepe Kalle sang that song, he did not have
17 the intention of people taking it out on the population. It was applied in a specific
18 context, in a specific environment, and the consequences were disastrous.

19 Q. But you never taught Article 15 as a political educator, did you?

20 A. Unless you have information, well, I could not allow myself to teach anything
21 about Article 15, and I never did.

22 Q. And the idea that you should look after yourself that came from the song was,
23 as it were, across the political spectrum, wasn't it? Pepe Kalle wasn't a member of
24 the MLC.

25 A. Yes. Well, quite. Pepe Kalle was never a member of the MLC, but those

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Open Session)

ICC-01/05-01/08

1 who -- the soldiers out in the field, who found themselves in difficult circumstances
2 and who looted, well, they described the acts that they were committing to survive in
3 a hostile environment in a coded manner. They described it as Article 15. Whether
4 they got this from Pepe Kalle, well, I really do not know. Did they come up with the
5 idea themselves, notably this idea of surviving in difficult circumstances, associated
6 with them a coded language such as Article 15? I don't know. They were
7 committing acts referring to Pepe Kalle's song, were they?

8 Q. Did soldiers of the AFDL (sic) look after themselves in the field, so far as you
9 know?

10 A. I do not know, I did not work with the soldiers from the AFDL. I never
11 participated in activities conducted by AFDL soldiers for me to be able to know what
12 they were up to. All I do know is that, at a given moment in time, as the AFDL had
13 come with Rwandan soldiers, and I was in (Redacted) at the time, there were certain
14 acts that were perpetrated by Rwandan soldiers that seemed very reprehensible in
15 character in terms of the civilian population.

16 So there was a certainly anti-Rwandan sentiment, feeling. And when president
17 Laurent-Désiré Kabila sent Rwandan soldiers, he had justified this saying that the
18 Rwandan troops in the Congo were behaving like they were in conquered terrain or
19 territory. They had no respect for the population. This is what I heard when I
20 listened to his interview and he was justifying bringing Rwandan troops into the
21 territory and also justifying the reason why those Rwandan troops were to go home.
22 And this is -- well, I never actually worked personally with the AFDL troops myself.

23 Q. So, can we put it this way: There was an existing attitude that troops in the
24 field looked after themselves and (Redacted)
25 (Redacted) not to behave in that way; is that right?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 A. No, that is not how things happened, because at the outset we were talking
2 about guiding the troops in moral terms, if you like. We had to anticipate what
3 would happen. We had to guide them from the outset. And once this guidance
4 had started the training, there were no problems; there were positive developments.
5 There were positive developments. And as I explained, and I will say it again for
6 the umpteenth time, I went to (Redacted). I spent more than a year there, and (Redacted)
7 (Redacted) I found that the structure of political educators was no longer in place.
8 A short while after, I heard that there had been reprehensible acts committed, the
9 structure was no longer in place as I said, and there had been a large-scale integration
10 of former soldiers from Maréchal Mobutu's army and they had taken over the
11 command of various units and the reprehensible acts had started. I'm not saying
12 that the acts started and then the political educator structure was set up; I said that
13 from the outset (Redacted) set up this structure of political educators in order
14 to start, right from the outset, by providing the troops with moral guidance, and then
15 afterwards this structure was done away with, and this is one of the main reasons
16 why there were subsequently slippages.

17 MR HAYNES: Thank you. I think in fairness to you we better go back into private
18 session, because it's difficult for you to deal with these questions.

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

20 *(Private session at 10.26 a.m.)Reclassified as Open session

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

22 MR HAYNES:

23 Q. Sir, I just want to be clear, so that we understand, when you say you discovered
24 that the system of political educators was no longer in place upon your return, when
25 are you referring to?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 (Redacted)

3 Q. Thank you. Now, after a period, you were replaced as (Redacted) and
4 you were asked to do a job in your (Redacted). That's correct, isn't it?

5 A. I was not replaced. I was not replaced at that moment in time. When I left for
6 (Redacted) it was to carry out a one-off mission and then come back again. I stayed
7 there, I did what I had to do. And behind my back -- I do not know who was acting in
8 my absence, but things carried on. And when I returned from (Redacted), I rapidly went to
9 (Redacted) and things had started to change in my absence. (Redacted)
10 (Redacted) I found that the structure was no longer
11 in existence.

12 As to whether I was replaced or not, when I was absent in (Redacted), well, the most
13 important thing was that the structure was still in place. It did not depend upon my
14 existence, as such. It was a structure. And when I returned in the month of
15 (Redacted) found the structure was no longer in existence.

16 Q. Well, I didn't mean to provoke you into telling us all that, but why was it
17 important at that time (Redacted)?

18 A. That was because there was a group of young recruits. Well, the idea was that
19 we had to seek out sources -- or resources out in that part of the territory that was
20 under MLC control, because there were precious stones - there were diamonds, there
21 was gold - and we had to see how this would enable the MLC to have further
22 resources or considerable resources.

23 I think that Mr Bemba set up a structure called MILKO (phon), or MIKO (phon),
24 something like that, and this was a structure comprising young recruits, part of
25 whom -- or part of which were to work in Kota-Koli. Kota-Koli is in Équateur

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 province on the way to --

2 THE INTERPRETER: The interpreter did not catch the name.

3 THE WITNESS: (Interpretation) And another part of that young group of young

4 (Redacted) So he said we have to undertake

5 this task. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 It was a very hard task to undertake. We did not have the correct machinery, it had

11 to be done by hand, and the territory administrator was deemed to be incapable of

12 doing this. (Redacted)

13 (Redacted) The answer was in the negative, and that was

14 why he was very angry indeed. And he said, "Well, listen, you need to call off your

15 mission. (Redacted)

16 the territory administrator is talking rubbish and I can see that nothing has been done

17 to date," and that is why (Redacted).

18 Q. Was there a civilian population (Redacted)?

19 A. Yes.

20 Q. An Antonov is quite a big aeroplane to carry some diamonds. Was the civilian

21 population (Redacted) cut off?

22 A. I did not say that it was used for carrying diamonds; I said that it was designed

23 to facilitate (Redacted). Because, you know, travelling by road was

24 very difficult. In fact, there were practically no roads in place at that time. And if

25 one were to attempt, one would have needed to travel by bicycle or by motorcycle.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 The only other option was by aircraft, and (Redacted). And
2 the young people who were supposed to go to the quarries to do this job (Redacted)
3 (Redacted), meet these people, and give instructions
4 to the young persons as to how the work was to be carried out and the manner in
5 which the resources were to be channelled out in order to fill the coffers of the MLC.

6 Q. There was an airstrip there originally, was there?

7 A. Yes.

8 Q. Just not long enough for a cargo plane to land there; is that right?

9 A. Yes.

10 Q. And in due course, cargo planes landed there to deliver supplies to the civilian
11 population (Redacted), didn't they?

12 A. The idea initially was (Redacted). That is why we did the job
13 as was necessary, in order to make it possible (Redacted). This was
14 important for him, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 And so we did our level best, (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted) Now, today, (Redacted) being used

2 to bring supplies to the people.

3 Q. Thank you. And how long did it take you (Redacted)?

4 A. Not less than three months.

5 Q. And from time to time you (Redacted) by long

6 distance wireless radio; is that right?

7 A. Yes.

8 Q. You didn't have a radio yourself, do you agree?

9 A. No, I did not have a radio myself.

10 Q. And there was (Redacted) with a radio either, was there?

11 A. No. At that time, there was no military radio. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) that he was communicating with

15 several commanders at the front and at other times we would have the opportunity to

16 talk when he was available on line. And on such occasions, (Redacted)

17 (Redacted)

18 Q. Thank you. You've pre-empted a number of my questions. This was a

19 commercial facility and you had to pay to use it, didn't you?

20 A. No, I did not have to pay, because the MLC was in control of the situation. If

21 I was told that (Redacted), I would go there and I did not have

22 to pay, to pay for the service. It was a special type of communication that I was

23 involved in, but there were other people who did use the facility for business and

24 private purposes. But for the type of communication that I used it for, I did not have

25 to pay.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 What happened is that I would go there to (Redacted),
2 then I would leave and then the others would go on with their usual business with
3 their usual tasks.

4 Q. I see. So sometimes (Redacted)?

5 A. I have already answered that question.

6 Q. And sometimes you (Redacted) was unavailable to speak to; is that
7 right?

8 A. Yes. In times of an emergency, I could ask to (Redacted). I could (Redacted)
9 (Redacted) on such a situation.

10 Q. And just to place this into context, you were in (Redacted) for about (Redacted) in
11 the year (Redacted) when there was a civil war going on. That's right, isn't it?

12 A. I arrived in (Redacted) towards the end of 1999, and I was there 'til the year (Redacted). I
13 spent the new year in (Redacted) and I was there 'til (Redacted). Civil war? Yes.
14 Unfortunately, we don't have a map of the DRC here. I take it that you do not know
15 (Redacted) located but let me point out that the battle-front was towards
16 Mbandaka in the Équateur -- towards the Équateur. So you go towards the
17 Équateur, through Mbandaka to Kinshasa, but we were in the back - in the rear, so to
18 speak - and there were (Redacted) at that time.

