

Trial Hearing
Witness: CAR-OTP-PPPP-0015

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Tuesday, 7 February 2012

8 (The hearing starts in open session at 9.07 a.m.)

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

10 Please be seated.

11 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
12 case.

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

15 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
16 Prosecution team, legal representatives of victims, Mr Haynes, Mr Jean-Pierre Bemba
17 Gombo. Good morning to our interpreters, court reporters.

18 We will start today with questioning of Witness 15, and as the parties were informed we
19 are sitting today from 9 to 5.30 in the afternoon.

20 Before we ask the court officer to bring the witness in, the Chamber has two oral decisions
21 to be issued. The first one is the oral decision on the applications to question Witness 15
22 by the legal representatives of victims.

23 On 30 June 2011 the Chamber received an application from Maître Zarambaud on behalf
24 of the victims that he represents to question Witness 15, filing 1581-Conf. The application
25 contains a list of 18 sets of questions.

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1 On 1 February 2012 the Chamber received an application from Maître Douzima on behalf
2 of the victims that she represents to question Witness 15. It's filing 2100-Conf. The
3 application contains a list of five sets of questions.

4 The parties have not filed any responses to the applications of the legal representatives to
5 question Witness 15. Having considered the reasons given by Maître Zarambaud and
6 Maître Douzima as to why the personal interests of the victims that they represent are
7 affected, the Chamber allows their applications to question Witness 15.

8 Turning to the proposed questions, the Chamber allows Maître Douzima to pose all her
9 questions. In relation to the questions of Maître Zarambaud, the Chamber does not allow
10 question number 3, since it's not relevant to the charges.

11 In relation to the remaining set of questions of Maître Zarambaud, although once again
12 the Chamber is not satisfied by the number and length of quotations of statements used
13 by Maître Zarambaud, which may complicate the witness's understanding of his
14 questions, it is the majority's view that each proposed question is relevant and admissible
15 and are therefore authorised by majority.

16 Judge Ozaki dissents with respect to the following questions of Maître Zarambaud which
17 in her view should not be authorised: Questions 4, 6, 7.1, 9.1, 9.2, 10.1, 10.2, 11.1 and 17,
18 which merely requests the witness to confirm an excerpt of his statement; questions 18.1
19 and 18.2, which are irrelevant to the charges; and questions 8.2 and 13.4, which in her
20 view are leading.

21 The Chamber has also an oral decision on the Prosecution request for additional
22 examination time for Witnesses 15 and 36.

23 On 2 February 2012 the Prosecution filed its Prosecution request for additional
24 examination time for Witnesses CAR-OTP-PPPP-0015 and CAR-OTP-PPPP-0036, filing
25 2106-Conf, urging the Chamber to approve additional examination time for questioning

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1 Witnesses 15 and 36.

2 In particular, compared to its previous estimate, the Prosecution requests the Chamber to
3 approve an extension of six hours for Witness 15 and an extension of three hours for
4 Witness 36. To justify its request, the Prosecution submits that the revised estimate is
5 based on significant developments since its previous estimate and the preparation of the
6 witnesses' examinations.

7 It will assist the Chamber in establishing the truth since Witnesses 15 and 36 are key
8 witnesses whose testimonies are pertinent to several issues of material dispute and,
9 finally, it's not prejudicial to and inconsistent with the rights of the accused.

10 On 16 February 2012 the Chamber issued its decision shortening the time for observations
11 on the Prosecution request for additional examination time, it's filing 2117-Conf, in which
12 it instructed the Defence and the legal representatives to submit their observations on the
13 Prosecution's request if any by 4 o'clock on Monday, 6 February 2012, and to specify
14 whether the request might have an impact on the estimate of their own questioning time
15 of the witnesses. No such observations have been filed within the time limits set by the
16 Chamber.

17 In ruling on this request, the Chamber has considered Articles 64(2), 64(6)(f), 64(7),
18 64(8)(b), 67(1) and 68 of the Statute, Rules 101 and 134, paragraph 3, of the Rules and
19 Regulations 34, 35(2) and 43 of the Regulations of the Court.

