

Trial Hearing
Witness: CAR-OTP-PPPP-0032

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Friday, 23 September 2011
9 (The hearing starts in open session at 9.33 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. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of the
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning and
19 welcome the Prosecution team, legal representatives of victims, the Defence team and
20 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, court reporters.
21 We will start today with the testimony of Witness 32. But before the witness is
22 brought into the courtroom, the Chamber will issue an oral decision and address two
23 other matters.
24 The first, the Chamber will first rule on the applications of the legal representatives of
25 victims to question Witness 32. On 8 June 2011 the Chamber received an application

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1 from Maître Zarambaud on behalf of the victims that he represents to question
2 Witness 32. It's filing 1490-Conf. The application contains a list of seven sets of
3 questions.
4 Similarly, the Chamber received an application from Maître Douzima on
5 12 September 2011 on behalf of the victims she represents. It's filing 1737-Conf.
6 The application contains a list of two questions.
7 On 15 September 2011 the Defence filed their response to the applications of the legal
8 representatives asserting a number of objections to the proposed questions. The
9 Defence argues that Maître Douzima's two questions are speculative, while Maître
10 Zarambaud's questions 1, 2.1, 3.1 and 3.2 are either unrelated to the victim's interests
11 or speculative. The Defence also argues that the source of the information contained
12 in Maître Zarambaud's question 6 should be specified by the witness.
13 (Trial Chamber confers)
14 I apologise to the parties and participants and ask for a little bit of patience.
15 (Pause in proceedings)
16 Thank you for your patience. On 15 September 2011 the Defence filed their response
17 to the applications of the legal representatives, and here I filled a gap, filing
18 1750-Conf, and which raised -- it raised up the objections already mentioned.
19 Maître Zarambaud and Maître Douzima filed their observations on the
20 Defence response on 19 and 20 September 2011, filings 1756-Conf and 1768-Conf
21 respectively. In their observations
22 Maître Zarambaud and Maître Douzima request the Chamber that the
23 Chamber dismiss the Defence response and allow them to put their questions to the
24 witness.
25 Having considered the reasons given by both Maître Douzima and Maître

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1 Zarambaud, as to why the personal interests of the victims they represent are affected,
2 the Chamber allows their applications to question Witness 32 because the witness
3 may testify on the structure of the MLC and the specific role of the accused which
4 pertain to the mode of liability for possible crimes that victims have allegedly
5 suffered.
6 Turning to the proposed questions, after considering the objections made by the
7 Defence, and the observations of the legal representatives, the majority, with Judge
8 Ozaki dissenting in part, allows the questions presented in the applications except for
9 Maître Zarambaud's questions 1 and 3 which the Chamber finds inappropriate and
10 question 3 which the Chamber finds to be irrelevant.
11 Judge Ozaki dissents with respect to questions 4.1, 5, 6, 7, 8 and 9 of Maître
12 Zarambaud's list of questions which she would not allow for reasons explained in
13 paragraph 13 of her partly dissenting opinion on the order on the procedure relating
14 to the submission of evidence, filing 1471.
15 Now the Chamber will turn to one administrative matter that can be discussed in
16 open session. It relates to the reclassification of documents related to the accused's
17 24 August 2011 request for provisional release to the Democratic Republic of Congo.
18 The Chamber has had the opportunity to review Maître Douzima's filing number
19 1762-Conf which was notified on Monday, 19 September. In her filing
20 Maître Douzima explains that on 5 September 2011 she attempted to file via email a
21 public redacted version of her observations on the accused's request for provisional
22 release.
23 Maître Douzima's email was sent to the Registry before the deadline set by the
24 Chamber in its decision 1691. The Registry has informed the Chamber that due to a
25 technical problem the Registry did not receive Maître Douzima's email of

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1 5 September.

2 This technical glitch had two consequences: First, it meant that the public redacted
3 version of Maître Douzima's observations was not filed. Second, it meant that the
4 Chamber was unaware of Maître Douzima's attempt to file a public redacted version
5 of her observations when the Chamber issued its order on reclassification of
6 documents on 15 September, decision 1751.

7 In that reclassification decision, the Chamber stated that Maître Douzima had not
8 filed a public redacted version of her observations within the time limit set down in
9 decision 1691. The Chamber also called Maître Douzima's attention to this fact
10 during the hearing held on 16 September 2011. And here I'm referring to the English
11 version of the transcript of 16 September 2011, transcript 163, confidential, English, at
12 page 3, line 24 to page 4, line 3.

13 As just explained, it now transpires that these statements were inaccurate.

14 Maître Douzima had attempted to file a public redacted version of her observations
15 within the time limit set by the Chamber. The Chamber, therefore, wishes to clarify
16 the matter publicly for the sake of the record.

17 The only question remaining is whether a public redacted version of

18 Maître Douzima's observations should now be registered in the case file.

19 The Chamber answers this question in the negative. Decision 1751 removes the
20 need for a public redacted version of Maître Douzima's observations. It makes little
21 sense to file a public redacted version now when the Chamber has already
22 reclassified those observations as public.

23 For these reasons, and to avoid further confusing the record of the case, the
24 Chamber instructs the Registry not to register the document Maître Douzima emailed
25 on 5 September.

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1 For the final issue the Chamber wants to address, I would ask court officer to turn
2 briefly into private session, please.

3 *(Private session at 9.46 a.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: The final issue the Chamber wishes to address is the
6 deadline for the Defence to respond to the Prosecution's request for protective
7 measures for Witness 45. That request was included in document 1743-Conf-Exp
8 which was filed on 13 September and was notified to the Defence in confidential
9 redacted form on 16 September, filing 1743-Conf.

10 Document 1743 sought protective measures not just for Witness 45 but also for
11 Witnesses 15, 32, 36 and 44.

12 Pursuant to the Chamber's 16 September 2011 oral decision, the Defence has already
13 filed its observations regarding the proposed protective measures for Witness 32.
14 It's filing 1766-Conf.

15 Witness 45 will be the next witness to testify after Witness 32. Therefore, to enable
16 the Chamber to rule on the Prosecution's request before Witness 45 takes the stand, it
17 is necessary to shorten the Defence time to file its observations on protective
18 measures requested for Witness 45.

19 Therefore, pursuant to Regulation 35 of the Regulations of the Court, the
20 Chamber orders the Defence to file its observations on protective measures requested
21 for Witness 45 no later than 4 o'clock on Tuesday, 27 September 2011.

22 The Defence may respond to the Prosecution's request for protective measures for
23 Witnesses 15, 36 and 44 within the normal time limits set down in Regulation 34 of
24 the Regulations of the Court.

25 With these procedural issues now dealt with, we are ready to commence with the

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- 1 testimony of Witness 32 and I ask, please, court usher -- court officer to turn into
2 closed session in order for the witness to be brought into the courtroom.
3 *(Closed session at 9.49 a.m.) Reclassified as Open session
4 THE COURT OFFICER: We are in closed session, Madam President.
5 (The witness enters the courtroom)
6 WITNESS: CAR-OTP-PPPP-0032
7 (The witness speaks French)
8 PRESIDING JUDGE STEINER: We can turn into open session, please.
9 (Open session at 9.51 a.m.)
10 THE COURT OFFICER: We are in open session, Madam President.
11 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome to the
12 International Criminal Court and to this courtroom.
13 THE WITNESS: (Interpretation) Good morning. Thank you.
14 PRESIDING JUDGE STEINER: Mr Witness, first of all, I will ask the court usher to
15 facilitate you taking the oath. I suppose you have a printed card in front of you
16 containing the words of the oath and I ask you, please, to repeat those words.
17 THE WITNESS: (Interpretation) I solemnly declare that I shall tell the truth, the
18 whole truth and nothing but the truth.
19 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken
20 the oath, can you confirm that you understand what the oath means?
21 THE WITNESS: (Interpretation) Yes, I understand.
22 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
23 answers to questions asked of you that are true and accurate to the best of your
24 knowledge and belief? Could you repeat, please, sir?
25 THE WITNESS: (Interpretation) Yes, I know that.

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1 PRESIDING JUDGE STEINER: Mr Witness, as the staff of Victims and Witnesses
2 Unit have explained to you during the familiarisation process, you will be questioned
3 first by the Prosecution, then by legal representatives of victims and last by the
4 Defence .
5 As you know, as you know, the Chamber has put in place measures to protect your
6 identity from the public and you will therefore be referred to during the course of
7 your testimony as "Witness 32" or "Mr Witness." Your voice and your image that are
8 broadcast outside the courtroom will be distorted so that you cannot be identified by
9 the public. The public cannot see your face, the public cannot hear your voice.
10 In order to keep your identity protected it is important that when we are in open or
11 public session you don't mention any information that could lead to your
12 identification, such as names of close friends, of co-workers, your profession, names
13 of family members, meetings you had only with one or two persons that, if you
14 identify, will be able to identify you. This kind of information could easily lead to
15 your identification.
16 If need be, we can go into private session. In private session you can speak freely
17 since the public outside the courtroom would not be able to hear what you say. The
18 sound is completely cut to the outside world.
19 Finally, Mr Witness, because we speak different languages there is interpretation so
20 that we can understand each other. Because of this, it's important that you speak
21 slower than normal to allow the interpreters to do their job, as I'm doing now, speak
22 very slowly.
23 You also need to wait for a few seconds before you answer to any questions in order
24 to allow the court interpreters and court reporters to finalise the interpretation of the
25 question put to you. This is what we call here the five-seconds golden rule. Many

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1 times you will be reminded of this golden rule. Because speaking slow may seem
2 unnatural it may be that you start speeding up, at which point I will have to interrupt
3 you and to remind you to slow down again. This is purely for practical purposes
4 and should not discourage you from speaking.

5 Do you understand the procedure, Mr Witness?

6 THE WITNESS: (Interpretation) (Inaudible.)

7 THE INTERPRETER: Could the witness be asked to speak up?

8 PRESIDING JUDGE STEINER: Could, please, court usher put the microphone
9 closer to the witness because the interpreters are not able to listen to what he says.

10 THE INTERPRETER: Many thanks from the interpreters.

11 PRESIDING JUDGE STEINER: Thank you. At any time, Mr Witness, if you feel
12 tired or distressed, you just ask the Chamber for a break and we can anticipate the
13 normal break times we have.

14 Now the Chamber wants to put to you a few questions, Mr Witness. Mr Witness,
15 have you been given the opportunity to read or have read to you the statement or
16 statements that you made to the Court? I think the interpreters could not hear you.

17 THE WITNESS: (Interpretation) Yes, I read it.

18 PRESIDING JUDGE STEINER: At the time when you made the statement or
19 statements did you do so voluntarily?

20 THE WITNESS: (Interpretation) Yes.

21 PRESIDING JUDGE STEINER: Is the information that you have provided in your
22 statement or statements true and accurate to the best of your knowledge and
23 understanding?

24 THE WITNESS: (Interpretation) Yes.

25 PRESIDING JUDGE STEINER: In case the parties or the Chamber intend to

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1 introduce your statement or statements as evidence in this case, do you have any
2 objection?

3 THE WITNESS: (Interpretation) No.

4 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I'm giving
5 now the floor to the Prosecution. The Prosecution will start questioning you. First
6 I ask, please, the Prosecution to introduce its team since we are seeing new faces on it.

7 MR IVERSON: Good morning, Madam President, your Honours. On behalf of the
8 Prosecutor today we have Sanyu Ndagire, Sylvie Vidinha, Petra Kneuer and myself,
9 Eric Iverson.

10 QUESTIONED BY MR IVERSON:

11 Q. Good morning, sir. How are you doing this morning?

12 A. I'm fine. Thank you.

13 Q. I introduced myself to you yesterday, but I'll do it again today. My name is
14 Eric Iverson. I'm a trial lawyer with the Office of the Prosecutor, and I will be asking
15 you the questions today.

16 Madam President has already advised you on how the interpretation system in the
17 courtroom works. I would just like to re-emphasise the need to speak slowly, clearly
18 and sometimes loudly so that the microphones pick up what you're saying and that
19 the interpreters can hear what you're saying so, in turn, I can hear what you're saying.
20 And just remember that when you're responding to some of the questions, to all of
21 the questions as a matter of fact, keep that five-second pause. It's helpful to the pace
22 of the interpretation so that everybody, everyone in the courtroom, can pick up what
23 you're saying.