19 It is true that there was intense activity at the front-line or front-lines around
20 Basankusu, and around Makanza and Imese, (Redacted)
21 (Redacted)

22 MR HAYNES: Thank you. I think we can try just for ten minutes or so to go back
23 into open session, your Honour.

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

25 (Open session at 10.44 a.m.)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Open Session)

ICC-01/05-01/08

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

2 MR HAYNES:

3 Q. Sir, your last answer again pre-empted this question, which is: How far is
4 Bondo from Gbadolite?

5 A. In terms of kilometres? Maybe 400 or 450 kilometres, and that is an
6 approximation.

7 Q. Thank you. That's quite a short distance by air, isn't it?

8 A. Yes. By air that may appear to be short, but by road, roads which were
9 practically inexistent, it could take you even up to a month to cover that distance.
10 But if you were to travel by motorcycle, it would take you about two very painful
11 days.

12 Q. Thank you very much. (Redacted)

13 (Redacted)

14 A. That would have had to be a very small craft, but he insisted on extending the
15 airstrip. He wanted to travel by Antonov. Now, maybe as his counsel you may
16 want to ask him why he chose an Antonov and not a smaller craft. (Redacted)
17 (Redacted) he told me,
18 "I would like to land there by Antonov."

19 Talking about this reminds of something, by the way. You see, at some point the
20 administrator of that territory, who had failed to complete the work, told him at the
21 end, after having been informed by the president that he wanted to come, that he
22 wanted to come quickly, so the administrator actually asked him, "Since you want to
23 come so urgently, can't you try and come in a smaller craft?" And he said "No"
24 categorically, and that is why (Redacted)
25 (Redacted).

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Now, why did he say "no" to using a smaller craft? Well, you are there and you are
2 probably in a better position today to put that question to him. (Redacted)
3 (Redacted)

4 Q. You've just remembered that --

5 PRESIDING JUDGE STEINER: Mr Haynes, just one second. Ms Bala-Gaye.

6 MS BALA-GAYE: I apologise for interrupting, Madam President, but I think it's
7 more appropriate to go into private session if Mr Haynes wants to continue in this
8 line of questioning.

9 PRESIDING JUDGE STEINER: I had already ordered redactions, starting by the
10 question put by Mr Haynes in the beginning as soon as we turned into open session.
11 I agree with Ms Bala-Gaye and I ask, please, court officer to go into private session.
12 *(Private session at 10.49 a.m.)Reclassified as Open session

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

14 MR HAYNES:

15 Q. Did it surprise you, when you were told that Mr Bemba was unavailable to
16 (Redacted), that he was talking to his military commanders on the radio?

17 A. Surprise me? Why should I be surprised? In the morning, he needed to have
18 reports from the fronts. These were war times. And in his capacity, as head of the
19 military wing, it was only normal for him to be briefed on the situation at the front.
20 So why should I have been surprised? (Redacted)
21 (Redacted) There was no reason to be
22 surprised.

23 Q. In fact, you were probably comforted by the fact that he was keeping a handle
24 on the military operations, weren't you?

25 A. Comforted by what?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Q. By the fact that the commander-in-chief of the army was talking to his
2 operational commanders.

3 A. Was it my business to pass a value judgment on these matters, whether he had
4 to or not? He was the commander of the army. He was getting in touch with his
5 commanders at the battle-front. Why should I pass any value judgment on this?
6 Be surprised, be happy, be sad or what have you, I really don't understand the thrust
7 of your question.

8 All I know is that each morning he had a briefing from his commanders at the front
9 and get a situation report. (Redacted)
10 (Redacted)
11 (Redacted)

12 Q. And can you tell us now which commanders it was that you were told he was
13 talking to?

14 A. He was not talking only to one commander. Well, I told you that I spent close
15 to (Redacted) and he would have conversations or discussions with all
16 the commanders at the battle-fronts. It wasn't a briefing with a single commander.
17 He might have been talking to Alongaboni, to Mutanga or to any other commander at
18 the battle-front. There were other commanders, and it was not only with one
19 specific commander that he was communicating. He needed to be briefed by a
20 number of commanders on the situations prevailing at the battle-front.
21 By the way, maybe he had more conversations with Alongaboni because Alongaboni
22 was at the Basankusu front, a front which was important, because he wanted
23 Basankusu to be captured because it was a strategic hub on the south Équateur front.
24 There was also an airstrip there which would have made it possible or easier for
25 troops to receive supplies by Antonov aircraft.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Q. Thank you. Alongaboni, what rank did he told or what unit did he command
2 to your knowledge?

3 A. Alongaboni was an ex-FAZ officer, that is of the former Mobutu regime.
4 Under Maréchal Mobutu's regime he had a different -- a rank, that is he was a major,
5 but the MLC had not yet assigned any ranks and he was the commander in the
6 Basankusu sector. Initially he was the battalion commander, the Simba battalion in
7 Bongandanga, and then when brigades were created he moved up to the head of a
8 brigade which operated in the Basankusu region and then he ended up as a sector
9 commander.

10 PRESIDING JUDGE STEINER: Mr Haynes, if you are not turning back to the issue
11 of (Redacted), maybe we can go back into open session?

12 MR HAYNES: Certainly, for a couple of minutes.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 (Open session at 10.55 a.m.)

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

16 MR HAYNES:

17 Q. So that we can just go over that ground, at the time we are concerned with in
18 late 1999 or early 2000 Mr Alongaboni, whatever rank he may have had, was a
19 brigade commander; is that right?

20 A. Yes.

21 Q. And those are the sort of conversations that you were told Mr Bemba was
22 having namely with brigade commanders, the commanders of substantial army
23 units?

24 A. Yes.

25 Q. And did you understand those conversations to be by long-distance wireless

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Open Session)

ICC-01/05-01/08

1 radio or phonie?

2 A. Yes. At the time, yes.

3 Q. So the person with whom he was speaking had to be in a radio station or a
4 communication centre?

5 A. Yes.

6 MR HAYNES: Thank you very much. Then I've finished that section of these
7 questions and that might be a convenient moment to break.

8 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. Mr Witness,
9 we'll have a half-an-hour break for you and our interpreters and court reporters to
10 take some -- a little bit of rest. It's almost 11 o'clock. We will resume at 11.30.

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

13 Court officer, please.

14 *(Closed session at 10.58 a.m.)Reclassified as Open session

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

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 10.59 a.m.)

19 *(Upon resuming in closed session at 11.34 a.m.)Reclassified as Open session

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

21 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
22 the witness in.

23 (The witness enters the courtroom)

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

25 (Open session at 11.36 a.m.)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Open Session)

ICC-01/05-01/08

- 1 THE COURT OFFICER: We are in open session, Madam President.
- 2 PRESIDING JUDGE STEINER: Thank you very much.
- 3 Mr Witness, welcome back.
- 4 THE WITNESS: (Interpretation) Good morning, Madam President.
- 5 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 6 THE WITNESS: (Interpretation) Yes, I am ready.
- 7 PRESIDING JUDGE STEINER: I'll give back the floor to Mr Haynes, reminding
- 8 Mr Haynes that we are in open session.
- 9 MR HAYNES:
- 10 Q. Welcome back, sir.
- 11 A. Good morning, Counsel.
- 12 Q. Sir, just to conclude what we were talking about before the break, you told us
- 13 that the airstrip in Bondo is now used to carry supplies to the civilian population; is
- 14 that right?
- 15 A. Yes, that is correct.
- 16 Q. Can you help us as to when it began to be used to ferry supplies to the civilian
- 17 population?
- 18 A. As I said, once the work on the landing strip had been completed,
- 19 Mr Jean-Pierre Bemba arrived in Bondo and for one or two hours, (Redacted)
- 20 (Redacted)
- 21 (Redacted) and at that
- 22 moment in time the airstrip was once again being used for the population in order for
- 23 planes to come in, because there was a company that was based in Beni, they were
- 24 starting to do the Beni-Bondo trip with an Antonov plane.
- 25 Q. So, so far as you were aware, as soon as the airstrip was opened it was used to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0045

1 ferry supplies to the civilian population in Bondo?

2 A. As I said, (Redacted). At the time, there was no network coverage for mobile

3 telephones. In other words, (Redacted) I was no longer in contact with

4 Gbadolite, nor with (Redacted), unless (Redacted) using his satellite

5 telephone (Redacted) and then I would (Redacted)

6 (Redacted). That was the only contact that I had

7 with Gbadolite via his intermediary, if you like, which means that some of the

8 activities that were going on, what was happening (Redacted)

9 (Redacted). As to when it became open to the public, was it immediately, or

10 did some further small maintenance work need to be completed? I am not sure.

11 (Redacted) because

12 he said he was going to land at the airport and he said, (Redacted)

13 (Redacted) well, I am hell-bent on coming to Bondo on board an Antonov," and (Redacted)

14 (Redacted). And if subsequently this was of any benefit to the population,

15 well, that's a good thing, but at the time (Redacted)

16 (Redacted)

17 Q. Thank you very much. Now, we are still in public session and I am going to

18 ask you some as it were basic questions about geography and travel arrangements, so

19 please try not to as it were personalise your answers. Lusaka is in Zambia, isn't it?

20 A. Yes.

21 Q. Not far from the border with Zimbabwe; is that right?

22 A. I know that from Lusaka to Harare is a distance of a thousand kilometres,

23 because we travelled by road from Lusaka to Harare and it's a distance of a thousand

24 kilometres.

25 Q. Thank you very much. And how far is Lusaka from Gbadolite?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Open Session)

ICC-01/05-01/08

1 A. It is a long way. You need to cross the Congo from the north to the south of
2 the country. It's a long distance. I would not be surprised if it was a distance of
3 3,000 kilometres or more. It's a long distance. You know, Congo is a vast country
4 and when you go, you leave Gbadolite, you go via Lubumbashi and you reach
5 Lusaka. It's a long way. Maybe 3,000/3,500 kilometres?