20 Having further considered the reasons underpinning the Prosecution's request, the
21 Chamber is satisfied that the request and extension of questioning time is justified. For
22 these reasons, the Chamber hereby grants the Prosecution request for additional
23 examination time for Witnesses 15 and 36.

24 Ms Kneuer, the Chamber was informed that Prosecution would like to address the
25 Chamber before the witness is brought in. You have the floor.

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1 MS KNEUER: Thank you, Madam President, your Honours. May I ask to do that in
2 closed session, please.

3 PRESIDING JUDGE STEINER: Court officer, please will you turn into closed session.
4 (Closed session at 9.16 a.m.)* Reclassified as Open session

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

6 MS KNEUER: Madam President, your Honours, as you are aware from the list of
7 documents that the Prosecution had submitted, we are planning to show the witness a
8 number of photographs.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 In order to expedite (Redacted), and to avoid duplicative
14 questions, with your leave, I would like to show the photos as a bulk at one time as some
15 foundational questions; and then later, when I will address each photo in a specific
16 context, I would ask additional foundation questions and then of course the substantial
17 questions. I think this would expedite the proceedings.

18 (Redacted), it may take -- it may be very time-consuming to show the
19 photos, et cetera, and I prefer to address the Chamber in closed session without Witness
20 15 being present (Redacted)
21 (Redacted).

22 Thank you, Madam President, your Honours.

23 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Mr Haynes.

24 MR HAYNES: I have no observations to make. Thank you very much.

25 PRESIDING JUDGE STEINER: Ms Kneuer, the Chamber has no objections to this way of

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1 proceeding.

2 Ms Kneuer, just one more question: I see that these photographs are part of another
3 group of documents that, according to the Prosecution list of documents, the Prosecution
4 intends to tender into evidence; is that correct? Are you reiterating that these documents
5 are to be tendered into evidence?

6 MS KNEUER: Madam President, indeed the Prosecution is planning to tender these
7 photographs into evidence. I may not need all 32 photographs. The Prosecution is
8 trying to contribute to expedite the proceedings but I will certainly use a bulk of these
9 photographs, yes.

10 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. I just want to go briefly into
11 open session in order to inform, in open session, that we are going to proceed in closed
12 session. Court officer, please.

13 (Open session at 9.22 a.m.)

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

15 PRESIDING JUDGE STEINER: Thank you very much.

16 According to decision 2123-Conf filed yesterday by the Chamber, the
17 Chamber -- following the Prosecution request and on the basis of the assessment made
18 during the familiarisation process of Witness 15 that took place yesterday in the afternoon,
19 the Chamber decided to grant the Prosecution request and to allow the testimony of
20 Witness 15 to be taken in closed session.

21 In accordance with Article 21, paragraph 1 of the Statute, the Chamber has considered
22 Articles 54(2) and (7), 67(1), 68(1) and (2) of the Statute, Rule 87 of the Rules of Procedure
23 and Evidence, Regulation 20 of the Regulations of the Court and Regulation 94 of the
24 Regulations of the Registry.

25 The Chamber, after analysing all facts submitted to it by Prosecution and by VWU,

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1 concluded that the measures sought is necessary, reasonable and proportionate and
2 consistent with the accused's fundamental right to a fair trial as enshrined in Article 67 of
3 the Statute. For these reasons, the Chamber grants the requested protective measures for
4 Witness 15 and authorises his entire testimony to be heard in closed session.

5 For that reason, I ask please the court officer to turn into closed session in order for
6 Witness 15 be taken into the courtroom.

7 (Closed session at 9.26 a.m.) * Reclassified as Open session

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

9 (The witness enters the room)

10 WITNESS: CAR-OTP-PPPP-0015

11 (The witness speaks French)

12 PRESIDING JUDGE STEINER: Good morning, sir, and welcome to this Court.

13 THE WITNESS: (Interpretation) Good morning, Madam President.

14 PRESIDING JUDGE STEINER: Mr Witness, you have in front of you a card containing
15 the words of the oath. Could you please take the oath by reading out the words printed
16 in this card.