24 Now, if at any time you don't understand a question that I ask, it may be an awkward
25 question on my part, please just stop me and ask me to rephrase or ask in a different

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1 way and I will do that. Or if, for example, you don't understand what I'm asking
2 just let me know and we'll deal with that.
3 Please, also just remember to take your time in answering the questions so that the
4 Bench, the Honourable Judges, can get a full understanding of what you know, and
5 it's also important that you listen carefully to my questions and focus on the
6 questions and, you know, provide a direct answer to the question that I am asking.

7 Is that clear so far, sir?

8 A. Yes, it is clear.

9 Q. And quite often it's important for the Judges to understand the basis of your
10 knowledge so at a lot of points I may be asking you how do you know that, how do
11 you know a certain fact so that you may be able to describe the basis of your
12 knowledge to the Honourable Judges. And if at any time you need a break, just let
13 me know or let Madam President know and we will be able to accommodate you.

14 Okay?

15 Sir, are you ready to start your testimony?

16 A. I am ready.

17 MR IVERSON: Madam President, I respectfully request to move into private
18 session.

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

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

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

22 MR IVERSON:

23 Q. Just one more thing before we get started. I just wanted to let you know we
24 are now in private session and, as Madam President previously pointed out, what
25 that means is that your image is not being broadcast, your voice is not being

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1 broadcast, the only people who can hear what you're saying are the people in the
2 courtroom right now. Do you understand that, sir?

3 A. Yes, I do.

4 Q. Could I please have you state your full name?

5 A. My name is Mr (Redacted).

6 Q. And, sir, where were you born?

7 A. I was born in (Redacted).

8 Q. And what is your date of birth?

9 A. I was born on (Redacted).

10 Q. What is your nationality?

11 A. I am of Congolese nationality.

12 Q. Sir, are you married?

13 A. Yes, I am married.

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

15 A. I have (Redacted) children.

16 Q. What is your ethnic origin?

17 A. On my father's side I am (Redacted).

18 Q. What languages do you speak?

19 A. I speak French, Lingala, and Kikongo.

20 Q. And are you able to read and write in those three languages?

21 A. Of course.

22 Q. And without providing a specific address or neighbourhood, which city do you
23 currently live in?

24 A. I live in (Redacted).

25 Q. What is your current occupation?

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1 A. I am a (Redacted).

2 Q. (Redacted) what is your position?

3 A. I am (Redacted)

4 (Redacted)

5 Q. Sir, what is your educational background?

6 A. I have a (Redacted).

7 Q. What was your occupation prior to your current occupation?

8 A. What years are you referring to, sir? From what year to which year, if you
9 were kind enough to clarify?

10 Q. If you could start from (Redacted) up until the time that you took your current
11 position in your current occupation and just give us a job history, if you would.

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 acceded to that particular duty that I referred to at the beginning.

21 Q. You mentioned (Redacted) who was this person?

22 A. He was an officer, he was a colonel at the time of late President Mobutu, a
23 commander, an officer and commander at the time of Kabila. And after the MLC
24 conquest in Équateur, he took refuge in the Central African Republic and from there,
25 because of some reasons that are not germane to this situation, he had left for the

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1 MLC camp of Mr Jean-Pierre Bemba.

2 Q. What was (Redacted) name?

3 A. N'sau Nzuzi Dawa Joseph (phon).

4 Q. You mentioned -- in your last answer you mentioned the MLC. Could you
5 please tell us what you know about the MLC?

6 A. The MLC was a movement of a political and military nature led by
7 Mr Jean-Pierre Bemba, the capital of which was Équateur Gbadolite.

8 Q. And what, if anything, did (Redacted) N'sau have to do with the MLC?

9 A. When he took the decision, having consulted with the envoys from
10 Mr Jean-Pierre Bemba, (Redacted), he came to the MLC camp with the
11 soldiers that he was commanding, who were with him at the time of Kabila's
12 Congolese armed forces, and he belonged to the MLC movement. His first
13 appointment, well, the MLC boss, when he joined the MLC, appointed him as
14 military adviser in 1998, if my memory serves me right, in '98/'99, more or less. And
15 after that, he encountered some problems in that movement. Mr Bemba put him in
16 jail at the d'Angenga Prison, still in Équateur. The accusation was levelled at him by
17 people who worked with Mr Bemba and after I believe 13 months imprisonment he
18 was released.

19 According to the general, this was at the insistence of Mr Louis Michel, and when he
20 was released, Mr Bemba appointed him again as Chief of Staff in charge of the G4,
21 that is to say, he was G4 until the last moment, the last minute when he was arrested
22 again in the year 2002. He belonged to the general staff of the MLC.

23 Q. You mentioned that he was in charge of the G4. Could you please tell us what
24 that means?

25 A. The G4 is like a directorate within the general staff. They are particularly in

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1 charge of supplies; militarily speaking, that is what they do. Supplies, equipment,
2 military procurement, that is the G4.

3 Q. Are you familiar with the details of the supplies? You say military supplies.
4 Do you know the specifics of which supplies?

5 A. To my knowledge, and according to what I have personally seen, they dealt
6 with fuel supplies. There were order slips that they received asking for so many
7 litres of oil, of gas, to be sent here or there; they also dealt with food supplies for the
8 soldiers.

9 Q. And (Redacted)
10 (Redacted)

11 A. Well, within the MLC I didn't really have any specific duty, because I did not
12 work for the MLC. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) He led the 50th Brigade, the three provinces of Lower Congo,
18 Kinshasa and Bandundu (phon) before he was transferred to Équateur during the war.

19 And there, as operations commander, they got into Central African Republic.

20 Q. (Redacted) did you have occasion to
21 learn about the supply system within the MLC?

22 A. No, not really. (Redacted)

23 (Redacted), but from my knowledge, he actually purchased what

24 is known commonly as the couscous. We call it in our local dialect fou-fou, palm oil,

25 that he would buy in Binga, still in Équateur. That was under his command. But

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1 the fuel came from the Central African Republic, but that he didn't buy. He only
2 distributed the fuel on the orders he received from the higher command. So, apart
3 from that, what he actually did was to distribute the supplies but not actually procure
4 them.

5 Q. So do you have a general but not specific understanding of the supply system
6 within the MLC? Would that be correct for me to say that?

7 A. Yes, yes.

8 Q. How long did (Redacted) stay within the MLC?

9 A. I believe it was between 1998 and 2002; July 2002.

10 Q. As the officer in charge of logistics, the G4 as you put it, do you know if (Redacted)
11 (Redacted) had occasion to deal with Mr Bemba, the accused?

12 A. Yes. Yes, yes.

13 Q. And did you have occasion to learn about his interactions with Mr Bemba?

14 A. Often, often when the General Chief of Staff was absent, General Amuli, when I
15 got there, it was N'sau who acted as an interim General Chief of Staff when General
16 Amuli was not present and, as interim General Chief of Staff, he was obviously in
17 contact with the supreme commander of the MLC army, which is only normal.

18 Q. What, if anything, do you know about (Redacted) interactions with
19 Mr Bemba?

20 A. Mr Bemba was his boss within the movement because Mr Bemba was the
21 supreme commander of the military wing ALC of the MLC.

22 Q. I guess what I'm getting at is: How much information do you have about the
23 detailed interactions of (Redacted) and Mr Bemba? So, if you know, it would be
24 now to -- now is the time to let us know that, or if you don't know or if you know in
25 general, just what is the level of your knowledge of the interactions between (Redacted)

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1 (Redacted) and Mr Bemba?

2 A. Being under the command of the head of the army, the supreme commander,
3 when you are responsible for logistics that is an important post and when you, on
4 occasion, have to stand in for the head of the General Staff you are under the
5 immediate orders of the head of the movement. And something I have recalled is
6 something which set off the disappointment that (Redacted) felt about getting out of
7 the MLC camp. There was a problem of ranks that I recognise because before
8 Gbadolite fell into the hands of the MLC he, in his previous position in the Congolese
9 armed forces of Musée Kabila, he had been -- there had been a nomination procedure
10 for all the commanders. They had all been appointed to general. And just at the
11 point when this was going to be signed, the decree was to be signed, Gbado fell but
12 he was included on the list as a general. So there was the defection, and if there had
13 not been this defection in Kinshasa he would have been a one-star general. And
14 when there was a committee, because Kinshasa has power over Gbadolite, there
15 would have been the stage at which the armies were mixed. There was one -- there
16 were officers that had been at Kinshasa at Gemena and, therefore, ranks had to be
17 awarded to soldiers coming from the ALC. And the general was the head of this
18 committee, and when the promotion committee was about to speak there was a list
19 which was to be signed by Mr Jean-Pierre Bemba as head of the armed forces, there
20 were two major generals to be appointed. In each branch of the army there were to
21 be two people appointed major general. (Redacted), being the most senior officer in
22 rank and in service of the ALC from the Mobutu era, and he told me himself he had
23 been to see Mr Jean-Pierre Bemba in his office, in order to ask him whether he could
24 be promoted to a two-star general because he had been involved in the Gbadolite
25 operations where he had already been a general, and he wanted to have a two-star

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1 rank.

2 This was agreed to by Mr Bemba. The list was drawn up. The first one-star general
3 was General Amuli, who was the head of the General Staff, and the second was
4 General N'sau Nzuzi Dawa Joseph. (Redacted)

5 (Redacted)

6 (Redacted)

7 So, given the history, if you like, between them, and I was not part of the movement

8 myself, when the documents came back there was a nomination for these ranks,

9 major general, and this was taken away from him. He was down-graded to one-star

10 general, the rank he had had before, and the person who had two stars, rather than

11 N'sau, was Mr Jean-Pierre Bemba himself. So the list which was published had

12 Mr Bemba, Major General, Amuli Major General, and the third person was

13 Brigadier-General N'sau Nzuzi Dawa.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Sorry to interrupt you again. Just try to remember back when we first started
5 just a little bit ago, when I said just try to focus on the question, because you're going
6 into a really long narrative answer, and it's difficult for people in the room to
7 understand exactly what you're talking about. So I want to break down your
8 testimony a little bit and ask questions. And by no means do I want to restrict you
9 from giving a long and complete answer, but just try to listen to the question that I
10 ask and, you know, try to reasonably confine your answer to what I'm asking.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted) and there were people there who
16 worked in the movement. They used to come to his home to see the general, and
17 they discussed what had happened in the movement, (Redacted)
18 (Redacted).

19 Q. And what if any comments were made about Mr Bemba, but that's a very
20 general question, about Mr Bemba's leadership, leadership style or leadership of the
21 organisation, the MLC?

22 PRESIDING JUDGE STEINER: Mr Iverson, if I may, sorry to interrupt you?

23 MR IVERSON: Certainly at all times, Madam President.

24 PRESIDING JUDGE STEINER: Would it be possible to establish with the witness

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Sir, so my question was, any comments you heard in your discussions about

9 Mr Bemba, about his leadership of the organisation, the MLC.

10 A. Yes. For example, (Redacted)

11 (Redacted) There were three officers, I believe, from the MLC, (Redacted)

12 (Redacted) there was a distinct feeling of unhappiness amongst the officer

13 call when Jean-Pierre Bemba had signed the agreements with the government of

14 President Kabila.

15 They were supposed to go down to Kinshasa on 30 June 2002. He was supposed to

16 go down to Kinshasa on 30 June 2002 as prime minister. And on the 29th, the

17 delegation - I'm not quite sure how to call them - the delegation of

18 ambassadors -- there was a name for them, but I can't remember what they were

19 called. They were emissaries of the US -- Mr Louis Michel. I was not at Gemena at

20 the time, I was at Gbadolite. But when they came on the 29th to get Mr Jean-Pierre

21 Bemba to go down to Kinshasa as the prime minister, the agreements having been

22 signed, when he refused to go down to Kinshasa, that was the point at which this

23 discontent arose among those in charge of political officers in the MLC.

24 I remember it was an evening. I heard these people saying that there is a problem,

25 this man is stubborn, he has missed his chance for power. If he had gone to

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1 Kinshasa, we would have been having negotiations and we would be stronger, but
2 since he's stubborn, he didn't want to, and therefore we've lost out. A lot of people
3 didn't feel able to say what they felt because they were afraid in some way.

4 Q. Based on your knowledge from conversations with officers, with (Redacted),
5 how would you characterise the leadership style of Mr Bemba?