6 Q. How does one travel from Gbadolite to Lusaka?

7 A. By plane.

8 Q. By what route?

9 A. By what route? Well, by plane. Well, there's no regular flight between
10 Gbadolite and Lusaka. There's no regular flight,(Redacted)
11 (Redacted)

12 THE INTERPRETER: Message from the interpreter: The end of the witness's
13 response with regard to the (Redacted) was not clear. Could he be asked to repeat it, please?

14 MR HAYNES:

15 Q. The interpretation of your last answer was not complete. You said something
16 about travelling from (Redacted). What in fact did you say in its
17 entirety? Could you repeat your answer, please?

18 A. Concerning what, precisely?

19 Q. Well, my question was by what route did you (Redacted)

20 A. (Redacted)

21 THE INTERPRETER: (Redacted) says the witness.

22 THE WITNESS: (Interpretation) If my memory is correct. Maybe I'm not very
23 clear on the subject. (Redacted) or not,
24 or whether (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 arrived on the same day in Lusaka. That is for sure. As for whether we stopped off
2 anywhere, I'm not sure. Anyway, it's of no matter unless any specific event occurred.
3 I do not believe that on the occasion of that journey any specific event occurred that
4 might mean that I would recollect of any stop off at all. (Redacted)
5 (Redacted), and as to what President
6 Chiluba said at the time, because there was a meeting in Lusaka of Heads of State,
7 there was a meeting - a political and military meeting - of those involved in the war in
8 the DRC and I was due to be located in Lusaka in order to complete my tasks within
9 the political and military committee.

10 MR HAYNES: I'm afraid we are going to have to go into private session.

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

12 *(Private session at 11.48 a.m.)Reclassified as Open session

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

14 MR HAYNES:

15 Q. Sir, we are now in private session so nothing you say will be broadcast outside
16 the courtroom. I want to ask you a little bit about the practical arrangements (Redacted)
17 (Redacted)
18 (Redacted)

19 A. Two delegates.

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 committee -- political military committee.

2 Q. So that we all understand, when do you mean by the end of the joint military
3 committee?

4 A. (Redacted), which means to say that when the
5 (Redacted) were organised the (Redacted) no longer had a
6 reason to exist because (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 had been held or discussions, this institution no longer had a raison d'être and the
11 (Redacted) then decided to put an end to the mission (Redacted).

12 Q. And do you recall about how long (Redacted)?

13 A. Could you please repeat your question?

14 Q. (Redacted)

15 (Redacted)

16 A. The joint military commission ceased to exist officially in the year 2003,
17 officially that is.

18 Q. With the creation of the transitional government; correct?

19 A. It was before the transitional government was set up, in fact. A short time
20 before. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. Okay. Well, we may come back to that. What I'm really interested in is the
3 changes in personnel of the representatives there. When did (Redacted)(phon)
4 (Redacted)?

5 A. I never said that. I said the following. I don't know whether I can repeat
6 myself, or not? Maybe the Congolese names are difficult for you to grasp. I said
7 that before me there was (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Okay, and when was that?

13 A. What date? What do you mean?

14 Q. Yes, what date approximately did (Redacted)

15 (Redacted)

16 A. Well, as I said, I arrived in the month of (Redacted)

17 arrived probably, well, I would say maybe in the month of (Redacted).

18 Q. Okay. Well, let's move on. We'll leave (Redacted) where he is for now. (Redacted)

19 (Redacted)

20 A. (Redacted) and on the side of the political and military movements and besides
21 representatives of the MLC, there were representatives of the RCD-Goma,
22 representatives of RCD-K/ML, representatives of the government - the Kinshasa
23 government - representatives of Rwanda, representatives of Uganda, representatives
24 of Namibia, representatives of Zimbabwe and representatives of Angola, and these
25 were the countries that were involved in the Congolese conflict.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Now, apart from the countries and movements that I have just mentioned there were
2 other representatives, including representatives of the African Union, the joint
3 military commission was chaired initially by an Algerian general (Redacted)
4 and then subsequently by a Zambian general. Furthermore, the joint military
5 commission used to work with MONUC which was the United Nations mission to
6 the Congo, so that is somewhat the configuration that was in place; the configuration
7 of the joint military commission.

8 Q. Thank you very much. And during the period that (Redacted)
9 (Redacted)

10 A. During that period, we were (Redacted).

11 Q. And I think just to remind you, you firstly (Redacted)
12 (Redacted)?

13 A. You have a clear memory. It is as if you were present yourself. What you say
14 is absolutely correct.

15 Q. (Redacted)
16 (Redacted)?

17 A. Yes. During the -- well, as I said last time, what was peculiar is that the MLC
18 (Redacted)
19 (Redacted). When the Security Council decided to take up the Congolese
20 matter and indicated a desire to work with the political commissions, the Security
21 Council would send (Redacted)
22 (Redacted). The Security Council also
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Okay; thank you very much. And just to complete the picture, I think you also
10 during this period (Redacted); is that right?

11 A. Yes, that is correct.

12 Q. And that was until the work of the (Redacted) had been finished in (Redacted).

13 Am I right about that?

14 A. (Redacted) Could you be more specific in your
15 question? When you say "right to the end," what do you mean?

16 Q. You are quite right. It was a bad question. I'll put it another way. The work
17 of the (Redacted) really with the setting up of the transitional
18 government. Do you agree with that?

19 A. I think I have already answered that question. Maybe if you did not
20 understand me, I could repeat my answer. What I said is that the task of the (Redacted)
21 (Redacted), that is correct.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted), did you?

25 A. During that period, it was difficult to place (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Mr Jean-Pierre Bemba was there. He had come with (Redacted), I believe, and

5 (Redacted), and I don't know whether (Redacted) was also part of that

6 (Redacted). That was probably (Redacted), if memory does not fail me. At that

7 time we all discussed the events unfolding in Gbadolite and then from time to time

8 when Mr Jean-Pierre Bemba (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) At that time it was difficult to have contact otherwise,

12 because there was no mobile telephone network in Gbadolite. So, yes, it was

13 extremely difficult to communicate at that time.

14 Q. How many times did (Redacted)

15 (Redacted)?

16 A. I am not in a position to give you an exact or the exact number of times. That

17 is difficult. They came whenever the meeting (Redacted)

18 (Redacted) -- when such meetings or whenever

19 such meetings were convened.

20 Now, I don't know how many times the meeting was convened and these things

21 happened a long time ago and I cannot tell you exactly (Redacted)

22 (Redacted)

23 Q. How many times during the period you worked (Redacted)

24 (Redacted)?

25 A. During that period, I did not return to Gbadolite. I had to remain there,

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 because (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. I'm going to remind you of something you said in your interviews in a minute,
5 but when you went back to Gbadolite did you go back alone, or with (Redacted)?

6 A. (Redacted). You see, in fact when I was in Gbadolite

7 (Redacted) made two trips. Where we were (Redacted), he had made two
8 trips to (Redacted)

9 (Redacted)

10 (Redacted)

11 Then (Redacted) went back together.

12 Q. Thank you. And I know it's difficult to remember these things, but when you
13 travelled back (Redacted)
14 to Gbadolite, or did you use scheduled air flights?

15 A. Let me start by saying that at that time there was (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted). We travelled by

22 bus, by road, because we had some effects or property to transport, (Redacted)

23 (Redacted)

24 Q. Okay; thank you very much. I'll see if I can cut a corner here. I'm going to
25 ask that a document is put on your screen, please. It's CAR-OTP-0034-0461. It is of

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 course the transcript of the witness's interview, and for those of us following in
2 English the last four digits of the ERN number are 0421.

3 PRESIDING JUDGE STEINER: Mr Haynes, which document is it on the list - the
4 Defence list - of evidence, please?

5 MR HAYNES: I'm pretty sure it's document 1, in English that is.

6 PRESIDING JUDGE STEINER: So the number you mentioned is document 6. It's
7 the French version.

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

9 THE COURT OFFICER: Document CAR-OTP-0034-0442, second redacted version at
10 page 0461, second redacted version, is available on your screen. This document is
11 classified as confidential.

12 MR HAYNES:

13 Q. Sir, is the document on your screen sufficiently well enlarged for you to be able
14 to read it? Sir, just to help you, if you just read over to yourself from the question
15 that begins (Interpretation) "Do you remember at what time you returned to
16 Gbadolite?" (Speaks English) until the bottom of the page.

17 A. Are you asking me to read this?

18 Q. Just to yourself. There's no need to read it out loud. And if you could tell me
19 when you've finished?

20 A. I am done.

21 Q. Thank you. Where you said that the third time you visited Gbadolite was "...
22 not long before we departed for the setting up of the transitional government," when
23 did you mean then?