17 THE WITNESS: (Interpretation) Very well. "I solemnly declare that I shall speak the
18 truth, the whole truth and nothing but the truth."

19 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Now that you have
20 taken the oath, may I confirm that you understand what the oath means?

21 THE WITNESS: (Interpretation) Yes, indeed, I do understand the terms of this oath.

22 PRESIDING JUDGE STEINER: Mr Witness, do you understand it to mean that you must
23 give answers to the questions asked of you that are true and accurate to the best of your
24 knowledge and belief?

25 THE WITNESS: (Interpretation) Yes, Madam President, I understand it only too well.

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1 PRESIDING JUDGE STEINER: Mr Witness, as you have had explained to you during
2 the familiarisation process, you will be questioned first by the Prosecution, then by legal
3 representatives of victims that were authorised to question you, and finally by the
4 Defence.

5 As you know, the Chamber has put in place measures to protect your identity from the
6 public, and so you will give the entirety of your evidence in closed session, which means
7 that only the people in this room can hear what you have to say and can see you. You
8 therefore cannot be identified by the public.

9 Mr Witness, because we speak different languages, there is interpretation so that we can
10 understand each other; but because of this, it is important that you speak slower than
11 normal, to allow the interpreters to do their job. At the same time, Mr Witness, it is
12 important that after any question is put to you that you wait five seconds before you start
13 giving your answer in order to allow the court reporters to finalise the transcript of the
14 questions. This is what we call the "five-second golden rule."

15 Because this may seem unnatural, it may be that you start speeding up or that you forget
16 the five-second golden rule. At that point I will have to interrupt you to remind you to
17 slow down. Please don't take offence; this is just for practical reasons. Is that fine with
18 you, sir?

19 THE WITNESS: (Interpretation) Yes, that is fine by me, Madam President.

20 PRESIDING JUDGE STEINER: Thank you, Mr Witness. The Chamber has some
21 questions to put to you before you start giving your testimony. Mr Witness, have you
22 been given the opportunity to read the statement or statements that you made to the
23 Court?

24 THE WITNESS: (Interpretation) Yes, Madam President, I had the opportunity to do
25 so.

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1 PRESIDING JUDGE STEINER: Mr Witness, at the time when you made the statement or
2 statements did you do so voluntarily?

3 THE WITNESS: (Interpretation) Yes, Madam President.

4 PRESIDING JUDGE STEINER: Mr Witness, is the information that you have provided in
5 your statement or statements true and accurate to the best of your knowledge and
6 understanding?

7 THE WITNESS: (Interpretation) Yes, indeed, Madam President.

8 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the Chamber intend to
9 use your statement or statements as evidence in this case do you have any objection?

10 THE WITNESS: (Interpretation) No objection whatsoever, Madam President.

11 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. I will give now the
12 floor to the Prosecution. Ms Kneuer will start questioning you. Ms Kneuer, you have
13 the floor.

14 MS KNEUER: Thank you, Madam President.

15 QUESTIONED BY MS KNEUER:

16 Q. Good morning, sir. How are you doing today?

17 A. I'm fine, Counsel.

18 Q. As you know, my name is Petra Kneuer, and I am a senior trial lawyer with the
19 Office of the Prosecutor, and we met during the welcome meeting as well as during the
20 investigative phase when I attended the interview that was taken by the investigators of
21 the OTP. So I know your statement quite well, but the procedure at this Court requires
22 that we obtain the information from you during oral proceedings, to have it in the record
23 of the Court.

24 Basically, you and I will spend most likely two days to accomplish this task; and for the
25 first session, I am planning to go over with you over your personal details and your work

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1 history and profession in order for the Chamber to understand who you are, and then I
2 will ask you questions about the establishment of the MLC; and I would foresee that
3 during the second morning session we can move to the structure of the MLC and how the
4 MLC worked in practice.