6 A. Given what I experienced at Gbadolite, and what I was told, seeing a number of
7 people arrested, it was the same system as President Mobutu. It was a dictatorship.
8 You couldn't say "yes" if the boss had said "no;" you couldn't say "no" if the boss had
9 said "yes," so that's what it was. That's what was being said, and that is what
10 happened.

11 MR IVERSON: Madam President, I propose that this might be a good time to stop.
12 When we come back from the break, I really have just a few short questions that
13 should properly be in private session and then I intend on requesting open session
14 after that. And then just for your knowledge, at the very end of my examination,
15 there's a few more questions that I think should be in private session. So I hope that
16 we'll have a nice long period of open session. Thank you.

17 PRESIDING JUDGE STEINER: Court officer, turn into open session first.
18 (Open session at 10.59 a.m.)

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

20 PRESIDING JUDGE STEINER: Mr Witness, we'll have a break now, half-an-hour
21 break. You can have a coffee or a cup of tea and take some rest. It's 11 o'clock.
22 We'll resume at 11.30. Court officer, please turn into closed session for the witness
23 to be taken outside the courtroom. In the meantime, we will suspend and resume at
24 11.30.

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

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- 1 THE COURT OFFICER: We are in closed session, Madam President.
- 2 (The witness stands down)
- 3 THE COURT OFFICER: All rise.
- 4 (Recess taken at 11.01 a.m.)
- 5 (Upon resuming in open session at 11.32 a.m.)
- 6 THE COURT USHER: All rise. Please be seated.
- 7 PRESIDING JUDGE STEINER: Before we bring the witness in, just reminding
- 8 Mr Iverson, if possible, to establish in private session this system of codes with the
- 9 witness in order for us to be able to go into open session and, as well, the
- 10 Chamber very much appreciates when you ask the witness to try to be more concise
- 11 and objective. It's -- I think we all benefit with direct answers to direct questions.
- 12 I ask, please, court officer, to turn into closed session for the witness to be brought
- 13 into the courtroom.
- 14 *(Closed session at 11.33 a.m.) Reclassified as Open session
- 15 THE COURT OFFICER: We are in closed session, Madam President.
- 16 (The witness enters the courtroom)
- 17 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 18 (Open session at 11.35 a.m.)
- 19 THE COURT OFFICER: We are in open session, Madam President.
- 20 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 21 THE WITNESS: (Interpretation) Good morning. Thank you.
- 22 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 23 THE WITNESS: (Interpretation) Yes, I'm ready.
- 24 PRESIDING JUDGE STEINER: Mr Iverson, you have the floor.
- 25 MR IVERSON: Thank you, Madam President. May we go into private session

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1 briefly?

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

3 *(Private session at 11.36 a.m.) Reclassified as Open session

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

5 MR IVERSON:

6 Q. Welcome back, sir. During the break I came up with a code for (Redacted).

7 It's by no means a brilliant code, the code is Bravo Charlie, (Redacted)

8 (Redacted)

9 (Redacted)

10 So when we're in open session, remember just refer to Bravo Charlie and everyone in
11 the courtroom will understand what you're talking about.

12 I have just a few more questions that should be in private session and perhaps we can
13 practice the code when we are in private session, so when we go into open session we
14 will be good at it. And to that end, my first question is: When was Bravo Charlie
15 arrested?

16 A. Bravo Charlie was arrested (Redacted)

17 so I don't really remember the exact date. It must have been a Monday, the 22nd or
18 the 23rd of July. I don't know exactly, but that's when it was.

19 Q. And do you know in which year he was arrested?

20 A. He was arrested in 2002.

21 Q. And is that time the only period when he was arrested?

22 A. No. Previously, as I told you, he had been arrested first of all between
23 1999 -- let me think about this. 1999 and the year 2000, that was when he was
24 arrested the first time by Mr Jean-Pierre Bemba. He was incarcerated at the
25 d'Angenga Prison in Équateur.

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1 Q. And during that first period, 1999 to 2000, what were the reasons for his arrest?

2 A. Well, according to what the -- (Redacted), people said that he
3 was scheming with the government in Kinshasa, and so he was a doubtful element,
4 so to speak, within the movement because at that time he was a military adviser to
5 Mr Jean-Pierre Bemba.

6 Q. Do you know if Bravo Charlie ever went through a trial process after he was
7 arrested?

8 * A. No, he did not appear, before the court, because when the leader of the BSI -
9 that is to say, the Office of Internal Security -- made his report to the President of the
10 Movement, he was put under house arrest and two or three days later he was told
11 that there was an aeroplane that President Bemba had made available to him so that
12 he could meet with him in Lisala. And once he got to Lisala, if I haven't forgotten the
13 name of the town, I believe it is Lisala, I've never been there myself, when he got to
14 Lisala he was surrounded by Ugandans and they told him that he was under arrest.
15 And they took him directly to prison in Angenga. And when he got out, there was no
16 Court. He came out, he was taken home to Gbadolite, to the Nzekele Hotel where he
17 lived, and after that he was given that position, namely G4 within the general
18 headquarters of the MLC.

19 THE INTERPRETER: Interpreter's note: The witness also made reference to a
20 report, a report from the BSI, the Internal Security Office.

21 MR IVERSON: Q. And you mentioned previously the promotion of Bravo
22 Charlie. When did that promotion take place to one-star general, I believe?

23 A. I believe it was in July, beginning of July 2002.

24 Q. And who promoted him? Who was the promotion authority?

25 A. It was the president of the movement, the MLC, Mr Jean-Pierre Bemba who had

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1 signed the order appointing him to a position at the major general level. I'm
2 speaking of Bravo Charlie.

3 THE INTERPRETER: Correction: Brigadier-general.

4 MR IVERSON:

5 Q. Good, sir. It's good to hear you using the code, Bravo Charlie.

6 MR IVERSON: Madam President, just a few more questions and then I believe we
7 can go into open session.

8 Q. The arrest that you mentioned that happened on 22 or 23 July 2002, what
9 happened in that circumstance?

10 * A. In actual fact, it wasn't really an arrest first of all, it was an assassination.

11 Why? Because when the soldier came in a jeep and was following him, when they
12 saw him -- you see, this jeep was coming from afar -- from far away, but he didn't
13 suspect that he had been betrayed. The people in the jeep, the people within the jeep
14 led by a particular gentleman -- if you want, I can give you that person's name, if the
15 Presiding Judge wants me to.

16 Q. Please go ahead and provide names. Just keep in mind we are in private
17 session. When we go back into open session, it's good for you to mention, you know,
18 "You know, hey, I would like to provide a name" so that we can go back, we can
19 move into private session, say the name, and then return to open session. We can do
20 that. So just so you are aware of that, you know, don't let that impact your
21 testimony, thinking I can't say this because we are in open session. You can always
22 request a private session, just for your information.

23 A. Okay. The person who was in charge of that team, the gentleman's name was
24 (Redacted), and when they arrived from a short distance, they immediately began to
25 shoot at the general and his group without any sort of warning, and once they had

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1 fired many shots -- I'm not saying this, (Redacted)
2 (Redacted). But, you see, he wrote this when he
3 was in prison, that they had shot at him and, thank God, no bullet hit anyone except
4 for one officer who was wounded in -- had a wound to the leg, and the people then
5 approached and he showed them and -- during the mission, and the person said that
6 he was not really that -- that they were to go to Gbadolite to justify, and since he
7 wasn't dead, you see, there was an arrest and he was taken to Gbadolite and he was
8 put into prison there, at the BRM. It was a Military Intelligence Office.

9 Q. Who were the people who took Bravo Charlie to Gbadolite? Who, essentially,
10 who arrested him?

11 A. The mission had been entrusted to (Redacted), and within the group there was
12 (Redacted).

13 He was part of that group in the jeep that had come to get -- well, rather, to kill the
14 general. But since he didn't die, he was taken and he was taken to the prison at the
15 BRM, which stands for Military Intelligence Office.

16 Q. What was -- did this prison belong to the MLC, if you know?

17 A. Yes, the prison did indeed belong to the MLC.

18 Q. And what types of prisoners were in this prison, this MLC prison?

19 A. When I was in Gbadolite the person or, rather, the officer that one noticed the
20 most who was imprisoned was General Gédéon Kibonge. (Redacted)
21 (Redacted) He was in the prison on the

22 orders of the president of the movement. The other people who were there were
23 people that I didn't know. I saw them, but I didn't know them.

24 Q. How large was this MLC prison? I guess that's a very general question. To
25 your knowledge, do you know how many approximately prisoners were kept in this

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1 MLC prison?

2 A. No, I don't know exactly how many.

3 Q. Do you know if the MLC prison had the capacity to hold, for example, more
4 than 100 people, prisoners?

5 A. Well, I didn't visit the actual building so I don't know the inside. It was a
6 building with a number of storeys and we only went by. I know that above, that's
7 where the office was for the G2, but I never really was inside so I don't know.

8 MR IVERSON: Madam President, I believe that we can safely go into open session
9 now. The questions that I intend on asking do not pose a very large risk or even a
10 medium risk of eliciting information that would identify the witness.

11 However, sir, I just ask - since we're going into open session - just be aware of that,
12 that your face will be distorted, your voice will be distorted, but people will be able to
13 hear the words that you speak. So if you say names, and those can be related to
14 your identity, then, you know, it follows that somebody might be able to know who
15 you are. So just be careful with that. Thank you.

16 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
17 (Open session at 11.54 a.m.)

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

19 MR IVERSON:

20 Q. Sir, just to reiterate again, we are now in open session, so that means that the
21 words that you speak can be heard outside the courtroom. Could you describe for
22 the Court, in general terms, your knowledge of the structure of the MLC, so starting
23 with commander or commanders and working your way down to the various units
24 that comprised the MLC?

25 A. Well, it's difficult for me to describe all of that to you in detail. To my

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1 knowledge, on the political side, other than the president of the movement, who was
2 at the same time the supreme commander of the Army for the Liberation of the
3 Congo, the military wing of the MLC, other than him and then -- well, on the civilian
4 or the political side, rather, there was a general secretary followed by ministers, and
5 on the military side of things there was a General Chief of Staff. After the supreme
6 commander you had the Chief of General Staff and then after that there were the
7 various directors, the G1, the G2, the G3 and the G4. After then, after that, there was
8 the brigade level. To my knowledge, I only knew two brigades; there was one
9 brigade in Basankusu and another in Makanza. That's all I can tell you.

10 Q. So on the military side, you mentioned the various G level staff and the Chief of
11 Staff and the brigades. Do you know how military decisions were made within this
12 structure, going from the supreme commander to the various General Staffs and the
13 brigades?

14 A. Well, judging by what I heard, the commands came from the
15 commander-in-chief -- the supreme commander, rather, and the supreme commander,
16 if it was an important matter, he himself took the decisions and passed them down to
17 the officers. If it was something that wasn't very important, to put it that way, he
18 would give orders to the general, the Chief of General Staff, and the Chief of General
19 Staff in turn would have the orders implemented, these orders that had come from
20 the supreme commander. That's what I know, because I also rubbed shoulders with
21 many of the soldiers who were there, so the Chief of General Staff was more of a
22 person who implemented orders, rather than a person who issued commands.

23 Q. And I may be asking too much of you, and I don't know, I'm just trying to
24 gauge that, because I don't want to ask you to stretch your knowledge to -- I don't
25 want to ask you to comment on something you don't really know about, so if you

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1 don't know something, you know, feel free to let the Chamber know. That's fine,
2 and certainly you're not expected to know every last detail of what happened, but just
3 in terms of your personal knowledge of what happened.

4 I'd like to ask you, sir, about -- you mentioned that you were generally familiar with
5 the supply and logistical system within the MLC. I'd like to ask you if you know
6 about where the -- where the MLC received its fuel?

7 A. The MLC fuel came from Bangui.

8 Q. Do you know what percentage came from Bangui? Do you mean 100 per cent
9 of the MLC fuel came from Bangui, or most of it, or some of it or all of it? What fuel
10 came from Bangui?

11 A. Percentage-wise, I'm afraid I don't know. What I do know, however, is that
12 the fuel that was used by the MLC where I was - I'm not talking about the other
13 places where the MLC also had bases - but as far as Gbadolite is concerned, the city
14 where I was, the fuel came from the Central African Republic and, therefore, from
15 Bangui, and it reached Gbadolite by plane.