24 A. I think that here, the questions were not as detailed as the questions you are
25 putting to me now. Now, this is what I see as the answer. The first time I went

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 back to Gbadolite, I don't know whether this is a correct version because often there
2 are translation problems in these reports. What happened actually is that I arrived
3 in Gbadolite in (Redacted) and that has already been my testimony before this
4 Court. Now, the first time I left (Redacted) for Gbadolite was (Redacted). Now,
5 when I got to Gbadolite in (Redacted), we were getting ready (Redacted)
6 (Redacted) and now I am
7 providing you with details as to the chronology of events as they unfolded, but the
8 answer I provided here was in general terms. Now, when a question seeks to elicit
9 details from me, I can provide those details. (Redacted), we
10 worked for about two weeks and our (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted). Those entities needed to be identified
14 because things had changed. At the beginning -- and I am giving you the proper
15 context here to enable you to understand this matter properly. At the beginning, the
16 first rebel movements were the RCD in August 1998. Then there was the MLC
17 created in September. Then there was a split in the RCD which became the
18 RCD-Goma and RCD-K/ML and then the RCD national was subsequently formed.
19 Then (Redacted) -- rather, there was the Mai-Mai. When we (Redacted), the
20 question that arose was whether the Mai-Mai should be recognised as a fully-fledged
21 entity for the purposes of the (Redacted) and opinions were split. The
22 MLC and the RCD and other movements felt that the Mai-Mai were a creation of the
23 Kinshasa government and that they would therefore not be entitled (Redacted)
24 (Redacted). The government on its side argued that the Mai-Mai
25 were an entity fighting foreign invaders from Rwanda and in that capacity were

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

- 1 therefore (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted). You will note that I did not say that it
- 8 (Redacted) here because the question was couched in very general terms.
- 9 (Redacted)
- 10 (Redacted) These are the details that I wanted to provide to the Court on this issue.
- 11 You see, if we go chronologically I can give you all those details, but I believe that in
- 12 answer to this question I was speaking in broad strokes, in general terms, and there
- 13 might have a problem of dates. You see, there was a chronology of events and there
- 14 might be a problem with the dates, so we have made this effort in order to clarify the
- 15 situation to the best of our ability, but you may also want to know that it is not
- 16 always easy to be very specific in one's recollection about the dates, particularly in
- 17 view of the fast moving events that took place at that time when one had to travel in
- 18 and out and so on and so forth, so it is not always easy.
- 19 PRESIDING JUDGE STEINER: May I ask you please a favour to give us the
- 20 reference in the English version of this document you are -- you gave to the witness to
- 21 read?
- 22 MR HAYNES: Yes, I'm sorry. It's CAR-OTP-0027-0421.
- 23 Q. Now, sir, I wonder if we could go back to the question I in fact asked you,
- 24 which is what was the date of the setting up of the transitional government?
- 25 A. The transitional government was set up, if my memory serves me correctly, as I

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 say if my memory doesn't fail me, in the month of July 2003. This government was
2 due to be in place by at least 30 June 2003. I remember that only very clearly,
3 because on 30 June is a symbolic date for our country. It is the date of independence.
4 However, complications had arisen and in order for people from political and
5 military movements of Kinshasa to be able to be incorporated, we had to complete all
6 the security measures because people were still not very trusting and of course all of
7 this was put off until the month of July 2003 I believe. That is when everyone
8 arrived and the transitional government was set up.

9 Q. So when you said in your interview that the third time you went to Gbadolite
10 was "... not long before we departed for Kinshasa for the setting up of the transitional
11 government," (Redacted)

12 A. As I said, the institution of the transitional government was completed in the
13 month of July 2003. I believe, I'm not quite sure what date it was, (Redacted)
14 (Redacted)
15 (Redacted) within the
16 framework of the return to peace of the Congolese nation, and I believe that it was
17 around that date. I might find it difficult to place that date in time. That was when
18 I left with (Redacted)

19 order to receive these honours and we made up a special delegation, subsequent to
20 which we returned. As I said, we were moving around a lot. It might have been
21 difficult, therefore, to situate this event in time. As I said, many events occurred and
22 it might have been a problem of specifying the date. It is possible.

23 Q. Well, as you sit there now, can you recall going to Gbadolite just before you
24 departed for Kinshasa in July 2003?

25 A. Could you repeat the question, please?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Q. Yes. Do you remember going to Gbadolite not long before you left for
2 Kinshasa in July 2003?

3 A. I went to Gbadolite because we -- well, we were in Gbadolite because I believe
4 that after the month of April 2003 where -- when I believe there was (Redacted)
5 (Redacted)
6 (Redacted) I believe and then we returned to Gbadolite in order to wait for the month
7 of July to come around.

8 Q. Thank you.

9 A. And if I went to Kinshasa in the meantime, I do not really recall because many
10 things happened and, you know, this did all take place a long time ago and it's not
11 always easy to remember all the dates, all the toings and froings that one did, because
12 we did move around a lot during that period.

13 Q. (Redacted)
14 (Redacted)

15 A. Yes, I do believe it is the (Redacted).

16 Q. (Redacted). Do you remember that?

17 A. Yes.

18 Q. So after that and before you went to Kinshasa in July, you went back to
19 Gbadolite?

20 A. Yes, I did indeed return to Gbadolite. I said that from memory, you know?
21 It's no easy thing to remember all of these events. It is true I believe that
22 subsequently we then returned to Gbadolite, yes.

23 Q. Thank you. Now, I just want you -- if you like read it back again, but when
24 you were asked when you had returned to Gbadolite by the interviewers you
25 described four occasions: (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted). Do you agree with that?

2 A. Having gone where, precisely, between -- between (Redacted)?

3 Q. Well, please take your time. I don't want you to be misled, but the first time
4 you went back to (Redacted). Do you agree with that?

5 A. (Redacted). Yes.

6 Q. And the second time was after you had been to (Redacted).

7 Do you agree with that?

8 A. Well, the first time was in (Redacted). We went to (Redacted)

9 (Redacted).

10 Q. Thank you. And you stayed in (Redacted) when you went
11 to Kinshasa?

12 A. Yes, indeed, I was talking about (Redacted), but there was a problem.

13 Initially, we were due to go to Kinshasa. I told you that there were -- there was
14 hesitation. Mr Jean-Pierre Bemba did not want us to go to Kinshasa. Pressure was
15 exerted for the KML to occupy that position within the joint military commission.
16 There had been a first journey that had been called off and on the second occasion we
17 went to Kinshasa. It must have been between January or February, I believe.
18 I think it was between January and February, but because the first one did not come
19 off, well, you know, this might complicate matters in terms of specifying the date
20 because there was a first aborted journey and then a second journey that did occur
21 some time between the month of January and February.

22 Q. Sir, you might remember that the Judge questioned the relevance of my asking
23 you this, but when and where did you meet your (Redacted)?

24 A. You are asking me when I met my (Redacted)? Well, what is the connection
25 with this question?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0045

1 Q. I'll find the reference in a minute, but I'm pretty sure that earlier this morning
2 you told us in (Redacted) when you went there in (Redacted); is that right?

3 A. Yes, I did indeed meet her shortly after arriving in (Redacted). I don't know
4 whether I should give you details of my life and the circumstances under which we
5 met each other. If you don't mind, Madam President, I'd rather not give those
6 details. I don't want to tell the manner in which I came to meet my wife, because I
7 do not believe that I am a suspect before the Court. I have come to testify to events
8 which occurred in the DRC, and especially in the CAR, and if I am to start to explain
9 that I met my wife in such and such circumstances, well, with your leave, Madam
10 President, I am really not ready to start exposing my personal life.

11 PRESIDING JUDGE STEINER: Yes, I am sure Mr Haynes will not advance on your
12 personal life. Maybe it's just a matter of precision on dates and I hope it doesn't go
13 further than that.

14 MR HAYNES:

15 Q. I do have one question, which is when and where did you marry her?

16 A. (Redacted). As I said to you, there is a problem specifying
17 dates. As for the month of (Redacted), I did state that there was a first journey that
18 had not materialised and subsequently we were able to travel. I talked about the
19 month of (Redacted). It might even have been in the month of (Redacted), because there
20 was a first journey that had not materialised. I don't know whether it was before or
21 after that that I arrived in (Redacted) and that's when I met my wife, because there was
22 (Redacted) and so he facilitated our encounter. And I'm not
23 saying that I married her straightaway. After having paid the dowry, she then came
24 to join me in (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted). She insisted about coming to join me. In
2 view of the fact that she had authorisation from her parents, I said that was fine and
3 she came to join me in (Redacted). There we have it.

4 Q. Can you help us with the date?

5 A. The date of what? Which date?

6 Q. Well, either when she came to (Redacted), or when you got married?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 facilitated the plane using the MONUC aircraft. As for the date of arrival, I might
12 have to think about that. As for the date that we travelled, it might be -- well, it was
13 after the (Redacted)

14 (Redacted) with the Kinshasa government. It might have been in the month of (Redacted),
15 (Redacted). It's quite possible. She came to (Redacted).

16 Q. Well, I'm not going to pursue this for too long, but you can't tell us the date on
17 which (Redacted)?

18 JUDGE ALUOCH: Mr Haynes --

19 MR HAYNES: Your Honour.

20 JUDGE ALUOCH: -- it appears to me that the understanding of marrying between
21 you and the witness don't quite mean the same thing.

22 MR HAYNES: Your Honour, I would welcome any assistance that you could give
23 me in that regard.

24 JUDGE ALUOCH: Well, the witness seems to have talked about customary
25 marriage, "She moved in when I was not there," but you keep -- you insist on

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 "marrying, " so I don't know whether what sort of marrying? Are you talking of a
2 church marriage? It appears to me that the understanding is different between you
3 and the witness of this word "marrying." "When did you marry your wife?"

4 MR HAYNES: Your Honour, I think I gave him both options, but there you are.
5 I'm going to move on.

6 JUDGE ALUOCH: Thank you.

7 MR HAYNES:

8 Q. Do you agree that when you were asked by the interviewers when you went
9 back to Gbadolite that you did not describe one occasion that you were in Gbadolite
10 between (Redacted)?