5 (Redacted), so I would like to remind you to wait for
6 five seconds until you respond to facilitate interpretation and taking the record by the
7 stenographers; in particular since we will be in Court today for six hours, which is a very
8 long time for interpreters and stenographers, and of course all of us as well.

9 Sir, could you please state your full name for the record?

10 A. (Redacted).

11 Q. What is your date of birth, sir?

12 A. (Redacted).

13 Q. Where is your place of birth?

14 A. I was born in (Redacted).

15 Q. What is your nationality?

16 A. I am Congolese by nationality.

17 Q. Are you married?

18 A. (Redacted).

19 Q. Do you have children?

20 A. (Redacted).

21 Q. And what languages do you speak and understand?

22 A. I speak and understand French (Redacted).

23 Q. Do you also speak any local languages?

24 A. I understand (Redacted).

25 Q. Can you please tell us the city where you live, but not the precise residential address,

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1 just the city?

2 A. I live in (Redacted).

3 Q. What is your current occupation?

4 A. I am currently a (Redacted), so I
5 am the (Redacted).

6 Q. When were you (Redacted)?

7 A. I was (Redacted).

8 Q. What were your former occupations, and perhaps you can briefly summarise them
9 in a chronological manner?

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Did you undergo military training?

25 A. Yes, a brief military training for a few weeks in the Équateur province, when I was

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1 (Redacted).

2 Q. What did your military training involve, sir?

3 A. The military training involved drills, military drills, exercises, weapons handling,
4 some weapons handling, training on the duties of the soldier, a few concepts about
5 strategy. Those were the basic components of our training programme.

6 Q. What was the purpose for you to undertake this training?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted). That basically was the reason for which we received
11 that brief or short training.

12 Q. Were you given a rank?

13 A. No, Counsel, I was not given a rank.

14 Q. Sir, I would like now to show you a series of photographs, and I would like you to
15 comment on these photographs, if you recognise them, and if so I will ask more
16 substantive questions.

17 With the leave of the Chamber, I would like to hand over to you hard copies of 32
18 photographs and give you an opportunity to look at them as a bulk. Then I will ask some
19 foundational questions about these photographs, which apply to all of them, and during
20 the course of this examination I'm planning to address each of the photographs in a
21 specific context and then I will ask more questions either for procedural matters or on
22 substance.

23 MS KNEUER: I have a set of photos which are enlarged and, with your leave, Madam
24 President, before it's being handed over to the Witness by the court usher perhaps your
25 Honours and Defence counsel would like to take a look at them and then I will proceed.

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1 (Pause in proceedings)

2 MS KNEUER: Madam President, I think I should clarify for the record which photos

3 I'm talking about. The one reference is number 33 until number 64 of the list of

4 documents that the Prosecution had submitted to the Chamber and the parties and

5 participants, and for the clarity of the record I will read out the ERN numbers:

6 It's CAR-OTP(Redacted) and now I will only repeat the last four digits: (Redacted)

7 (Redacted). And then CAR-OTP(Redacted), and again now I will read

8 out only the last four digits: (Redacted). I'm sorry,

9 Madam President, just for clarity of the record, I'll repeat the entire four digits (Redacted)

10 (Redacted)-- sorry, I'll start again: (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Mr Witness, please take time to look at the photographs, and let me know when you

16 finished.

17 (Pause in proceedings)

18 A. Counsel, I am ready.

19 Q. Thank you, sir. I will now ask you questions which I believe apply to all

20 photographs and which you could respond to in a general manner, and later I will ask

21 you specific questions about each photo and I also will ask the court officer to display the

22 photo on the screen but of course you can keep the hard copies.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
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10 (Redacted)
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15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. Are these photographs a fair and accurate depiction of the events in general and to

26

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1 the best of your knowledge? I may ask more specific questions on this later.