16 Q. And do you know, just in general terms, what was the level of fuel
17 consumption by the MLC? I mean, were they using troop transports around
18 Équateur province, where they needed a lot of fuel? Did they not have that many
19 vehicles where they didn't need much fuel? What was the situation with the
20 vehicles, if you know?

21 A. The situation with the vehicles, I do not know. I don't know at all, because
22 I was in Gbadolite. I could only see what was taking place in Gbadolite and outside
23 Gbadolite, since I never went, I do not know.

24 Q. And what I'm trying to ascertain in general, and again you may not know this,
25 but what was the level of demand for fuel in Gbadolite? Not just for MLC, but

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1 generally speaking, were there a lot of vehicles? Did people need a lot of gasoline
2 for their cars?

3 A. In Gbadolite, there were not enough vehicles. Not very many, not even 100,
4 under that. But I cannot tell you exactly what the fuel consumption was because I
5 wasn't there, I wasn't inside, I was outside. I didn't deal with these things.

6 Q. Okay. Fair enough. Thank you. You say that the fuel came from Bangui.
7 Do you know how the fuel got to Bangui, how it arrived in Bangui?

8 A. No. How the fuel arrived from Bangui, it came from Bangui -- I'm trying to -- I
9 haven't understood your question. You want me to say how it came from Bangui?

10 Q. Well, it was a kind of general question. Assuming there are no, you know, oil
11 refinery plants in Bangui, maybe there are, maybe I am mistaken, it would have to
12 come from somewhere else, and my question is, if you know, you know, where the
13 oil came from into Bangui?

14 A. No, no, I do not know.

15 Q. And I'm going to go on down the line and ask about other supplies that are
16 pertinent to military actions. What about weapon systems? Do you know
17 anything about resupply of either weapon systems or weapon parts?

18 A. I know that the Ugandans had their own weapons, and they supplied weapons
19 to the movement, and there were also many Libyan planes that came from -- for
20 training, but I do not whether they also gave weapons supplies to the movement, but
21 for training that I know.

22 Q. Sir, you mentioned Libyan planes. Would the Libyan planes go to Gbadolite,
23 or to Bangui, or to both, to your knowledge?

24 A. Well, I do not know whether they actually had a stopover elsewhere, but when
25 they did come we knew at the time that these planes were coming from Libya.

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1 Q. And I have the same question with regard to ammunition, so if you know
2 where the MLC received their ammunition from?

3 A. I do not know. I know that part of it, since the Ugandans were military allies,
4 may have come from there and other supplies, weapons, ammunition, they just took
5 them from the enemy as they -- as they made headway in their attacks. As the MLC
6 proceeded forward, they may have taken that from the enemy.

7 Q. Do you know if the MLC were able to get supplies from Kinshasa, for example?

8 A. No, I haven't -- I haven't the slightest idea.

9 Q. And what about supplies from neighbouring countries, except for Central
10 African Republic which we've already discussed, so as you include Uganda and other
11 neighbouring countries, do you know if they were able to get supplies from any of
12 those countries?

13 A. No, I do not know.

14 Q. I'd like to move on now and discuss your knowledge of the appointment of
15 officers within the MLC, the promotion scheme and possibly even the demotion
16 scheme. What do you know about who had the power to appoint officers within the
17 MLC, to your knowledge?

18 A. The suggestions always came from the president of the commission, who was
19 Bravo Charlie, and when Bravo Charlie made a suggestion or a proposal that would
20 be forwarded to the General Staff, to the chief, the General Chief of Staff, and that
21 General Chief of Staff then would take that proposal to the supreme commander who
22 had to sign. He had to take a decision and sign all the appointment decrees.

23 Q. And once the supreme commander signed the appointment letter, was that the
24 moment when the appointment was actually formalised and the person was -- took
25 that respective rank or position?

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1 A. Obviously, because it was a state where there was a president, a government
2 and an army, so it wasn't up to the Minister of Defence to sign an appointment order,
3 it was up to the president of the movement, who was the supreme commander. It
4 was up to him to empower the officers.

5 Q. Okay. So I'm going to move on again to -- you mentioned that the fuel, the
6 MLC fuel, came from Bangui. Do you know what the relationship between MLC
7 officers and the Central African authorities were?

8 A. The movement, which it was actually a state within the province of Équateur,
9 was allied with the Central African state. This is why, for instance, our
10 laissez-passer, which we needed to go to Central Africa, gave one the right, gave us
11 the right, who were holders of these laissez-passer, to enter the territory of the
12 Central African Republic. They were allies. And people from the other side could
13 move across. There was good co-operation between the government on the other
14 side and on this side, because I know that there were officers who would cross the
15 border, who would go on missions or on private visits, coming from the movement
16 and going into the Central African Republic.

17 Q. And could you just kind of reference us to a time-frame? You said that there
18 were officers who would cross the border and go on missions or private visits. What
19 time-frame are you talking about, if you could give a month and year? Or if just a
20 year it would be helpful.

21 A. Personally, I only know of what happened in 2002, so I'm only referring to the
22 year 2002. For instance, when the general was arrested, he was incarcerated in the
23 BRM prison in Gbadolite. There were other officers and other politicians, other
24 people who worked for the presidency who at times came on missions. Knowing
25 (Redacted)

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1 (Redacted)

2 (Redacted).

3 Q. Do you know of any time when Mr Bemba was in the Central African Republic?

4 A. I do not know. I do not know when, but the truth of the matter is that he
5 often went to the Central African Republic, but I cannot tell you exactly how many
6 times because I didn't deal with that kind of business. However, I do have a detail I
7 know: That there was a coalition because I, when I was being persecuted in order to
8 be arrested in Bangui, it was a mix of team, that is to say a mixed team. A mixed
9 team. Patassé's soldiers and MLC soldiers together, joined together, they were after
10 me in Bangui. They wanted to nail me in Bangui.

11 Q. You mentioned that the level of co-operation between the MLC and the Central
12 African authorities -- do you know specifically about any military co-operation or
13 military operations?

14 A. Yes, indeed, because the movement had its representative, whose role was that
15 of an ambassador, and I had seen him once and I know his name. But before I got to
16 Bangui, there was a situation there, and when I got to Bangui the Congolese were
17 looking down on others who were involved in what had happened in Bangui, I was
18 told, and in Gbadolite I saw some refugees who came from General Kolingba in
19 Central Africa, in Bangui.

20 Q. And I asked about military operations, and you answered with refugees from
21 General Kolingba. So, I mean, I think I understand what you're saying, but for the
22 purpose of the record what -- what military operation are you talking about when
23 you mention General Kolingba?

24 A. The first military operation in 2001, in the course of which the MLC army gave
25 assistance to the powers that be in Bangui, I'm speaking about that particular period

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1 because I came right after these events, and it's therefore that particular period to
2 which I was referring.

3 Q. And what, if anything, do you know about Mr Bemba's role in the intervention
4 that you just mentioned in 2001?

5 A. I wasn't there. This being said, I was told how things proceeded because I was
6 very curious. The date I went to the embassy was right after the events, and I saw
7 the facade, the building, the wall, the facade of our embassy riddled with bullets, and
8 I asked a question: "Who shot so many bullets at the embassy?" And I was told,
9 "No, it was during the events, Bemba's soldiers attacked here. They shot -- these
10 shots come from them." And I was told everything, because the first time I was told
11 about that, it was even before I crossed the border. When I left Kinshasa, via
12 Brazzaville, I got to Central Africa, the Central African Republic, and the journey had
13 taken me 24 hours, so I got there at night. And on the following day, at 5 p.m., I
14 crossed in order to get to Zongo, in order to get to Gbadolite, and it was there that I
15 met with some friends. We were in a coffee place, at a restaurant really, just
16 conversing, and they saw me and they asked me, and he was speaking Sango to me,
17 and I said, "Sorry, I do not understand." They were asking me what nationality
18 I was, because over there they spoke Sango, and I said, "Well, I'm Congolese." And
19 then when we started talking, the port was close, so I had to cross by using a canoe at
20 around 5 p.m. And when I was getting ready to go onto the canoe, when that time
21 came up, we actually started talking with each other, and that gentleman lived in
22 Paris and (Redacted), and we had a common friend. It just so
23 happened we had a common friend. And it was that man who told me, "But where
24 you're going," he told me a little bit what had happened, and a migration official also
25 who was there also joined the conversation. It's a good thing I had my passport with

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1 my visa on it, which I had obtained in Brazzaville, because what with the hatred this
2 man felt for the Congolese, without that passport and visa, I think I would have been
3 arrested and it was he who told me what had been going on in Central Africa, the
4 kind of things that the soldiers had been doing. I don't know what to call it, but
5 because I didn't live through that myself personally, but when I got to Gbadolite, it
6 was then that I saw that all of these events that had been recounted to me, I actually
7 saw them with my own eyes through people that had lived through them. So that's
8 it.

9 Q. And what were some of these things that the soldiers had been doing? Did
10 anybody get into specific information or what are these things the soldiers had been
11 doing?

12 PRESIDING JUDGE STEINER: Maître Kilolo.

13 MR KILOLO: (Interpretation) Yes, Madam President. The Defence is worrying
14 about the relevance of this line of questioning that has just commenced, even though
15 your Chamber recently reminded us that the questioning had to be strictly limited to
16 the period covered by the charges, that is to say between October 2002 and
17 March 2003.

18 PRESIDING JUDGE STEINER: Mr Iverson?

19 MR IVERSON: Well, I certainly don't intend to dwell on this matter, but I think it is
20 relevant in that it goes to notice of duty to prevent. So in order to prevent something,
21 you would have to have some idea that it may -- won't happen in the future, and
22 I think that this type of information goes to the duty to prevent, and that's why it is
23 relevant. But, again, I don't intend on getting into graphic details of what happened,
24 I just want the witness to be able to explain what he knows from that interaction.

25 (Trial Chamber confers)

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1 PRESIDING JUDGE STEINER: Mr Iverson, if you concentrate your questions on
2 what the witness could know or have been informed, the Chamber will allow the
3 questioning, but just in that respect.

4 MR IVERSON: Thank you, Madam President.

5 PRESIDING JUDGE STEINER: Maître Liriss.

6 MR LIRISS: (Interpretation) With your indulgence, Madam President, my colleague
7 has said that if he's asking a question on that point, the purpose is to know whether
8 what happened could have been prevented. However, the decision confirming the
9 charges is very clear on this: One cannot use what happened in 2001 as a basis to
10 decide that that may have led to what happened in 2002.

11 (Trial Chamber confers)

12 PRESIDING JUDGE STEINER: Maître Liriss, your concerns are on the record of the
13 case. The Chamber will take into consideration the limits of the decision confirming
14 the charges in that respect, of course. We are not analysing here the facts that
15 occurred before October 2002 to January -- to March 2003, but the line of questioning
16 of the Prosecution right now is not for the Chamber to make any finding on that
17 respect. So I don't see the prejudice for the Defence but, in any case, Mr Iverson has
18 already said that he's going to change the line of questioning, but the Chamber -- it's
19 on the record. The Chamber will take into consideration your concerns.

20 Mr Iverson, you can continue.

21 MR IVERSON: Thank you, Madam President.

22 Q. So, sir, going back to the question that I posed. Now, keeping in mind we're
23 not interested in hearing about rumour or, you know, things that you personally
24 didn't hear or see. So what I'm asking you is: What did you hear? You
25 mentioned you talked to, for example, a Central African citizen. What did you hear

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1 about things that soldiers had done?

2 A. There had been looting, rapes, murders of our Congolese brethren in Central
3 Africa. This is why in that period the Congolese were scorned, particularly in
4 Bangui.

5 Q. Just one point of clarification: In the English interpretation, it says "murders of
6 our Congolese brethren." Did you mean that Congolese people were murdered,
7 raped and looted or something else?

8 A. The Congolese who had been killed were Congolese who had been thought to
9 belong -- or how can I put it? Or those who were in favour of the Kinshasa power,
10 and who were unfortunately recognised as such, and these Congolese were
11 assassinated. (Redacted) told me this exactly, because he too had fled
12 because he was in Gbadolite at the time Bravo Charlie was arrested, and he fled to
13 Central Africa. This was during the first arrest. He fled to Central Africa.

14 Q. Sir, just briefly, just let me go back to my original question on this topic: What
15 were the MLC soldiers accused of?

16 A. Looting, rape and murder.

17 Q. Sir, I'd like to move on now to another topic, and that is means of
18 communication. So do you know by which means the MLC communicated over
19 distance?