11 A. Well, as I said at an earlier stage, I made many a journey because there were
12 three or four places. There was one in Gbadolite, there was another one (Redacted),
13 there was another one where there were (Redacted)
14 (Redacted), as I said, I find it somewhat
15 difficult to unravel all of this because remembering all these dates is no mean feat.
16 Sometimes I was in Kinshasa, sometimes (Redacted), sometimes I was in Gbadolite
17 and I might find it difficult to remember some of the dates, but the events that I am
18 relating are things that actually occurred, but as for the dates there might be problems,
19 but I do maintain and I do stand by what I have said and what I am recounting to
20 you.

21 PRESIDING JUDGE STEINER: Mr Haynes, maybe we have a misunderstanding
22 problem here. I would like you to clarify, because in your question on page 55,
23 starting on line 3, you asked the witness, "Do you agree that when you were asked by
24 the interviewers when you went back to Gbadolite that you did not describe one
25 occasion when you were in Gbadolite between (Redacted)?"

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 MR HAYNES: If I said that, I didn't mean to. I meant (Redacted).

2 PRESIDING JUDGE STEINER: So then I will ask a clarification from the witness --

3 MR HAYNES: Of course.

4 PRESIDING JUDGE STEINER: -- because I am reading something different in his
5 statement and I want him to confirm. So I ask, please, court officer, to display

6 CAR-OTP-0034-046 -- we never have the last number of the pages here. 62, I think.

7 It's the following page of that one that was displayed before, which means that in
8 English it's the following page as well.

9 MR HAYNES: Yes, it is 422.

10 THE COURT OFFICER: Madam President, the document CAR-OTP-0034-0442, at
11 page 0462, is available on the screens.

12 PRESIDING JUDGE STEINER: I cannot check it, but I would like the witness to read
13 in the middle of the page there is a question asking that: "You have said that in

14 (Redacted). How long did you stay in Gbadolite?" And your

15 answer was: "I believe I stayed there until the (Redacted)." Then the

16 interviewer asked for a clarification: "What do you mean by (Redacted)?"

17 And you say: (Redacted) Was that your account, Mr Witness?

18 THE WITNESS: (Interpretation) I would like to provide you with a chronology of

19 events, because when at the beginning of the year (Redacted) I found myself in Kinshasa,

20 we had left Kinshasa in order to (Redacted). First of all we

21 were in Kinshasa. Then we went from Kinshasa to (Redacted)

22 (Redacted), subsequent to which we returned to Gbadolite with a view to preparing for

23 the implementation, because (Redacted) the MLC had

24 signed with the government a separate agreement under whose terms Joseph Kabila

25 would remain president of the republic and Jean-Pierre Bemba was due to be his

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 prime minister. After this the government and the MLC withdrew, and of course
2 civil society withdrew from the negotiations, (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 He wanted to come with a battalion. The government said that, no, he could not
10 come with a battalion, so a delegation of a few governmental figures and a delegation
11 from the MLC that was in Kinshasa were due to come to Gbadolite in order to meet
12 Mr Jean-Pierre Bemba seeking clarification in this regard. So after having finished
13 this work, clarifying the situation, the delegation that had come from Kinshasa to
14 Gbadolite then returned to Kinshasa. (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 As for the dates, well, (Redacted) I believe came to an end, or the
19 first stage at least, I'm having difficulty with my memory here, but I think it might
20 have been in the month of (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted)
3 (Redacted) however, and subsequently people were talking about
4 us going back to (Redacted) with all the other political actors in order to find a
5 global solution to the situation which gave rise to the signature of the final agreement.
6 That is the clarification I can provide, but it is true that for that period I have
7 difficulty specifying the dates, but I do believe that in the month of June I was in
8 Gbadolite.

9 PRESIDING JUDGE STEINER: We need, Mr Haynes, to suspend now for the
10 lunch-break.

11 Mr Witness, we will come back because I need you to confirm some dates of this that
12 are mentioned in this part of your statement, but now we have to suspend for our
13 lunch-break and I will ask, please, court officer to turn into closed session in order for
14 the witness to be taken outside the courtroom. We will suspend in the meantime
15 and resume at 2.35.

16 Court officer, please.

17 *(Closed session at 1.03 p.m.)Reclassified as Open session

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

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

21 (Recess taken at 1.03 p.m.)

22 *(Upon resuming in closed session at 2.35 p.m.)Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

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

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (The witness enters the courtroom)

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

3 (Open session at 2.37 p.m.)

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

5 PRESIDING JUDGE STEINER: Thank you very much.

6 Mr Witness, welcome back.

7 THE WITNESS: (Interpretation) Good afternoon.

8 PRESIDING JUDGE STEINER: We hope you had the opportunity to take some rest
9 during the lunch-break?

10 THE WITNESS: (Interpretation) Yes, indeed.

11 PRESIDING JUDGE STEINER: Before we suspended for the lunch-break we were
12 checking some information contained in your written statement and, since when you
13 appeared for the first time before this Chamber you mentioned that maybe some
14 information of your statement was not correct, or could be clarified, and taking into
15 account the question put by Mr Haynes, I was trying to seek clarification on the period
16 you stayed in Gbadolite between mid-2002 and let's say mid-2003.

17 I ask, please, the court officer to put again on the screens the page CAR-OTP-0034-0462 for
18 the witness to check the information therein contained. As a matter of precaution, we
19 will turn into private session and the document will be displayed only inside the
20 courtroom, of course.

21 *(Private session at 2.40 p.m.)Reclassified as Open session

22 THE COURT OFFICER: We are in private session, Madam President, and the document
23 CAR-OTP-0034-0442, at page 0462, second redacted version, is available on the screens.
24 It's a confidential document.

25 PRESIDING JUDGE STEINER: Mr Witness, would you like a moment to read this page

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 of your statement?

2 THE WITNESS: (Interpretation) Thank you for putting that question to me. Yes,
3 indeed, during that period, as I underscored before we took the break, this was a period of
4 intense activity, and I made the most of the break to think more about this in order to try
5 and piece together, to the best of my ability, the essential dates.

6 I can say that, after reflecting on the matter and in trying to shed light on the matter and in
7 order not to come back to the date of (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) I think I believe I said that in my previous

12 statement.

13 I think I can say without being mistaken that that was in the (Redacted)

14 (Redacted), and I said that things had been cancelled, you know, and finally in

15 the (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 From Gbadolite, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 I once again came back to Gbadolite in the month (Redacted). As I say, I came back to

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Gbadolite in the (Redacted), and I believe that in the month of (Redacted) we
2 started on a journey with Mr Jean-Pierre Bemba. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted) received
7 honours from the UN for their peace efforts.
8 After this we returned to Gbadolite, (Redacted) we went ahead to attend
9 (Redacted), after
10 which we returned once again to (Redacted) left
11 for Bangui before returning around (Redacted).
12 After my return on (Redacted), I believe there was another (Redacted)
13 (Redacted) we then read it
14 ourselves in order to go and join the institutions. This is the light that I can shed on the
15 matter, and as you might have realised, Madam President, during that period there were
16 lots of toings and froings which meant that I found it somewhat problematic piecing
17 everything together. So there you have it.
18 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, for these
19 clarifications.
20 Mr Haynes, you have the floor. Should we continue in private?
21 MR HAYNES: Yes, I think we should, I'm afraid.
22 Q. Sir, I want to remind you of something you said yesterday when you were being
23 asked questions by Ms Douzima-Lawson and I apologise for the fact that I am referring to
24 the real-time transcript but it's English, page 44, lines 15 to 18, and what you said in
25 answer to a question whether you knew if Mr Bemba had travelled to the Central African

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

- 1 Republic was, "What I can say is that personally I did not witness any trip he might have
2 made to the Central African Republic during that period. This is because, as I said before,
3 I was (Redacted). Sometimes I would spend
4 (Redacted)
5 (Redacted) Do you agree with that?
6 A. (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 For example, in the month of June to the month of August we were (Redacted),
11 June/August, that's approximately two months, and maybe less at some point in time, but
12 after my return from Bangui until the month of April I remained in Gbadolite. So that
13 was for a length of time, quite a long duration.
14 And to glean information, I did not need to stay for an entire year in Gbadolite because in
15 my capacity (Redacted), and (Redacted)
16 (Redacted)
17 (Redacted)
18 MR HAYNES: Well, we'll come on to that. I wonder if we could just have on screen
19 briefly for the witness, please, Defence document 20.
20 THE COURT OFFICER: Document CAR-DEF-0001-0033 is available on your screens at
21 the first page and it's a public document, although it will not be broadcasted because we
22 are in private session.
23 MR HAYNES:
24 Q. Sir, do you recognise that document?
25 A. To the extent that (Redacted), yes, I do recognise this

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 document.

2 Q. And I think you've already told us, and we can see by looking at the bottom of the
3 page, that it is signed and dated 17 December 2002, and that's when you remember it
4 being signed. How long -- well, perhaps we can take it stage-by-stage. (Redacted)
5 (Redacted)

6 A. (Redacted)

7 Q. (Redacted)

8 A. (Redacted)

9 (Redacted)

10 Q. Well, we might be able to check it with other people who were there, but if I
11 suggested to you two to three months would that sound about right?

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Well, how long did you stay in (Redacted)?

18 A. (Redacted)

19 Q. (Redacted)

20 A. (Redacted)

21 MR HAYNES: Because I want to remind you of something you said in your interview,
22 please. And for the witness can we see CAR-OTP-0027-0473. And for those of us
23 following in English, it's Defence document 2, and the last four digits of the ERN are
24 00432.

25 THE COURT OFFICER: Madam President, if I may, wouldn't it be document number 4

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 of the list?