2 A. These photographs do indeed represent events, Counsel, which were part of the
3 MLC's history over a number of years. They are not the only thing that bear witness to
4 the MLC's existence because of course there must be certain videos or films in existence
5 that were made on the subject of the MLC, but this is part of the -- this is part of the record
6 of the life of the MLC and the movement itself.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MS KNEUER: Madam President, your Honours, I think these are the general
11 foundational questions and I would move on now to the pictures and more specific
12 questions, except your Honours are not satisfied and I should ask more foundational
13 questions at this time.

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 (Redacted)

17 MS KNEUER: I think he confirmed that, and it -- I will find the reference for you, your
18 Honours. It's page 16, line 25 onwards, if that is what your Honours meant; otherwise, I
19 can of course ask an additional question.

20 JUDGE ALUOCH: Ms Kneuer, just one further clarification, please: This is on the
21 real-time transcript, I think it's (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 THE WITNESS: (Interpretation) (Redacted)

4 (Redacted).

5 PRESIDING JUDGE STEINER: (Redacted).

6 MS KNEUER:

7 Q. Actually, the last question of the Honourable Judge Aluoch triggers one question
8 from my side, Mr Witness: These independent photographers, were they belonging to
9 the media or were they independent photographers by profession?

10 A. They were independent professionals. You underscore the fact only too well, that
11 there are many small trades around, notably that of photographer, and it was a way of
12 helping these young people out.

13 PRESIDING JUDGE STEINER: I'm really sorry, Mr Haynes.

14 MR HAYNES: There's no need for an apology, your Honour. I have no desire to make
15 any difficulty about the continuity or authenticity of these photographs but, to save time
16 later, perhaps we could just clarify with the witness (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Ms Kneuer, it's a quite relevant question.

24 MS KNEUER:

25 Q. Sir, you just heard my learned colleague from the Defence raising a question, and I

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1 would appreciate if you could respond to it, please?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MS KNEUER: Madam President, with your leave, I would like to ask the court officer to
16 display picture CAR-OTP (Redacted) on the screen.

17 THE COURT OFFICER: Document CAR-OTP(Redacted) is available on the screens and
18 it's a confidential document.

19 MS KNEUER:

20 Q. Mr Witness, who is depicted in this photograph?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. Sir, can you place this in a time-line? You mentioned that it was taken after (Redacted)
4 (Redacted) Are you in a position to provide a year or a month, roughly an
5 estimate?

6 A. I believe, but I might be wrong, I going to be prudent in the matter, that it could
7 have been in the year 2000 or at the beginning of 2001 but I do not have the precise date in
8 mind.

9 Q. That is perfectly fine, Mr Witness, and we fully understand that after such a long
10 period you may not remember specific dates. Where was this photograph taken?

11 A. This photograph was taken in Gbadolite.

12 Q. At what occasion was it taken?

13 A. Probably, Counsel, to celebrate the -- or, correction, on a yearly basis the MLC
14 would organise a military parade to mark this event.

15 (Redacted)

16 (Redacted)

17 A. No, Counsel, this was quite an exceptional occurrence, and it was to mark the event
18 of a military parade. And as I mentioned, President Bemba wanted to show that the
19 senior staff within the movement was also au fait with all things military and military life,
20 in order to ensure that they had a minimum level of credibility.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 logistics of this type and distribution of such equipment came down to the president of
4 the movement.

5 (Redacted)

6 (Redacted)

7 A. I am not in a position to tell you, Counsel. (Redacted).

8 Q. Sir, is there anything else you would like to add with regards to this photograph?

9 A. No, Counsel, I have nothing further to add.

10 PRESIDING JUDGE STEINER: Mr Haynes.

11 MR HAYNES: We're obviously going to move off this photograph - we're obviously
12 going to go to the break - but before we do, page 21, lines 18 and 20, in the English make
13 no sense. What was the occasion of this photograph?

14 PRESIDING JUDGE STEINER: Maybe there is something missing here from the English
15 transcript that is not missing in the French one, and we could maybe ask our court
16 reporters to take a look. It appears that there's something really missing, "... celebrate
17 the -- or, correction, on a yearly basis." It will be checked, Mr Haynes.