20 A. They used satellite telephones and radio.

21 Q. Do you know if Bravo Charlie or others had any type of satellite telephones
22 and/or radios?

23 A. No. With regard to the movements, I think there were only two; the president
24 had a satellite telephone and the secretary-general and one other man who had a
25 satellite telephone. I think you had to pay about five or ten dollars per minute, but I

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1 didn't use that myself. I heard that he was more or less opposite the church that I
2 worshipped at.

3 There was official radio communication for the army and the radio communication
4 system of the Internal Security Bureau, the radio communication system of the Border
5 Security Bureau, that's what I'm aware of officially. There were other traders who
6 operated a commercial radio communication system, and that's how the locals used
7 to make contact with others in Kinshasa or people elsewhere in the country.

8 Q. Have you ever heard the term "phonie"?

9 A. Could you please repeat your question? I didn't understand.

10 Q. Certainly; I'll try to be clearer. Have you ever heard the term "phonie"? And
11 for the interpreters, that doesn't mean fake; it's p-h-o-n-i-e, I believe.

12 A. This phonie, as I understand it, is that a system we can use that I, if I want to
13 talk to people in Kinshasa, it was the way we could enter contact with family who
14 were distant, but then we would use a commercial systems, not the official radio
15 communication phonie system.

16 Q. When you say -- when you talk about a phonie, is it just another term for a
17 military-type radio?

18 A. Phonie is a radio which can be used either by military or civilians. Where we
19 were, the military was using the system but so were civilians, they were paying to use
20 that, so it was a commercial system. You paid for the call that you made. But for
21 the official phonie, that was used by the army and the security services.

22 Q. Okay; I understand. Did Bravo Charlie have occasion to use the phonie
23 system?

24 A. Of course. The official system is private, because he was in Gbadolite for
25 private commercial system. If we wanted to speak to people in Kinshasa, family in

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1 Kinshasa, then that's what we would use. And when it came to the ranks which we
2 talked about before, then he used the official phonie system to make the calls, but I
3 never saw him do it, but as he was a member of the staff I assume he did use it to
4 make communications. But if we needed to get in contact, we would use the
5 commercial paying phonie system, and we could also use it to transfer money; that
6 was a way of transferring money to me. I would call Kinshasa, ask for money, and it
7 would be transferred using this system.

8 Q. Okay. So for official communication, the MLC phonie system; for private
9 communication you used the commercial one; is that right?

10 A. Yes, indeed, because we were forbidden to use the official system for private
11 communications.

12 Q. And do you know what types of information would be transmitted over the
13 phonie or the radio system for official business, for official MLC business?

14 A. No, I don't know, because I was not official.

15 Q. Would you be able to, or, rather, would you have knowledge of the equipment
16 that was used by individual MLC troops? So I'm talking about individual kit or gear
17 that an MLC soldier would have.

18 A. It's difficult to reply to this question. Personally, it's difficult to -- for me to
19 answer because I wasn't in contact with everybody. But officially, as the army, they
20 had their weapons, their weapon arsenals, that I saw, and that I can tell you about,
21 but what I didn't see I can't tell you about.

22 Q. Certainly understandable. What about unit equipment? So that equipment
23 that may have been used by the MLC units, vehicles, aeroplanes, anything like that,
24 do you know anything about unit equipment?

25 A. With regard to aircraft, I knew there were two aircraft in Gbadolite; a Russian

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1 cargo plane and a private plane used by the head of the movement of personnel.

2 With regard to vehicles, most of the vehicles there were vehicles taken by the

3 movement from the enemy, from Musée Kabila's army.

4 There was one large vehicle which was used to go and buy supplies for logistics

5 purposes, I think it was a Mercedes truck, a Mercedes, yes, six or eight axle, I'm not

6 sure, it's a long time ago. There were also other vehicles from Central African

7 Republic, jeeps, four-by-fours with two compartments. Those were new, modern

8 and civilian, but what had been taken from the other army were military-type

9 vehicles, a Piket (phon) jeep which was used -- a pick-up which was used by the

10 person in command of the staff. Bravo Charlie used this type and the same type was

11 used by the Ugandans, that was the army side, and four-by-fours from Central

12 African Republic were used only by the presidency of the movement.

13 Q. And do you know how the MLC units paid their individual soldiers?

14 A. During the entire time I was there, there was no peace. There was no

15 peace-time. Sorry, there was no pay. There was no pay. There were small

16 bonuses given, and once I saw that a bonus was paid to two officers, and one had to

17 take this money to go and buy a cigarette, it was a very small sum, I saw no pay being

18 issued there.

19 Q. And do you know how the individual MLC soldiers were able to manage, able

20 to survive without receiving any kind of pay?

21 A. For the others, I don't know, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. All right. I'd like to ask you some questions to the extent that you know about

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1 issues relating to military justice or military law enforcement. You said that soldiers
2 weren't being paid. Do you know if there was any type of criminal activity within
3 the MLC that was dealt with through a military justice mechanism or procedure?

4 A. Not as far as I know. During my time, during the time I spent in Gbadolite, as
5 the house (Redacted), I only
6 attended two trials; one against General Gédéon Kibonge and another involving
7 those -- the head of the guards of the president of the movement, those were the only
8 two trials that I saw take place during the time that I was there.

9 Q. You mentioned that MLC soldiers had been accused of looting earlier. Was
10 that allegation -- well, let me ask this: Were there any trials or any other issues of
11 looting that were brought to the attention of the military authorities and brought
12 through a military justice procedure or through a command procedure?

13 A. I don't know, because when I arrived in Gbado there had already been the
14 events in Central African Republic, but what I saw in Gbado was the vehicles which
15 had been brought back from Central Africa and were being used in Gbadolite, and
16 the commander of the first operations also was using a jeep that he brought back from
17 Central Africa. I saw him use it.

18 Q. Do you know if the individual MLC soldiers received any type of training?

19 A. No, I saw nothing at individual level, but there was collective training, group
20 training.

21 Q. And do you know what this training was?

22 A. There was ideological information. There was also information from the close
23 guards for VIPs, and there was driver training to teach drivers how to escort people
24 in authority. That's what I saw when I was there. That's all I saw; I didn't see the
25 rest.

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1 Q. So you mentioned that the MLC were accused of certain crimes earlier. Do
2 you know if there was any kind of reaction to these allegations within the chain of
3 command within the MLC?

4 A. In the time that I was there, I didn't see any reaction because if there had been
5 any action the goods that had been brought to Gbado would have been taken back to
6 the Central African Republic.

7 MR IVERSON: Madam President, may I have just a minute or two to confer with
8 my colleagues?

9 PRESIDING JUDGE STEINER: (Nodding head in the affirmative)

10 MR IVERSON: Thank you.

11 (Prosecution counsel confer)

12 MR IVERSON: Madam President, could I request to go into private session.

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

14 *(Private session at 12.55 p.m.) Reclassified as Open session

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

16 MR IVERSON:

17 Q. Sir, so we're back in private session so we can say names freely and you can't be
18 heard outside the courtroom. You mentioned the name of a person who was tried in
19 a military trial or a court-martial. Could you mention that person's name again and
20 give the Bench, the Honourable Judges, a little bit of information about that trial?

21 A. It was the trial against -- at the time he was a colonel, against Colonel Gédéon
22 Kibonge. He was the head of military intelligence of the military movement of the
23 MLC. He had refused to carry out an order; (Redacted). He had
24 refused to carry out an order issued by Mr Jean-Pierre Bemba, who had ordered him
25 to bomb the residence of (Redacted) (phon), with whom he was not getting on.

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1 He said that there was family in the house, that there were children there, there were
2 civilians in the house and, therefore, he could not obey this order. As he refused to
3 obey the order, the head of the movement was not happy with this, and he had him
4 arrested and taken before a court-martial.

5 Q. Now, we have just a few more minutes before lunch, so I think I am just going
6 to ask one more question and it will allow you to talk as long as we can to the Judges
7 about what do you remember - and it's been a long time, I understand - what do you
8 remember about the actual trial process? Who was there, you know, how was the
9 court composed? Were there judges, were there military officers? What was
10 happening in the court as the whole trial unfolded?

11 A. In the trials, the Chief of the General Staff -- may I give his name? General
12 Amuli was the Presiding Judge. General N'sau Nzuzi Dawa was the first Deputy
13 Presiding Judge. I think Colonel Mbiato was there; he was the second
14 Vice-Presiding Judge, and there was a Registrar. That's the court that I saw.

15 MR IVERSON: Okay. Well, I think I'm going to suggest, propose to the
16 Chamber that we stop at this point, but I'll continue to ask some questions. I believe
17 they'll have to be in private session, Madam President, about this trial and maybe a
18 few more questions after that and then I will be finished. So it's not going to be too
19 much longer after lunch, just so the Court is aware of the tentative schedule, I guess.
20 Thank you, sir.

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

22 (Open session at 1.00 p.m.)

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

24 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we have now our lunch
25 break. It's 1 o'clock. We will suspend and resume at 2.30.

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- 1 Court officer, please turn into closed session for the witness to be taken outside the
- 2 courtroom. In the meantime, we will suspend and resume at 2.30.
- 3 *(Closed session at 1.01 p.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in closed session, Madam President.
- 5 (The witness stands down)
- 6 THE COURT OFFICER: All rise.
- 7 (Recess taken at 1.01 p.m.)
- 8 *(Upon resuming in closed session at 2.33 p.m.) Reclassified as Open session
- 9 THE COURT USHER: All rise. Please be seated.
- 10 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
- 11 court usher bring the witness in.
- 12 (The witness enters the courtroom)
- 13 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 14 (Open session at 2.35 p.m.)
- 15 THE COURT OFFICER: We are in open session, Madam President.
- 16 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
- 17 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 18 PRESIDING JUDGE STEINER: Did you manage to take some rest?
- 19 THE WITNESS: (Interpretation) Yes, thank you.
- 20 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 21 your testimony?
- 22 THE WITNESS: (Interpretation) Yes, I'm in fine fettle.
- 23 PRESIDING JUDGE STEINER: Mr Iverson, you have the floor.
- 24 MR IVERSON: Thank you, Madam President.
- 25 Q. Good afternoon, sir.

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1 A. Good afternoon. Thank you.

2 MR IVERSON: Madam President, I'd like to request that we go into private session
3 for the following questions.

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

5 *(Private session at 2.37 p.m.) Reclassified as Open session

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

7 MR IVERSON:

8 Q. Sir, so once again we are in private session, so what you say cannot be heard
9 outside of this courtroom. Before we broke for lunch, I was asking you questions
10 about some trials that occurred and I'm just going to continue to ask you about
11 information about these trials. Is that all right with you, sir?

12 A. Yes, I agree.

13 Q. Could you tell us where - and I'm going to confine my questions to the trial of
14 General Kibonge - where did that trial take place?

15 A. Well, the trial was held in Gbadolite; more specifically, in the cinema hall in the
16 Nzekele Hotel.

17 Q. Do you know if it was commonplace for the MLC to hold trials in this cinema
18 hall in the hotel?

19 A. The two trials that were held, when I was in Gbadolite, were held in the
20 Nzekele Motel, in that room. That same room.

21 Q. And for the trial of General Kibonge, how long did that trial last?

22 A. No more than ten days.

23 Q. And you said before that there was at least one charge which was a violation of
24 an order; were there any other charges for that trial?

25 A. No.

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1 Q. Were you present during the entire trial, or just parts of it?

2 A. I believe I attended two trials. The third hearing I wasn't there; I didn't go to
3 that.

4 Q. Okay. I'm a bit confused, so I'm going to try to clarify something here. So
5 we're -- I'm just asking about General Kibonge's trial. You said it lasted ten days; is
6 that correct?

7 A. Yes, because it wasn't a long time, so if I could be so bold as -- no more than two
8 weeks, in any event, because there were two hearings and then they went off to
9 deliberate, and knowing how it was going to happen, that's why I hadn't gone to the
10 third hearing. But during, while listening to the sentence being handed down,
11 (Redacted)

12 (Redacted) that he was amongst the people that Bravo Charlie had
13 trained and to -- to do -- to render service within the unified army he should do all he
14 could. (Redacted)

15 (Redacted) thank God, he was found guilty. I believe he received a
16 life sentence, but not death.

17 Q. And I'll get to the sentence and the punishment, but there are a few questions
18 I'd like to ask before I get there.