2 MR HAYNES: I'm sorry, you're right.

3 PRESIDING JUDGE STEINER: For me the page mentioned by Mr Haynes is document 6,
4 the French version. Oh, no, but this is 0027. Just a minute. It's -- yes, in the English
5 version it's document 4.

6 THE COURT OFFICER: Madam President, there are two documents, first redacted
7 version and second redacted version. Should I show the second redacted version, or the
8 first one?

9 MR HAYNES: The second, please.

10 THE COURT OFFICER: Document CAR-OTP-0027-0466, second redacted version, at
11 page 0473, is now available on the screens.

12 MR HAYNES:

13 Q. Sir, can you see an answer that begins, "Yes, yes, at a certain point I went back to
14 Gbadolite ..."?

15 PRESIDING JUDGE STEINER: Mr Haynes, wouldn't it be convenient to put the French
16 version in front of the witness?

17 MR HAYNES: That's what I hoped was being done. That's probably my fault.

18 PRESIDING JUDGE STEINER: The number you gave is the English version, not the
19 French.

20 MR HAYNES: You're quite right, it should be CAR-OTP-0034-0473.

21 THE COURT OFFICER: Document CAR-OTP-0034-0442, second redacted version, at
22 page 0473, is available on the screens and it's a confidential document.

23 MR HAYNES:

24 Q. Sir, can you see an answer that begins, "Yes, yes, at a certain point ..."? Have you
25 read that, sir?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 A. Yes, I have just read it.

2 Q. After the signing of the (Redacted)

3 (Redacted)

4 A. I can see that here, yes, there are a few problems. As I said, there was an intense
5 activity. There is a problem of chronology regarding the dates and I mentioned it here.
6 I was not able to situate in time the period during which the General Staff meeting took
7 place. (Redacted)

8 (Redacted)

9 (Redacted) I would not have observed or taken part in the process or the trial which took place
10 in January.

11 So if we have to situate this event then I believe that after the trials it is possible that we
12 went there, but I have difficulty. I know that I did not go to Bangui in (Redacted). It
13 was in (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Well, presumably (Redacted) different locations, aren't they?

21 A. Yes.

22 Q. So in which of those (Redacted) locations did the meetings (Redacted)
23 (Redacted)

24 A. (Redacted) As I have

25 said, I have difficulties situating the various dates and I want to reiterate that. I know

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 that, after the meeting and (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Well, we'll come on to that, but what you said here to the interviewer -- and I hope
6 you've got it on your page? You were asked, (Redacted)

7 (Redacted)

8 (Redacted) Now, did you understand that question?

9 A. Once again, let me repeat: There were many events that took place during that
10 period and, when that question was put to me, I had problems determining the
11 chronology of events. I made efforts to situate the various events as they had happened.
12 I believe I have given you the chronology of those events. If I made that statement it was
13 (Redacted), and it is necessary -- it was necessary to determine
14 the first event which (Redacted)

15 (Redacted)

16 (Redacted). That is what I can tell you. I do acknowledge that at one point I had
17 difficulty with the chronology of events, but the main events that I have just mentioned,
18 well, I did indeed take part in those events.

19 Q. How long were (Redacted)

20 A. I do not know. I believe it would have been three weeks.

21 Q. Thank you. So if they commenced after the (Redacted)
22 (Redacted), they would not have been conducted until -- completed until well into January;
23 is that right?

24 A. It could not have started (Redacted) for the simple reason that even though I
25 do not remember the precise date, I believe that there was consultation before going to

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 that meeting in Gbadolite. There was a (Redacted)
2 who were supposed to go there; that is (Redacted)
3 So this took place in Gbadolite. It was a separate meeting that needed to be prepared,
4 and that preparation took place in Gbadolite, and immediately after concluding then we
5 started. And once again I repeat that, after my return to Gbadolite, I took part in that
6 trial. If the event had started immediately I would not have been able to participate in
7 that trial in Gbadolite in January, unless I'm mistaken about the date.

8 Q. Just to be clear, which trial are you talking about?

9 A. I am referring to the trial of the MLC soldiers who had been brought to Gbadolite
10 from Bangui to be prosecuted.

11 Q. And your recollection is that that was after (Redacted) that those trials
12 took place; is that right?

13 A. Yes, the trial definitely took place (Redacted).

14 Q. Why did you tell the interviewer that you stayed some (Redacted)
15 (Redacted)

16 A. I have told you, and I will repeat once again, that I had some difficulty with the
17 chronology of events because there were many events that took place during that period.
18 So it is possible for me to have been mistaken because I am a human being. The events
19 had taken place at a certain time, so it is normal to make mistakes, so I would like to
20 reiterate what I already said: I did indeed participate in that trial.

21 Q. Just one more thing I'd like your comments on about this, please, and it's the same
22 document, but the last four digits of the ERN in French are 471 and in English 431.

23 Sir, I'll read the English: (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 A. Once again, I would like to repeat to you the following: If you look at the
3 beginning, if the document -- you could scroll down the document, I stated somewhere
4 that I might have made a mistake, or I might have been confused, because I took part in so
5 many events. So there is a problem. There was a difficulty.

6 I did indeed take part in several events, and there is an error in the chronology that I gave
7 in my answers to the investigators. What is certain is that after (Redacted)

8 (Redacted) After my return, I took part in the

9 trial that I have referred to. So here, considering that there were so many events, there
10 was a little bit of confusion, and I also had a little difficulty situating that event of the
11 (Redacted) That is why I made the
12 necessary corrections.

13 I do remember the events very well, but at one point I had a lot of difficulty with the
14 dates. That is why I have clarified by giving you the sequence of events.

15 Q. Well, just so that we're clear, you appear to have advanced three possibilities for the
16 trip to Bangui: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. No. I said, and I will repeat, after (Redacted). I then

21 travelled to Bangui and I returned in early January, and I did take part in the trial that
22 took place in Gbadolite. After having reflected on the sequence of events I was able to
23 situate those events in which I participated.

24 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

25 MS BALA-GAYE: Madam President, perhaps Mr Haynes can show us where this third

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 option -- where the witness actually gave the information that a third possibility for his
2 trip was after the final act, because we're finding it a bit difficult to follow the line of
3 questioning.

4 MR HAYNES: I'll read it out for you if you're finding it difficult to follow, (Redacted)
5 (Redacted)

6 (Redacted)

7 (Redacted) Is that sufficiently clear?

8 MS BALA-GAYE: The exact reference would actually help, Madam President. Thank
9 you. That's all I was asking for, not the quotation.

10 MR HAYNES: I'm very sorry, CAR-OTP-0027-0433.

11 Q. Well, let's see if we can leave aside for one minute the various things you've said
12 about this and see whether we can anchor it in what was going on at the time.

13 Where were you physically when you learned there had been an attempted coup d'état in
14 the Central African Republic.

15 A. Attempted coup d'état? Which period are you referring to, because there were two
16 major events in the Central African Republic? There were the events that involved
17 Patassé but which concerned General Kolingba, and then there were the events involving
18 General Bozizé and the same President Patassé. So which event are you referring to?

19 Q. Well, let's save a bit of time, let's deal with both. Where were you when you heard
20 about the uprising by Kolingba?

21 A. (Redacted)

22 Q. And where were you when you heard about the attempted coup d'état by Bozizé?

23 A. Regarding Bozizé's attempted coup, I have said that in (Redacted).

24 When we (Redacted) we returned to

25 Gbadolite. Then (Redacted). The troops intervened around the month of July, so

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 I believe I was still in Gbadolite.

2 Q. Sorry, let's be clear about that. You believe, do you, that the attempted coup of
3 General Bozizé took place in July of 2002; is that --

4 A. No, that is not what I said. I said that the MLC intervention certainly took place in
5 July.

6 Q. Of 2002?

7 A. Yes, 2002.

8 Q. And you were in Gbadolite when that intervention began?

9 A. Oui.

10 Q. Okay.

11 A. Yes, I was in Gbadolite when that intervention started.

12 Q. And how were you aware that the intervention had begun in July of 2002?

13 A. (Redacted) I was in contact

14 with -- well, first of all, there were rumours. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Just for the sake of clarity, what's the name of the man you're talking about who
18 confirmed this to you?

19 A. In fact the (Redacted)

20 Q. Were you aware of anything else at that time suggesting that MLC troops were
21 being deployed to the Central African Republic?

22 A. Something else, what do you mean? Because troops were deployed. The MLC
23 troops were deployed. When you say "something else" --

24 THE INTERPRETER: The witness does not complete his sentence. "He -- well, could you
25 please specify what you mean?", says the witness.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 MR HAYNES:

2 Q. Planning meetings?

3 A. Planning meeting at what level? What do you mean?

4 Q. Staff level?

5 A. At the level of General Staff, well, I did not hear that there was any planning
6 meeting held because I was not involved in such events. I quite simply know that
7 General Amuli was complaining. He was saying that the decision taken by
8 Mr Jean-Pierre Bemba was not -- well, it wasn't really timely for an intervention to be
9 undertaken at a time when peace was being brokered. (Redacted) I did
10 not hear of any planning, as such. Instructions might have been given to soldiers, but it
11 is true that the final decision lay with the commander-in-chief and then the troops were
12 deployed.