18 Mr Witness, we'll have a half-an-hour break. You can take a coffee, take some rest. It is
19 10.30. We will resume at 11 o'clock.

20 I ask, please, court usher to accompany the witness outside the courtroom.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 10.30 a.m.)

24 (Upon resuming in closed session at 11.07 a.m.) * Reclassified as Open session

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

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

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

5 THE WITNESS: (Interpretation) Thank you, Madam President.

6 MS KNEUER: Welcome back, sir. Madam President, the Prosecution moves document
7 CAR-OTP(Redacted) into evidence. The Prosecution doesn't need the photograph any
8 more on the screen.

9 Q. Sir, you mentioned that you joined the MLC in (Redacted). Do you recall the month in
10 which you joined the MLC in (Redacted)

11 A. It must have been in the month of (Redacted) Counsel.

12 Q. Did you hold any other position in the (Redacted)

13 A. No, that is the only position I held.

14 Q. Can you please briefly describe how you became a member of the MLC?

15 A. Counsel, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 So when President Laurent Kabila came to power, the opinion polls that were conducted
22 at that time were not very well-received by the new regime, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 The history of the MLC is such that the movement stood out to the extent that it was
4 initially a military movement, and its political wing was formed after the military wing
5 had occupied a significant patch of territory. And that territory needed to come under
6 some kind of administration, and that is why some form of government, some form of
7 administration and executive wing, was set up for that purpose.

8 The secretary-general also had to lead in the discussions that would culminate in the
9 sharing of positions between the various belligerent forces. Of course, the political and
10 the military wings of the movement were under the authority of the president of the
11 movement.

12 (Redacted)

13 (Redacted) I have

14 already stated that the military and political wings of the movement were under the
15 authority of President Bemba. In that capacity he alone had monopoly in matters of
16 relations with other Heads of State (Redacted)

17 (Redacted) and in any event it was by

18 delegation and under the authority of President Bemba.

19 I must insist that these were actually (Redacted) including for example (Redacted)

20 (Redacted). During the years (Redacted), and I must say that when it

21 came to (Redacted) these were exclusively under the purview of

22 President Bemba.

23 Q. (Redacted)

24 (Redacted)

25 A. As I have already stated, Counsel, there was a very specific and clear distribution of

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1 work. The political wing was not in any manner whatsoever linked to the military wing.
2 As I stated a short while ago, we received some brief military training and the reason for
3 that is our belonging to a political and military structure. For that reason it was essential
4 that we have some basic military training, but the political wing of the movement did not
5 interfere or get involved with the military wing of the movement.

6 Q. Sir, you referred to the territory that came under the administration or control of the
7 MLC, and I would like to ask you a few questions about the territories.

8 MS KNEUER: For that purpose, Madam President, with your leave, I would like to show
9 to the Witness a map of the DRC in hard copy, and I have additional copies for the parties
10 and participants, and I'm referring to document 32 on the list of documents, a map of the
11 DRC, Congo. It was disclosed to the Defence but in an annotated manner by another
12 witness, and I have now a clean version.

13 May I ask the court officer -- court usher to provide the copies to the Honourable Bench as
14 well as my learned colleagues from the Defence and at the end to the witness, please.

15 PRESIDING JUDGE STEINER: If it is document 32, I think the Bench already have it.
16 To the Defence, please.

17 THE INTERPRETER: Madam President, a copy for the interpreters would also be useful.

18 MS KNEUER: Madam President, I suggest that we display this map on this machine,
19 which name I don't know, so that it be displayed in the courtroom and also visible for the
20 interpreters and stenographers.

21 PRESIDING JUDGE STEINER: Ms Kneuer, are you going to ask the witness to proceed
22 to any marks in the document?

23 MS KNEUER: That is the plan, Madam President.

24 PRESIDING JUDGE STEINER: So it has to be, court officer, that machine.

25 (Pause in proceedings)

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1 THE COURT OFFICER: For your information, the document is available on your screens
2 just by pressing the button "Docu-Cam Witness" in your black remote controls next to
3 your screens.