19 During the course of the trial, were you present when evidence was presented, if
20 there was evidence presented?

21 A. I beg your pardon. I was there when Colonel Kibonge at that time, he was a
22 colonel at that time, had put a plan up on a board justifying a sketch, a sketch of the
23 place where they were, and where he had received the order, the command, and to
24 my understanding it was more of a political trial. I didn't go. I knew at the end of
25 the trial it was that.

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1 THE INTERPRETER: The interpreter apologises; the answer is unclear.

2 MR IVERSON:

3 Q. Could I just have you repeat the last part of your answer, after you said you
4 thought it was a political trial? What did you say after that?

5 A. We knew what the outcome of the trial would be, because Kibonge was being
6 prosecuted personally by the president of the movement, so what the judges might
7 decide, well, it couldn't have any effect on the chief. That's why the day of the
8 sentencing I didn't go.

9 Q. And you mentioned you went to a different trial. Who was on trial at the
10 other trial that you went to?

11 A. It was the trial of a soldier - can I give his name? Whose name was (Redacted)
12 who was the leader of the commanders in the DPP, the Presidential Guard of the
13 leader of the movement, and he had stolen the leader's pistol, and when he was
14 found with that pistol the chief took him before the court so that he would be -- so
15 that that would -- so that he would be put on trial.

16 THE INTERPRETER: Correction; convicted.

17 MR IVERSON:

18 Q. So what, this person was charged with theft, is that what you're saying, the theft
19 of a pistol?

20 A. Yes, because he had taken the pistol away from his boss and I don't know how
21 it came to be that someone saw him with a pistol but that is why the chief sent him to
22 the court.

23 Q. And how long was that trial?

24 A. I no longer recall but almost -- well, it didn't last a long period of time because
25 when the gentleman was incarcerated after the trial, (Redacted)

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1 (Redacted) at the

2 prison, at the BRM, the prison of the movement.

3 Q. Just in terms of duration, was it days, was it weeks, was it months? Can you
4 give us an estimation of how long the trial lasted?

5 A. No, it wasn't a full month; perhaps two weeks. In any event, two weeks at the
6 most, to my knowledge. I don't know. I might be mistaken but it would not have
7 been three weeks, no.

8 Q. Was the procedure that was used in General or Colonel Kibonge's trial similar
9 to the procedure used in the second trial, the theft of a pistol?

10 A. No. Well, just given the make-up of the Bench, at Kibonge's trial it was the
11 Chief of General Staff who was the judge, and in the Akawa trial it was Bravo Charlie
12 who was the judge.

13 Q. In the second trial, I'll call it the second trial, I don't know which one came first
14 actually, but the theft of a pistol trial, what was the verdict in that trial?

15 A. I have no idea, because I only attended the first day and I didn't pay attention to
16 the sentence, but what I do know is that after the trial he was detained at the BRM,
17 the Military Intelligence Office.

18 Q. Do you know how long he was detained at the BRM?

19 A. Not a long time, because all of that happened when the agreements were being
20 signed, so in the month of February or March I had heard that he already was in
21 Kinshasa, so not even one year. He had not even spent one year there, because that
22 was in July, and in February or March they already were in Kinshasa so not, not a
23 year.

24 Q. And going back, you mentioned that Kibonge was sentenced to -- you think it
25 was life. Excuse me. Do you know if Kibonge was ever paroled or whether his

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1 sentence was commuted?

2 A. No, because leaving Gbadolite he was in detention, but since the agreements
3 were already there, automatically the Gbadolite government was to return to
4 Kinshasa and all the sentences that were handed down were no longer in force
5 because people were in Kinshasa, and so I believe just after their arrival in Kinshasa (Redacted)
6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Do you know who had the power to convene or to set up court-martials within
10 the MLC?

11 A. That was upon the order of the chief of the movement; he was the one who was
12 giving the orders.

13 Q. And by "chief of the movement," who do you mean? What is the name of the
14 chief of the movement?

15 A. It was Jean-Pierre Bemba.

16 Q. And who had the authority or power within the MLC to commute a sentence or
17 to pardon someone?

18 A. It was the president because, to my knowledge, if there was no general
19 prosecutor, there was -- there were no judges who had been sworn in, who conducted
20 or judged the two people whom I saw, the two people who had been put on trial.

21 Q. And what was the time, what was the length in time between the time in which
22 Kibonge was -- committed the offence of violation of an order to the time he was
23 brought to trial, how much time elapsed between the offence until trial commenced?

24 A. I don't know exactly because, you see, the offence occurred in the east, Kibonge
25 had been arrested in the east and taken to Gbadolite (Redacted), so

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1 I don't know.

2 Q. When Colonel Kibonge was arrested, as you say in the east, on whose authority
3 was he arrested? Who authorised the arrest?

4 A. To arrest an officer, a high-ranking officer, the order could only come from the
5 leader of the movement. Mr Jean-Pierre Bemba was the one who ordered the arrest
6 of Colonel Kibonge. (Redacted) it was at the orders of Mr Jean-Pierre
7 Bemba. (Redacted) he was the one who ordered his arrest because he hadn't
8 obeyed his orders. That's all.

9 MR IVERSON: Thank you, sir. I have no further questions for you. I'm sure that
10 my colleagues may have some questions for you, but thank you for your
11 co-operation.

12 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
13 (Open session at 2.59 p.m.)

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

15 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution has finished to question
16 you and the Chamber authorised the legal representatives of victims to put to you
17 some questions, and the questions they are going to put to you were authorised by
18 the Chamber. So I'll give now the floor to the legal representatives of victims,
19 starting by Maître Zarambaud. Maître Zarambaud, you have the floor. And please
20 inform the Chamber when we have to go into private session, when and if we have to
21 go into private session.

22 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. I do not
23 believe that the questions that I will be putting to the witness would necessitate our
24 moving into private session. However, were I to feel that, obviously with your
25 indulgence, I would ask you to do so.

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1 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

2 Q. Mr Witness, good afternoon, sir.

3 A. Good afternoon.

4 Q. Well, I had already introduced myself to you, and the Presiding Judge has
5 already told you my name, Zarambaud. I am a lawyer with the Bangui courts, and
6 here I represent -- I am the legal representative of the victims, together with Ms
7 Marie-Edith Douzima. The legal representatives of the victims, sir, can put
8 questions to you if authorised by the Court, by the Bench, as has just been said.
9 These questions are only in reference to the views and concerns of the victims.
10 Therefore, the questions that I shall be putting to you should be answered only in
11 reference to the period that we're interested in, the period considered by this trial;
12 that is to say, the period going from October 2002 to March 2003. Is that all right by
13 you, sir?

14 A. Yes, I will listen to your questions.

15 Q. Thank you. I have a series of six questions to put to you. Now, obviously, at
16 the beginning you said that you had had the opportunity of reading your statements
17 again but since your statements are very lengthy, in order to refreshen your memory
18 before asking any questions of you, I would like to quote a few passages of your own
19 statements. So my first series of questions is connected with what you stated in
20 document CAR-OTP-0011-0297, page 0316, paragraph 5.
21 You stated that Bemba was, and I quote, "The supreme commander. The General
22 Chief of Staff could say nothing in front of Bemba. When he was against Bemba,
23 Bemba would slap him." And in document CAR-OTP-0011-0399, page 0327,
24 paragraph 10, you stated -- you were asked a question, and to that question "How
25 were the military decisions taken?" You answered, in that same document,

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1 paragraph 11, and I quote, "Bemba took a decision and he would convey that decision
2 to his General Chief of Staff for it to be carried out, particularly involving military
3 operations. He took the decisions without consulting anyone. For instance, what
4 happened in Bangui, Bangui 1 and Bangui 2, he told his General Chief of Staff, and I
5 quote, 'Just prepare the troops that should be leaving'." And to the question, I quote,
6 "To whom would the field commanders report?" You answered "To their leader.
7 They would report to Bemba." Nonetheless, you pointed out that they would go via
8 their chiefs, in paragraph 12, and that to that effect they would use the radio
9 communication systems, the couriers as well as the Antonovs and one helicopter.
10 And for that last quote it's CAR-OTP-0011-0319, page 0327, paragraph 4.

11 So now my first question is going to be the following one: Can you confirm these
12 statements? Are you in a position to confirm them or to reject them?

13 PRESIDING JUDGE STEINER: Maître Kilolo?

14 MR KILOLO: (Interpretation) Yes, Madam President, the Defence has a concern in
15 connection with the very wording of this question, to the extent that our learned
16 colleague on the other side is asking the witness to answer only in reference to the
17 period going between October 2002 to March 2003; however, at the time the question
18 is asked, he is reading to him again extracts of his statements having to do with the
19 period preceding that, preceding October 2002.

20 So clearly, all of these statements that have just been read out are statements that
21 were made by the witness in reference to facts that he was able to observe between
22 February 2002 and July 2002 and, therefore, there is already an internal inconsistency
23 in the very formulation of the question itself.

24 PRESIDING JUDGE STEINER: Maître Zarambaud, can you precise to which
25 moment your questions refer?

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1 MR ZARAMBAUD: (Interpretation) Your Honour, my question first of all was
2 accepted by the Bench and, secondly, is connected with the period called Bangui 2,
3 because I'm reading here, he said, for instance, the Bangui troops, Bangui 1 and
4 Bangui 2. Therefore, he doesn't have to answer in reference to Bangui 1. This
5 questions concerns the two interventions, but as I spelt out he would only answer
6 concerning Bangui 2. I therefore see no inconsistency. I thank you, Madam
7 President.

8 PRESIDING JUDGE STEINER: Mr Witness, you wanted to address the Chamber,
9 please?

10 THE WITNESS: (Interpretation) Thank you, your Honour. I would like to say
11 something, but I do not know whether a witness has the possibility of asking for a
12 closed session for what I'm about to say.

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

14 *(Private session at 3.08 p.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Please.

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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9 (Redacted).

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 3.14 p.m.)

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

19 PRESIDING JUDGE STEINER: Do you want to answer the question put by Maître
20 Zarambaud or do you prefer Maître Zarambaud to repeat the question put to you?

21 THE WITNESS: (Interpretation) Thank you, your Honour. I would want
22 Mr Zarambaud to repeat the question.

23 MR ZARAMBAUD: (Interpretation) Thank you.

24 Q. The question had to do with several quotes that I made. In order to proceed
25 more quickly, I will not go back over the exact page numbers and reference numbers,

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1 because they're already available on the transcript. There was one quote: "Bemba
2 was the supreme commander and the General Chief of Staff could say nothing in
3 front of Bemba. If he opposed Bemba, Bemba would slap him." Question: "How
4 were the military decisions taken?" And your answer was: "Bemba took a decision.
5 He would transmit it to his General Chief of Staff for the decision to be carried out,
6 particularly where military operations were concerned. He would take the decisions
7 without consulting anyone. For instance, for the Bangui troops, Bangui 1 and
8 Bangui 2, he told his General Chief of Staff, quote, 'Get the troops ready, the troops
9 that are to leave'." And to the question, and I quote, "To whom would field
10 commanders report?" Your answer was, and I quote, "They would report to their
11 chief. They would report to Bemba." Nonetheless, you did spell out that they
12 would report via their chiefs and, to that end, they used the radio communication
13 equipment, the couriers, the Antonovs and one helicopter.
14 So the question put to you was: Are you in a position to confirm or to reject these
15 statements that I have just read out to you?
16 A. I confirm. However, on the Antonovs and the helicopter, I believe that wasn't
17 really something involved with the operations. These were the means, means of
18 communication that were used and means for supplying the troops, because the
19 helicopter arrived when I was there, that is to say in the month of July, that is to say
20 really between February and July, but the Antonov was already there. So if the
21 helicopter was used, I do not know, because I was no longer there. The helicopter,
22 you should consider, was a means of transport that they would use.
23 Q. Thank you. In fact, you've jumped the gun, because my next question was
24 going to be related to the number of aircraft available to them, and I was wondering
25 whether they were able to land in Bangui in the course of the period that we're

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- 1 interested in because -- but your answer suffices. So let me move on to the next
2 series of questions.
- 3 Based again on your statements, and your first statement appears in document
4 CAR-OTP-0011-0319, on page 033, last paragraph thereof, and you said the following:
5 "Therefore, the young people were actually fighting for their own personal supplies,
6 because they were not getting paid, and when they went on an operation, it was a
7 way of getting paid, and this is the reason why they committed so many acts of
8 violence, all imaginable acts of violence. They were seldom punished because the
9 high-ranking officers' conscience was burdened with the fact that these little ones
10 were not being paid at all, were getting nothing from the movement, and this is why
11 it had become a habit for them. This was the case in Équateur, in Central Africa and,
12 more recently even, in every single operation that they had carried out here in
13 Kinshasa."
- 14 So here again my question is really very simple: Can you confirm or reject this
15 statement, according to which the MLC troops actually had to find their own supplies
16 in the field because they were not being paid?
- 17 A. I confirm that.
- 18 Q. I should like to thank you, Mr Witness. My third series of questions, in
19 reference to the statement you made on page CAR-OTP-0011-0319, page 040,
20 paragraphs 10 and 11, the question put to you was: "Do you know what the MLC
21 troops -- what the MLC troops had done in Bangui?" And your answer was, and I
22 quote: "I had been informed about rapes, looting, murders perpetrated by the MLC
23 upon the Bangui inhabitants who were more for the opposition than in favour of
24 Patassé's power."
- 25 And you also declared, last paragraph of the document I've just mentioned, you said

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1 that according to the people who had given you information they, that is to say the
2 MLC troops, had created a state, a climate of terror. They were pitiless. They
3 raped girls, women, mothers, sisters, in all the areas where the MLC intervened.
4 And my question is very simple: Can you confirm or reject these statements by
5 virtue of which, according to your information, the MLC troops had committed
6 looting, raping, murdering in Central Africa obviously in the course of the period that
7 we're interested in?