13 Q. Let's leave that to one side. How long were you in Bangui for?

14 A. As I said, I went to Bangui (Redacted)
15 came back somewhere between 8 and 10 January.

16 Q. While you were in Bangui, did you see any troops?

17 A. At that time the troops were, for the most part, to be found at the front. There were
18 counter-offensive attempts on the part of the rebel forces, that is Bozizé's troops, and the
19 soldiers were deployed at the front more in order to try and counter this counter-offensive.
20 I had gone on a private mission, so I couldn't follow them to the front line. I did not have
21 any messages to impart to them but, as I said, the few contacts that I had with Central
22 Africans led me to believe that they regretted this intervention, that it had been
23 humiliating for them and that violent acts had been committed.

24 Q. Well, that wasn't quite the question I was asking you. On the streets of Bangui, did
25 you see any troops?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 A. In the streets of Bangui? Well, I'm not saying that I was moving around at any time
2 in Bangui. (Redacted) and
3 there was certain hostility on the part of the Central Africans towards the Congolese. It
4 was very difficult to move around. I gleaned this information and subsequently I went
5 back. I might have met a few soldiers, but at the time I didn't really pay much attention
6 because where I was staying I did not have any particular personal protection and so it
7 was not a good idea for me to be seen in the company of soldiers. I did not want to be
8 the -- on the receiving part of any form of reprisal, receiving end.

9 Q. Well, I'll accept that when you got to wherever you were staying you kept yourself
10 to yourself, but you crossed the river, didn't you, from Zongo to Bangui? Was any
11 military equipment being moved across the river at the same time as you?

12 A. Military equipment? Military uniforms?

13 Q. Yes.

14 A. I would like to remind you that the soldiers had already crossed over. Since
15 the -- since their intervention in the month of July they were already there on location, and
16 at the time there were issues that arose in connection with certain reprehensible acts that
17 they had perpetrated. So it wasn't at this moment in time that the equipment would be
18 ferried across. Of course I did see soldiers in Zongo, but others might have been at the
19 beach when I arrived and I saw them. I went by. I can't say that at the same time
20 military equipment was being ferried across. It was not the time when equipment was
21 being ferried across. It had already happened. The intervention had already occurred.
22 The military was already there. The equipment had already crossed over. This was a
23 period that was somewhat critical, because in the month of March the troops had been
24 repatriated and so the operations were coming to a close.

25 Q. I'm sorry, would you repeat that answer? "In the month of March the troops had

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0045

1 been repatriated," what do you mean by that?

2 A. Well, in order to explain what I mean by that, if my memory serves me correctly in
3 the month of March the MLC troops had left the CAR.

4 Q. So you were in Bangui after the month of March; is that right?

5 A. What are you saying about after the month of March?

6 Q. I'll repeat you your answer, "There was a period that was somewhat critical, because
7 in the month of March the troops had been repatriated and so the operations were coming
8 to a close."

9 A. I believe there is a problem of translation. I made a comment. You put a specific
10 question to me. You asked me whether when crossing the river I saw the military
11 equipment also being ferried across. I said to you that in the month of December, or
12 January, this was a critical period.

13 And what do I mean by that? I mean that at an international level specific pressure was
14 being put. Strong pressure was being exerted upon the MLC and -- in terms of all the
15 violent acts that had been committed.

16 Now, the pressure was for the MLC to withdraw their troops from the CAR, so this was
17 not a time when equipment was being transported because the equipment was already
18 there in the CAR. So, as I said, as I commented, this pressure being exerted meant that
19 people were wondering how they could withdraw their troops, and the proof is in the
20 pudding in that in the month of March the troops had already been withdrawn. So this
21 was not an opportune time for the equipment to be ferried across, because it had already
22 been there for some time and we were in a period where we were wondering, or people
23 were wondering, how to withdraw troops from the CAR without losing face. I did not
24 say that I stayed there until the month of March. I was there subsequently, after the
25 withdrawal of the MLC troops. How could I find myself in Bangui after the withdrawal

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 of the MLC troops, I ask you?

2 Q. One of the people you saw in Bangui was a man called (Redacted), do you recall?

3 A. Yes.

4 Q. And he was very sick at that time, wasn't he?

5 A. Yes, he was sick.

6 Q. Do you recall how long after you were in Bangui that you learned of his death?

7 A. Sir, how long after what?

8 Q. Well, let's take it step-by-step. You know that he died, don't you?

9 A. I know he died, but he didn't die in Bangui. (Redacted)

10 (Redacted). He had gone to seek treatment in Bangui. (Redacted)

11 (Redacted) and he returned very suddenly when General Bozizé's

12 troops were entering Bangui. He was evacuated to Zongo and he then came to -- back to

13 Gbadolite, after which he was evacuated to Kampala. When we left for

14 (Redacted) was taken from Kinshasa, but he died.

15 THE INTERPRETER: Message from the English booth: Could the witness please be

16 asked to repeat his last answer? It was somewhat confused. Thank you.

17 MR HAYNES:

18 Q. Sir, I wonder if you could, if it's not too difficult, repeat your last answer? It's not

19 for me. It's for those who interpret what you say.

20 A. Which part would you like me to repeat? His transfer from Kampala to Gbadolite,

21 then he was taken to Kinshasa because, as I said, he was evacuated from Bangui to

22 Gbadolite via Zongo. This was an emergency situation virtually, because Bozizé's troops

23 were entering Bangui, and from Gbadolite he went to Kampala in order to continue his

24 treatment. And as we were supposed to travel to Kinshasa in order to take part in the

25 transitional institutions he came to Gbadolite, and afterwards he went to Kinshasa and it

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 was in Kinshasa in 2003, July 2003, that he died.

2 Q. And I know you find time very difficult, but how long was that after you had seen
3 him in Bangui?

4 A. How many time -- how long afterwards? What do you mean precisely?

5 Q. Was it a month, two months, or more than that?

6 A. After his death? Because I know that before -- well, can you please clarify your
7 question somewhat? Because it doesn't seem very clear to me.

8 Q. At some stage you learned that (Redacted)?

9 A. (Redacted)

10 (Redacted)

11 said, unless it's an interpretation problem.

12 Q. How long after you had been in Bangui did he die?

13 A. How long? As I said, I left Bangui at the beginning of the month of January 2001.

14 He died in the month of June. What did I say, in fact? Oh, yes, 2003. He died in

15 July 2003, so you can calculate for yourself and you can see how long it was.

16 Q. Thank you very much. Now --

17 PRESIDING JUDGE STEINER: Mr Haynes?

18 MR HAYNES: Your Honour, yes.

19 PRESIDING JUDGE STEINER: I'm sorry. Just for a clarification of the transcript, if
20 need be, and maybe we need a clarification from the witness: On page 78, lines 25 to 28

21 of the French transcript, it is said -- the witness said, and I will read in French,

22 (Interpretation) "I could see soldiers who were there, who were there in Zongo. Others
23 might have been at the beach when I arrived. I saw them and I went by."

24 (Speaks English) In the English transcript on page 77, lines 10 and 11, the translation

25 was, "I did see soldiers in Zongo but others might have been at the beach." Could you

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 please clarify what beach you are referring to?

2 THE WITNESS: (Interpretation) What I meant by that was that when you make the
3 crossing -- well, yes, I do need to clarify this. I might not have done so. When making
4 the crossing there were MLC soldiers at the beach in Zongo, and when I arrived in Bangui
5 I also came across other MLC soldiers at the beach in Bangui and I continued on my way.

6 THE INTERPRETER: Says the witness.

7 PRESIDING JUDGE STEINER: Thank you. Sorry, Mr Haynes, for the interruption.

8 MR HAYNES:

9 Q. How long were you in (Redacted)?

10 A. I believe that she arrived in (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. And how long did you remain there after you got back from Bangui?

14 A. How long did I stay where, in Gbadolite? Is that what you're getting at?

15 Q. Where else do you think I might mean? Yes, of course, Gbadolite?

16 A. After my return, as I said, I took part in the trial which was held in Gbadolite.

17 After the trial I don't know whether there was any other activity, (Redacted)

18 (Redacted). Maybe -- well, it's difficult to remember everything, you

19 know. I know the most salient events that occurred. There was the major trial and then

20 (Redacted).

21 Q. How long did you participate in the trial for?

22 A. How long? Well, as I said previously, the trial did not last very long. I do not
23 believe that the trial lasted longer than ten days.

24 Q. So you were in Gbadolite for ten days. What do you mean by participating in the
25 trial?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 A. It means what it means. The trial took place. I was in attendance until the end of
2 the trial. I'm not saying that I played any role, if participating means that I played a role.
3 I was there. In order to be more precise, I could say that I was in attendance at the trial.
4 I think that's a better way of putting it because participating might mean that I played a
5 role during the trial. So I would say that I was in attendance at that trial.

6 Q. You were in the courtroom for as much as ten days?

7 A. I was in attendance at the trial for the duration of the trial, until the very end.

8 Q. Did you observe how the trials were recorded?

9 A. Recorded or the manner in which the trial unfolded, do you mean?

10 Q. I meant recorded.

11 A. The manner, as to how the trial was recorded, well, I do not know. All I do know is
12 that there was the martial-court. There was a presiding judge, or president in fact.
13 There was -- who also had a deputy. There was an individual, a lady, who was
14 prosecutor and who was putting the questions.

15 Now, as to whether there is any written record, I do not know because I did not see any
16 copies of that. I do not have the archives. Maybe the person who was present and who
17 was recording could be asked the question. I was there. I saw how things unfolded.
18 As to whether things were being recorded or noted down, whether there's a written
19 record, I think you're in a better position yourself to know whether there were any
20 documents on this trial because, of course, you are the -- you want to defend your client.
21 It is not my job to present any documents.