4 MS KNEUER:

5 Q. Mr Witness, can you tell us which territories the MLC had control of in the DRC?
6 And if you feel comfortable I would ask you to mark it on the map, and I assume the court
7 usher may assist with operating the machine.

8 THE COURT OFFICER: Madam President, if I may, it is not possible to use the
9 SMARTBoard while using the other machine. We can only use the SMARTBoard when
10 the document is being displayed from eCourt directly.

11 So the only possibility is for the witness to modify himself the document, the paper
12 version, and once all modifications have been done we will put it again in this machine
13 and it will be available to everybody else; unless the same document is in eCourt, which
14 we can display, but unfortunately I was not able to find it in the system.

15 PRESIDING JUDGE STEINER: Ms Kneuer, apparently the document was not uploaded
16 in eCourt, and because of that it cannot be modified on the screen. So we need to choose
17 whether the witness uses a hard copy, that then is put in the other machine and shown to
18 everyone, or -- it's good when we have only one option. We'll need to --

19 MS KNEUER: Madam President, it is indeed correct that this document in a clean
20 version is not in eCourt; and the Prosecution would choose the one option we have, that
21 the witness is marking the hard copy and that it will be subsequently displayed on the
22 SMARTBoard.

23 Q. Sir, I see you have a red pen in your hand, and perhaps you can explain to the Court
24 which territories were under the control of the MLC in Congo, DRC, and at the same time
25 mark it on the hard copy which reflects a map of the DRC, Congo.

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1 A. Very well. The territories that were under the control of the MLC extended to the
2 north of the town of Kisangani, and one can more or less draw a perpendicular line with
3 the town of Buta and Bondo until the Central African border. And this border with the
4 Central African Republic, well, this territory was under the control until -- up until the
5 frontier with Congo-Brazzaville and within a distance of approximately ten kilometres
6 from Mbandaka. This was the northern territory.

7 Now, as for the south of the territory, from the north of Mbandaka one could draw a line
8 just above Bolomba (phon) under Basankusu and through Bumba up until the Congo
9 river, thereby incorporating this entire northern area of the territory.

10 So that is more or less the territory which fell under the control of the MLC.

11 MS KNEUER: Madam President, the prosecution suggests that the document be given
12 an ERN number.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 THE COURT OFFICER: Madam President, if I may have a few minutes, the next -- the
15 document will be attributed an ERN number that would begin with CAR-ICC, but if the
16 Chamber grants me a few minutes I will find the exact reference of the document.

17 PRESIDING JUDGE STEINER: Ms Kneuer, I think we can proceed and as soon as court
18 officer has the number it will be mentioned for the record.

19 MS KNEUER: Thank you, Madam President.

20 Q. Sir, which are the larger towns in the territory that you marked in red?

21 A. Well, the main towns are located on the Congo river, that is to say, Bumba and
22 Elisala (phon) -- Bumba and Lisala; and also to the north of Kisangani in the Bas-Uele
23 region there's Buta and Bondo; and lastly Gbadolite, Gemena and Zongo. Those are the
24 most important towns. They are secondary towns.

25 The MLC did not have a capital, a provincial capital as such, within Congo. We did not

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1 have large towns. They are secondary towns in terms of population. These are the large
2 towns however that fell under the control or the larger towns that fell under the control of
3 the MLC.

4 Q. During which period was the MLC in control of the territories you have mentioned?

5 A. Counsel, these territories fell under the control of the MLC exclusively, from the
6 year 1998 until the movement was set up in Kisangani. Military operations were
7 ongoing in order to occupy territory until the end of 1999, and this is when the front
8 became stable with the governmental forces along this very line.

9 Now, in the year 2001, following an agreement between the RCD-K/ML and the MLC,
10 jointly administered in conjunction with the RCD-K/ML, the eastern part of the territory,
11 up until the border with Uganda, this fell under the Congolese liberation front and the
12 MLC worked together with the RCD-K/ML on those territories that geographically
13 speaking extend from the Ugandan border until the Central African border and the border
14 of Congo-Brazzaville.