8 A. Yes, I can confirm that.

9 Q. Please remember the five-second rule before you reply so as to enable the court
10 reporters to take down your statement in full. I thank you anyway.

11 Let me now proceed to the next series of questions pertaining to document
12 CAR-OTP-0011-0319, page 0344, paragraph 5. More specifically, in reference to
13 what you call Bangui 2, and this is what we're interested in here; that is to say, the
14 MLC intervention in Africa, between October 2002 to March 2003, you stated, and I
15 quote: "I know that they killed and they looted, but that time they didn't have
16 enough time to commit acts of violence as during Bangui 1 because the fire-power in
17 front of them, that is to say from Bozizé's troops, was stronger. The MLC continued
18 to rape, to loot and to kill."

19 Let me ask a question of you now, because to my understanding this statement seems
20 to be a contradiction because, on the one hand, you seem to be saying that the MLC
21 troops did not have the necessary time to commit acts of violence and then, in the tail
22 end of that very sentence, you said that they killed and they looted. So how can you
23 say one thing and the other? Could you please clarify the Bench, please, and clarify
24 for me also what seems to be an inconsistency?

25 A. Thank you very much, Counsel. I think that there's a great deal missing there,

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1 because the scope of the acts perpetrated during Bangui 1, the order of magnitude of
2 those actions, was different from that during Bangui 2 because during Bangui 1 they
3 had enough time to really take the place over and then when they withdrew they
4 withdrew calmly. But in Bangui 2 they weren't able, in fact, to withdraw quietly and
5 calmly. They left in a panic. But, nonetheless, when they left, there were acts of
6 abuse and violence that were being perpetrated, because at the time I was in touch
7 with a few people who were in Bangui at the time, over the phone.

8 Q. I thank you, sir. Thank you for this clarification, which I believe was necessary
9 for me, and I daresay it may be useful also for the Bench. My last set of questions
10 now, pertaining to your statements as they appear in document CAR-OTP-0011-0319,
11 page 0341, paragraph 7, and I quote your words, "But I saw the fruit of the pillaging
12 and looting in Gbadolite. I saw their jeeps, no less than -- no fewer than five jeeps."
13 And the question was: "Who was driving them?" And you answered: "These
14 were people belonging to Bemba's Presidential Guard, and one of the jeeps was being
15 driven by Bokolombe, a vehicle that clearly was coming from Bangui." That is in
16 paragraph 9 of the same page. And in document CAR-OTP-0011-0319, page 0342,
17 first paragraph, you said and I quote, "They, the MLC soldiers, robbed the bank."
18 And there is another quote in the same paragraph, "What I had been told is that the
19 money from that bank had been sent to Gbadolite," and that appears in the same
20 document, paragraph 18. And so my question is also very simple: Can you
21 confirm or reject these statements?

22 A. I confirm these statements. All the information that you have just given out to
23 us now, this is information I received personally in Gbadolite.

24 Q. I thank you, sir. Now on to my very final set of questions. To the question,
25 and I put it, "Were the high-ranking officers told about these acts of violence?" You

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1 answered, "Yes, of course. The commander of the military operations was Bemba.
2 He was informed. You are the military commander, and when people bring back
3 objects that they didn't have when they went out on the operation ...," this is to be
4 found in document CAR-OTP-0011-0319, paragraphs 13 and 14. And another
5 question was put to you, which was: "Did the officers know about these acts of
6 violence?" And you answered, again in this same document 0319, but this time page
7 0344, last paragraph, and I quote, "As usual, a commander who doesn't have
8 information coming to him from the grass roots is not a commander. He cannot lead
9 his men. For me, it is obvious that Bemba knew everything that was happening
10 because he was extremely well-informed. What really worked at the MLC the best
11 was intelligence. Everyone was tailing everybody else."
12 And finally to the question: "But what was Bemba's reaction in connection with
13 these acts of violence?" Your answer was, and I quote, "Silence means consent.
14 Because had he been against he would have sent those vehicles back to Bangui."
15 Reference CAR-OTP-0011-0319, pages 00342, paragraph 16 and 17.
16 And, again, a very simple question: Sir, are you in a position to confirm or would
17 you reject these statements?
18 A. It's very clear, Counsel, and I confirm this.
19 MR ZARAMBAUD: (Interpretation) Thank you, Mr Witness. As I said at the
20 beginning, that was my very final set of questions, and I should like to thank the
21 Chamber for having allowed me to proceed to my questions. Your Honour, I have
22 now concluded my questions. I thank you.
23 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. I'll now
24 give the floor to Maître Douzima, also authorised to put some questions to you,
25 Mr Witness. Maître Douzima, we are in open session.

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

2 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

3 Q. I am Maître Marie-Edith Douzima. I work with Maître Zarambaud and I am a
4 legal representative of the victims and authorised to be part of this procedure. In
5 this quality, I asked authorisation to put questions to you because I believe that the
6 interests of the victims I represent are concerned by your statements. I have two
7 small questions I would like to put to you, two small questions about the statements
8 you made during the investigation.

9 If I ask you a question, and you believe that your reply is likely to identify you, then
10 you just need to make this known to the Chamber.

11 Mr Witness, I will give you the reference of the declaration, CAR-OTP-0011-0323,
12 page 319. In your statement you mentioned on a number of occasions -- you
13 mentioned that Mr Jean-Pierre Bemba was the supreme commander. You
14 mentioned this on a number of occasions also this morning, and I would like to ask
15 whether this term of "supreme commander" is one that you have used yourself or
16 whether it's an official term used within the MLC?

17 A. It's an official term used in the movement, used in the MLC.

18 Q. As well as this name, is Jean-Pierre Bemba known by any other name within the
19 MLC?

20 A. President of the MLC.

21 Q. Thank you, Mr Witness. Next question, CAR-OTP-0011-0321, page 319, you
22 said that there was rapid training for the men of the MLC in the locations where they
23 were recruited. My question is: How long did this rapid training period last?

24 A. I don't know the exact duration, but I do know that where the movement or the
25 army was winning they took people, they trained them quickly, and turned them into

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1 soldiers.

2 Q. When you say "rapidly," I'm not asking for an exact duration but are we talking
3 months, weeks, days, years?

4 A. Counsel, I don't think I can give you an exact time period because I wasn't there,
5 but what I have heard from other soldiers recruited or press-ganged perhaps, and
6 forced them to be part of the MLC army. For example, I quoted a sort of pygmy that
7 we knew was Akile (phon) we called him 0.20, he was a farmer, he was taken, he was
8 trained and he was in the army.

9 MS DOUZIMA-LAWSON: (Interpretation) Mr Witness, I'm not going to push this
10 too far, I know it doesn't come from you, I wonder whether these people had given
11 you some indication but if you don't know then we'll leave it at that.

12 Thank you, Madam President. I have finished.

13 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. I now
14 turn to Maître Kilolo and ask whether the Defence would like to start right away,
15 bearing in mind that we need a few minutes before 4 o'clock for the Prosecution to
16 address some issues. But it's up to the Defence whether you would prefer to start
17 today or tomorrow or Monday.

18 (Defence counsel confer)

19 MR KILOLO: (Interpretation) Your Honour, we're prepared and ready to start
20 unless you say to us that the OTP needs longer to present its observations.

21 PRESIDING JUDGE STEINER: I'm informed that Ms Kneuer would like to address
22 the Chamber for five minutes at the end of this session; is that correct?

23 MS KNEUER: Yes, Madam President.

24 PRESIDING JUDGE STEINER: Then you can start, Maître Kilolo. We gain some
25 time.

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1 QUESTIONED BY MR KILOLO: (Interpretation)

2 Q. Mr Witness, good afternoon. I would like to introduce myself: I am Aimé
3 Kilolo, I am one of the lawyers, counsel, for Mr Jean-Pierre Bemba and I will be
4 leading questioning on behalf of the Defence.

5 Mr Witness, I'm sure you will recall having met with the Office of the Prosecutor in
6 May 2008 when they came to interview you. At that time, they told you that they
7 were seeking those responsible for the crimes; do you recall that?

8 A. May I answer? They were looking for the truth with regard to the situation in
9 the Central African Republic.

10 Q. I am going to read a short extract of what was said by the OTP. I refer to the
11 first document on the Defence list, on page CAR-OTP-0011-0302. This is what was
12 said, and I quote: "According to the investigation carried out thus far, we believe
13 that the Congolese troops of the MLC were or might have been present in the Central
14 African Republic, CAR, during this period. We are, therefore, contacting people and
15 trying to identify people who were witnesses or people who might have information
16 about these acts and these incidents."

17 Mr Witness, how did you understand this message from the Office of the Prosecutor
18 when you were told that they were looking into very serious crimes and, from the
19 outset, your first day of meeting, they referred to MLC soldiers?

20 A. I understood the message. They were seeking to discover the truth about what
21 happened in the Central African Republic. For this reason, they were looking for
22 people who had some knowledge, either through having received information or by
23 having been there themselves, so they were not talking for -- looking for the actors,
24 they were looking for the truth. That is my reply to your question.

25 MR KILOLO: (Interpretation) Your Honour, may we move to private session,

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1 please.

2 PRESIDING JUDGE STEINER: Court officer, please.

3 *(Private session at 3.43 p.m.) Reclassified as Open session

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

5 MR KILOLO: (Interpretation)

6 Q. Mr Witness, did General N'sau have enemies within the MLC?

7 A. Yes, he had enemies within the MLC.

8 Q. Do you know who are or were the enemies of General N'sau within the MLC?

9 A. Yes, they were the officers who had formerly been in Mobutu's special
10 presidential division and officers who had previously been in Mobutu's FAZ forces.
11 Those were his enemies. Perhaps to try and clarify the situation, I could say that
12 Colonel N'sau, at the time commander of the 21st Leopard Brigade in Lubumbashi,
13 when he was there, he had been contacted. And from Lubumbashi he, who was a
14 member of the General Staff of the AFDL, was able to advance to Kinshasa and,
15 therefore, the ex-members of the DSP knowing that N'sau had thwarted their plan in
16 Lubumbashi, and also knowing that the reason they lost the battle of Kenge (phon)
17 was because N'sau was commanding operations were certainly -- they certainly had a
18 grudge against him because of what he had done.

19 With regard to those who were former members of the FAZ forces, General N'sau
20 commanded the 51st Brigade, commanded Kinshasa, Bundundu and Lower Congo,
21 and when the decision was taken to send the former FAZ soldiers to Kitona, (Redacted)
22 (Redacted)

23 (Redacted) It was the time to take and render the town of Kinshasa secure, but
24 when they went there, because the allies had other things, they made Kitona suffer
25 and everything fell on the head of N'sau, and it was Colonel Kibonge, as well as the

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1 general himself, Colonel Kibonge was able to confirm this because he was one of the
2 people who had gone to Kitona. He was also suffering. In fact, he was ill because
3 he had had an accident two weeks previously. He was using crutches and
4 everybody was against him because he was a member of FAZ who could defend their
5 interests. This is why I can say that he did have indeed, have enemies within the
6 MLC.