22 As I explained previously, I explained the circumstances under which and the reasons
23 why this trial was held, and at the time people seemed to be talking about this trial but
24 there were not any documents nor do I have these documents or did I see them. I do not
25 have these documents. I did not see them. I did not read them. So I can quite simply

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 say that I was in attendance at that trial, like everybody else.

2 Q. So you didn't notice that the trials were being recorded by video camera?

3 A. Video camera? I don't know. Maybe the journalists who were in

4 attendance -- well, there might have been some video, some recording, but I never saw

5 such a recording to be in a position to confirm whether there was a recording or not. I

6 never personally saw a recording.

7 Maybe it does exist, but in view of the fact that some time has elapsed since the trial

8 occurred I might have forgotten that there were filmed sequences. Maybe they do exist

9 but I did not see these images myself.

10 Q. Well, I'm going to ask now that we have a look at another document and it's Defence

11 document number 49.

12 PRESIDING JUDGE STEINER: Mr Haynes, is it necessary that for this series of questions

13 that we continue in private session?

14 MR HAYNES: I've tried to go into public session a number of times, but inevitably I get

15 punched on the nose within a couple of questions because the witness feels compelled to

16 tell us something about himself that reveals his identity and I feel that there is going to be

17 a direct link between these questions and (Redacted).

18 THE COURT OFFICER: Document CAR-OTP-0032-0196 is available on your screens and

19 it's a public document.

20 MR HAYNES:

21 Q. Sir, what I'm going to do to start off with, so that you don't feel taken advantage of,

22 is to give you the opportunity to read -- my mistake, I meant document 48. I was about

23 to say that when you've read --

24 THE COURT OFFICER: Thank you. Madam President, thank you. For the record,

25 document CAR-OTP-0017-0358 is available on the screens and it's a public document.

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 MR HAYNES:

2 Q. Sir, there are two pages to this document, so when you've read down to the bottom
3 of the first page would you tell us so that we can show you the second page?

4 A. Yes, you can move on to the next page. Yes.

5 Q. Do you understand what this document is?

6 A. Yes, I have seen that this document relates to the verdicts.

7 Q. And just to deal with a few details whilst we're on the second page, the president,
8 Général de Brigade, Bule Gbangolo Basabe, was that who you understood the president to
9 be?

10 A. Yes. I can see the name of Brigadier-General Bule, yes.

11 Q. It appears there were three other judges. Did you notice them? Colonel Mongapa,
12 Lieutenant-Colonel Samba, and Lieutenant-Colonel Makutano?

13 A. Yes, I can see Mongapa, Samba, Makutano. I can see those names. (Redacted)
14 (Redacted)

15 Q. You didn't recall seeing them at the trials that you watched; is that right?

16 A. I believe that the last time I said who the president was. I was asked who the
17 president had been and I said, "The president was Bule." Then I was asked who was the
18 Prosecutor? I said "Madam Mika Ebenga." I believe I said that.

19 Q. Does seven accused accord with your recollection?

20 A. I believe I talked about five to ten accused and this is in that bracket. I said there
21 couldn't be more than ten accused and I was just saying that from memory.

22 Q. And were you there when they were sentenced?

23 A. Yes, I was present.

24 Q. And did you recall that the sentences ranged from three months' imprisonment up
25 to 24 months' imprisonment?

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 A. I believe I talked about six months. Those events took place a very long time ago.
2 I realise that most of the sentences were around six months, but I can see here that there
3 was also 24 months. I mentioned that relating to the charges, what I said based on what
4 we were following in the media in relation to the charges the sentences were light. I
5 mentioned theft, but here they are talking about extortion, theft of telephones and so on
6 and so forth, but I believe this is quite similar to what I said to the effect that generally
7 speaking the sentences were light. I also said that among those people who had been
8 arrested, no one spent up to one year in prison. This document is obviously a document
9 that was drafted by the president of the court-martial, and it was addressed to the
10 president of the MLC and not to us. This means that I have never seen this document
11 before. I am just seeing it now for the first time. I know that certain people were
12 charged. I cannot make any comment on the authenticity of this document.

13 Q. Can we go back to the first page, please? Did you happen, sir, to notice the date of
14 this report?

15 A. Yes, I can see the date.

16 Q. And did you happen to notice a little way beneath that the date recorded as the
17 orders of sentence?

18 A. In any case, I do not know. This surprises me a little bit, because I attended that
19 trial. (Redacted)
20 agreement and so I am surprised that this trial is supposed to have taken place on 12
21 December, but I wanted to look at the signature on this document.

22 Q. Sir, just remind us what you say the purpose of the holding of these trials was and
23 what caused them?

24 A. I said that this trial had been organised for the purpose of exculpating the MLC
25 leadership and to demonstrate that the trial had taken place and those involved had been

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

- 1 convicted. It was supposed to indicate that the leadership had heard about what had
2 happened and punished those responsible, which means they would have done their job.
- 3 Q. And how did you come to know that that was the purpose of this trial?
- 4 A. (Redacted)
- 5 (Redacted) Before that, it appeared, it was said that nothing had
6 happened in Bangui but I believe it was (Redacted) who advised the
7 president that that attitude could lead them into a deadlock and that he had to revise his
8 strategy. He had to admit that certain serious events had taken place in Bangui and say
9 that he would investigate.
- 10 They would have to arrest some people, try them, and convict those who were thought to
11 be guilty and that was done. This is how come you can see, when they indicate there, for
12 example, "Attempted extortion, ten litres of diesel and 40 tablets of aspirin." You can see
13 that the sentences are quite insignificant in relation to the allegations, which were
14 well-known.
- 15 Q. (Redacted)?
- 16 A. (Redacted)
- 17 there. (Redacted)
- 18 Q. And when did it take place?
- 19 A. Which date? Well, this was before the arrest of those elements. It must have
20 been -- well, I do not know if memory serves. Maybe the month of -- well, I really do not
21 remember the precise date. I have to think about that.
- 22 Q. Before or after you came -- you went to (Redacted)?
- 23 A. It was before. And as I have said before, and this was not yet settled, I wanted to
24 know whether the document we are looking at bears a signature.
- 25 Q. Well, we can have a look at the next page, if it will make you feel better. Does that

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 help you?

2 A. I can see that there is no signature at all appended on this document, and the sheet
3 of paper seems to be rather new, given that this is a trial that took place in 2003, a
4 relatively new or clean sheet of paper, without any signature. So I am even questioning
5 its authenticity, and an authentic document would have included the signature of the
6 president and of the judges.

7 Q. Well, if you look at the very bottom of the document you can see there, can't you, a
8 bar-code and a number that begins "CAR-OTP." Now, you don't know what that stands
9 for but that means it was a document collected by the Office of the Prosecutor, but you
10 don't believe it's authentic. In what way not authentic, do you suggest?

11 A. Well, I do not know. All I know is that an authentic document must have
12 signatures.

13 Q. I think we'll just finish for today by having a little look at document number 27 on
14 the Defence list, please. I'd just like to remember the name you can see at the top of that
15 page, sir, Bomengo Willy.

16 A. No.

17 THE COURT OFFICER: Document CAR-DEF-0002-0001 is available on the screens and
18 it's a public document. The first page of the document is being displayed.

19 MR HAYNES:

20 Q. Sir, can you see the same name there, Willy Bomengo, at paragraph 1? You
21 understand what this document is? It's a very long document. I'm not going to take
22 you all the way through it.

23 A. Yes, I can see the document signed by Lieutenant-Colonel Mondonga. (Redacted)
24 (Redacted)

25 Q. And did you know that he was conducting an investigation into allegations in the

Trial Hearing
Witness: CAR-OTP-PPPP-0045

(Private Session)

ICC-01/05-01/08

1 Central African Republic?

2 A. I was not aware that he was carrying out investigations because, as I have already
3 explained, I was not involved in those operations and I was not directly involved in
4 military affairs. If he was sent to carry out investigations, and if in fact it was the Chief
5 of General Staff who had commissioned him, I think he would be able to provide
6 information on that because all I noticed is that during that trial there were no witnesses
7 and there were no victims.

8 Secondly, the sentences were very light. If everything that happened in the RCA was
9 limited to the theft of tablets of aspirin and ten litres of diesel, then I don't know what we
10 are doing here because I do not think that the International Criminal Court was supposed
11 to try cases involving the theft of aspirin and fuel. This is simply an observation that I
12 am making.

13 (Redacted) So if he went to the CAR to investigate the theft of ten
14 litres of fuel and tablets of aspirin, then I do not think he would be proud to have done
15 such a job on the field.

16 MR HAYNES: Thank you.

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

18 (Open session at 4.27 p.m.)

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

20 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes, is it possible for the
21 Defence to give the Chamber any tentative estimation?

22 MR HAYNES: Yes. I think it's very possible that if the Chamber wished to do so, we
23 might make a start with 44 after lunch?

24 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

25 Mr Witness, thank you very much. It's enough for today. We need to adjourn. We are

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0045

1 completing a two-hours' session. We thank you very much for your efforts and we wish
2 you have a very restful night.

3 I thank very much the Prosecution team, legal representatives of victims, Defence team,
4 Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters and court reporters,
5 reminding everyone that they are giving us half-an-hour extra every day in order for this
6 testimony to be completed on time. So we appreciate the efforts of our interpreters and
7 court reporters and we thank you very much.

8 We will go into closed session for the witness to be taken outside the courtroom. In the
9 meantime, we will adjourn and resume tomorrow morning at 9.30. Court officer, please.

10 *(Closed session at 4.30 p.m.) Reclassified as Open session

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

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

15 RECLASSIFICATION REPORT

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

17 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.