7 Q. Could you perhaps name some of the enemies within the MLC hierarchy?

8 A. The -- there were General Amuli, because he was a colonel in Mobutu's DSP,
9 Presidential Division, and by way of evidence of this, when General N'sau was G4,
10 head of logistics, when he was there, when Amuli went on a mission he left his
11 business in the hands of someone else, and this was following the orders of
12 Jean-Pierre Bemba to hand over to General N'sau, because he was more experienced
13 than the G2, whose first name was Égide. (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted) The general said "No."

19 And as I have said, I am under oath, it was the president of the movement,
20 Mr Jean-Pierre Bemba, who ordered the Chief of Staff to start handing over to
21 General N'sau because he was more experienced than Égide, to whom he was
22 handing over in his absence.

23 I think if you take the army and its hierarchical structure correctly, you hand over
24 when you are absent to someone who is able to command the staff, and Jean-Pierre
25 Bemba said that he should hand over to General N'sau, (Redacted), and it

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1 was because of him that he did take over on some occasions from the Chief of Staff.

2 Q. Mr Witness, do you know (Redacted), General N'sau, had joined

3 the AFDL movement of President Kabila father, Kabila I, from '97 in Lubumbashi?

4 A. I know that. I know that.

5 Q. Mr Witness, is it true that (Redacted), General N'sau, had

6 occasion to stay in the residence of the current President Kabila, Kabila II?

7 A. No, no, this is not true. When he was there he used the house that had been

8 abandoned by former General Bulози (phon).

9 Q. Is it correct that General N'sau was at a certain time protected, we're talking

10 about 1998, when he was in danger of his life? Was he protected by current

11 President Joseph Kabila?

12 A. Yes.

13 Q. Do you know whether under these circumstances the current President Joseph

14 Kabila found him somewhere to stay, found him shelter in Kinshasa?

15 A. No, that's not true.

16 Q. And my last question for today: Is it the case that General Joseph Kabila was

17 the one who pleaded the cause of General N'sau who was rehabilitated and

18 appointed to the command of the 223rd Brigade?

19 A. Yes, but perhaps I can explain something. He had protected him, and the way

20 he did this was because when he was pleading for the return of the former FAZ

21 from -- he had been in Kitona for 45 days, they were in difficulty so there was no

22 longer any food and it was the plans of the Rwandese so they could call some people

23 to be discontent at the base, and they would, therefore, act as allies.

24 When the Rwandan forces attacked Kabila, they left Goma for the base at Kitona and

25 there the message was heard by the group led by James Kabayede (phon) and N'sau

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1 insisted that the former FAZ soldiers return. (Redacted), and
2 when he went to tell Musée, because he was able to express himself well, those who
3 already had the plan to attack or assassinate Musée said to Musée, "No, he wants
4 these people to come, he wants them to come and replace you." The current
5 President Joseph Kabila knew General N'sau well. There was a coup when he came
6 back from Lubumbashi. They were trying to find somewhere from Camp Bobobolo
7 (phon) to attack him. He said, "Don't go to the staff, go home straightaway," where
8 he was staying at the residence of the former General Bulози, not of Kabila, it
9 belonged to General Bulози. And when he went there, because of the pressure, he
10 spent some four or five months without a function, and General Joseph Kabila went
11 and spoke to his father about him because he saw that the accusations were not
12 founded, and that's why he was appointed a commander of the 223rd Brigade in Isiro.
13 That's it. Thank you.

14 PRESIDING JUDGE STEINER: Court officer, turn into open session first.

15 (Open session at 3.56 p.m.)

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

17 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. We will
18 suspend your testimony for today. You have the whole weekend to take some rest,
19 to take some time for yourself. We will resume on Monday morning at 9.30 in the
20 morning.

21 I ask, please, court officer to turn into closed session for the witness to be taken
22 outside the courtroom.

23 *(Closed session at 3.57 p.m.) Reclassified as Open session

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

25 (The witness stands down)

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1 PRESIDING JUDGE STEINER: Can we turn back into open session, please.

2 (Open session at 3.58 p.m.)

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

4 PRESIDING JUDGE STEINER: Ms Kneuer, I'm informed that you would like to
5 address an issue related to the witnesses schedule. You want to do it in private
6 session? Court officer, please turn into private session.

7 *(Private session at 3.59 p.m.) Reclassified as Open session

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

9 PRESIDING JUDGE STEINER: Ms Kneuer, you have the floor.

10 MS KNEUER: Thank you, Madam President, your Honours. I regret very much
11 that I have to address your Honours this afternoon on a matter which is causing
12 continuous difficulties to the VWU and the OTP.

13 Unfortunately, we are facing again problems with the witness schedule; meaning,
14 with transferring witnesses in time to the premises of the Court.

15 Your Honours had permitted a switch of witnesses and, therefore, the next witness
16 would be Witness 45. Despite all efforts, my colleagues from VWU were unable to
17 contact Witness 45 since he informed them that he's unable to testify at the initially
18 foreseen dates.

19 VWU and, of course, with the assistance of OTP tried to re-establish contact with that
20 witness. However, the witness was supposed to start his testimony next week
21 Wednesday. And, regrettably, I have to inform you this will not be possible.

22 Of course, VWU and OTP are diligently working on alternative solutions. The next
23 witness in line is Witness 65. Unfortunately, there are some logistical difficulties
24 which are outside the control of the VWU and the OTP. In the best case scenario, the
25 witness would be available to testify in the week of 3 October.

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1 The next witness in line would be Witness 31. We are currently in the process to
2 establish contact with Witness 31 in order to determine his earliest possible
3 availability to testify in this Court.

4 The reason why I address your Honours is threefold: The first one is to update your
5 Honours and the parties and participants of the current situation. Secondly,
6 pursuant to your instructions, the Prosecution is supposed to submit on Friday the
7 weekly schedule. And I will certainly do so, however the content of the email may
8 very well be that the problem may not be solved by the end of today.

9 And the third objective is to seek your guidance or your permission to eventually
10 move Witness 31 forward and have him testify next, if he would be the witness who
11 would be available earlier than Witness 65, in order to expedite the proceedings.

12 Thank you very much, Madam President, your Honours.

13 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. So the Chamber is
14 informed on the difficulties that the Prosecution has in order to bring its witnesses in
15 the order that was planned before. I'm not sure that there is too much that the
16 Chamber can do about that, other than emphasise the need for the Prosecution and
17 VWU to act in an expeditious manner, even sometimes having alternatives at hand in
18 case something like that happens - that one witness is not available to come - so to
19 have another one available immediately to replace the one that cannot come.

20 I also wanted to remind the Prosecution: The Prosecution mentions the possibility
21 of Witness 65 may come on the week starting on 3 October. So remind the
22 Prosecution that in that week we have a holiday on Friday. And the following week
23 the Chamber is not sitting, which would mean maybe start with a witness and then
24 put the witness on hold for a week which is never convenient or appropriate.

25 And in relation to anticipation of Witness 31, in principle the Chamber sees no

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1 problem. On the contrary, that could be a solution in order not to put the whole case
2 on hold.

3 I would like to ask whether Maître Kilolo would like to make any comments on the
4 problems raised by Ms Kneuer.

5 MR KILOLO: (Interpretation) The Defence is at the disposal of the Chamber, and
6 we have no observations in particular.

7 PRESIDING JUDGE STEINER: Maître Kilolo, is it already possible for the
8 Defence to have a rough estimation on how long the Defence will take to question the
9 current witness?

10 MR KILOLO: (Interpretation) Your Honour, I do hope that I will be finished by
11 Tuesday but I really can't say whether it would take the whole day or not. I think by
12 the end of Monday we'll be in a better position to estimate the amount of time
13 needed.

14 PRESIDING JUDGE STEINER: With this information at hand, Ms Kneuer, does the
15 Prosecution see as feasible that Witness 31 will be ready to start on Wednesday next
16 week?

17 MS KNEUER: Madam President, it is certainly our objective, when we are able to
18 reach Witness 31, to propose this schedule to him but currently I cannot give you a
19 positive answer.

20 With regard to your advice that during the week of 3 October we have only four days,
21 the Prosecution is aware of that and we are always juggling around holidays and
22 breaks.

23 With regard to Witness 65, the Prosecution initially requested seven hours and the
24 Defence eight hours. I think, looking or considering the questioning by the legal
25 representatives, there may be another hour which brings us to 16 hours; four days by

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1 four-and-a-half hours. It could work, if everything goes smooth.

2 I'm very sorry that I cannot give you more concrete or better answers today, but I

3 assure you that VWU and OTP are really working hard on resolving these problems.

4 One of the difficulties is the availability of witnesses, but also the logistical difficulties

5 that VWU is facing. And I would like to reiterate it's really outside their control,

6 however I believe it's not my position to provide details. It should be VWU and

7 most likely ex parte. Thank you, Madam President.

8 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. So the Chamber hopes that

9 by Monday we have at least a more optimistic update on the situation. Court officer,

10 please turn into open session.

11 (Open session at 4.08 p.m.)

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

13 PRESIDING JUDGE STEINER: Thank you very much. So first I would like to

14 thank our interpreters and court reporters for giving us this extra ten minutes to

15 discuss important issues related to the proper conduct of the proceedings. I want to

16 thank very much the Prosecution team, legal representatives of victims, the

17 Defence team, Mr Jean-Pierre Bemba Gombo.

18 We are going to adjourn for today and resume on Monday morning at 9.30. And,

19 therefore, I wish you all a very nice weekend. This hearing is adjourned.

20 THE COURT USHER: All rise.

21 (The hearing ends in open session at 4.09 p.m.)

22 CORRECTION REPORT:

23 The Court Interpretation and Translation Section has made the following corrections

24 in the transcript:

25 * Page 25 line 8 to 18:

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1 "A. No, he did not appear at a trial, because when the leader of the BCI - that is to
2 say the office of the interior - well, you see, he was put under house arrest
3 when -- and two or three days later he was told that there was an aeroplane that
4 President Bemba had made available to him so that he could meet with him in Lisala.
5 And once he got to Lisala, if I haven't forgotten the name of the town, I believe it is
6 Lisala, I've never been there myself, when he got to Lisala he was surrounded by
7 Ugandans and they told him that he was under house arrest. And they took him
8 directly to prison in Angenga. And when he got out, there was no court. He came
9 out, he was taken home to Gbadolite, in Nzekele where he lived, and after that he
10 was given that position, namely G4, within the general headquarters of the MLC."
11 Is corrected by

12 "A. No, he did not appear, before the court, because when the leader of the BSI -
13 that is to say, the Office of Internal Security -- made his report to the President of the
14 Movement, he was put under house arrest and two or three days later he was told
15 that there was an aeroplane that President Bemba had made available to him so that
16 he could meet with him in Lisala. And once he got to Lisala, if I haven't forgotten the
17 name of the town, I believe it is Lisala, I've never been there myself, when he got to
18 Lisala he was surrounded by Ugandans and they told him that he was under arrest.
19 And they took him directly to prison in Angenga. And when he got out, there was no
20 Court. He came out, he was taken home to Gbadolite, to the Nzekele Hotel where he
21 lived, and after that he was given that position, namely G4 within the general
22 headquarters of the MLC."

23 * Page 26 line 10 to 15

24 "A. In actual fact, it wasn't really an arrest first of all, it was an assassination.
25 Why? Because when the soldier came in a jeep and was following him, they saw

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1 him -- you see, this jeep was coming from afar -- from far away and so he realised he
2 had been betrayed. The people in the jeep, the people within the jeep, led by a
3 particular gentleman -- if you want, I can give you that person's name, if the
4 Presiding Judge wants me to? "

5 Is corrected by

6 "A. In actual fact, it wasn't really an arrest first of all, it was an assassination.

7 Why? Because when the soldier came in a jeep and was following him, when they
8 saw him -- you see, this jeep was coming from afar -- from far away, but he didn't
9 suspect that he had been betrayed. The people in the jeep, the people within the jeep
10 led by a particular gentleman -- if you want, I can give you that person's name, if the
11 Presiding Judge wants me to."

12 RECLASSIFICATION REPORT

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

14 ICC-01/05-01/08-3038 and the instructions in the email dated 24 October 2014, the

15 version of the transcript with its redactions becomes Public