15 Now, this agreement between the various movements was limited in lifespan because the
16 agreements were denounced from the beginning of June. They lasted approximately six
17 months, from 16 January 2001 until the beginning of the month of June 2001. So the map,
18 as it is presented before us in this form, is -- shows the exclusive management on the part
19 of the MLC of the territory that had been conquered by its troops.

20 Q. Where was the headquarters of the MLC?

21 A. We also had a hydro-electrical dam not far from Gbadolite. These were essentially
22 logistical reasons and security reasons, which led the headquarters to be based in
23 Gbadolite.

24 THE INTERPRETER: Message from the English interpreter: Apologies, but she did not
25 have the microphone switched on for half of that answer. She apologises.

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1 MS KNEUER:

2 Q. Sir, you started your answer with talking about Gbadolite facilitating the logistics,
3 and unfortunately the English interpreter accidentally forgot to turn on the microphone.
4 I know we have the French videotape, but with your Honours leave I would just ask the
5 witness to repeat the question -- the answer.

6 So, sir, would you mind to repeat what you just stated for the sake of an accurate
7 transcript.

8 A. Well, the headquarters was located in Gbadolite for matters associated with logistics,
9 because Gbadolite had an international airport as well as a hydro-electric dam located
10 approximately 20 kilometres afield, so these are essentially logistical and security reasons
11 which led the MLC to set up its headquarters in Gbadolite, whereas from a statutory
12 viewpoint it's headquarters were actually set up in Lisala.

13 (Redacted)

14 (Redacted)

15 A. Counsel, as I recalled at an earlier stage, the MLC comprised two wings and these
16 two wings were presided over by the president of the MLC. As for the decision-making
17 power, this fell within the purview of the MLC president; and (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MS KNEUER: Madam President, I would like to show to the witness document

25 CAR-OTP(Redacted), which is document number 11 on the list of documents of the

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1 Prosecution, and I kindly ask the court officer to display this document on the screen.

2 THE COURT OFFICER: Document CAR-OTP-0032-0183 is available on the screens. It's
3 a confidential document. For the record, the map that was shown before on the screens
4 and modified by this witness will bear reference CAR-ICC-0001-0079 and will be classified
5 as public once -- as confidential once uploaded in the eCourt.

6 MS KNEUER:

7 Q. Sir, can you please take a moment to look at the document and read it, and the court
8 usher will certainly scroll down once you reach the bottom of the page.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. It is relevant to the activities, the production activities within the territory under the
13 administration of the MLC and, as such, it was necessary for the MLC to administer its
14 territory and to make the most of all opportunities that would allow it (Redacted)

15 (Redacted)

16 (Redacted)

17 So these activities, these gold and diamond mining activities, were essential even though
18 the MLC did not control areas that were well-known for their riches in terms of precious
19 stones. So in order to make the most of those individuals who were prepared to invest in
20 such territories, (Redacted)

21 Q. How did you (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. And what is the date of this document?

5 A. As we can read, this document is dated (Redacted).

6 Q. (Redacted) it to the investigators of

7 the OTP?

8 A. Yes, (Redacted) and, as I already mentioned, it is part of

9 the (Redacted)

10 (Redacted).

11 PRESIDING JUDGE STEINER: If you allow me a question for just a clarification from
12 the witness? Although (Redacted)

13 (Redacted), when in documents like this we are talking about "national

14 secretary" we are meaning people appointed by Mr Bemba or "national" means someone
15 belonging to the central government at that time?

16 THE WITNESS: (Interpretation) Madam President, (Redacted)

17 (Redacted) were all appointed by President Bemba. No individual holding

18 responsibility within the Kinshasa government had any responsibility whatsoever within
19 the territory of the MLC.

20 PRESIDING JUDGE STEINER: Which means, if I well understood, that this (Redacted)

21 (Redacted) this document, is not exactly a national. It's someone belonging to

22 the MLC; is that correct?

23 THE WITNESS: (Interpretation) Yes, indeed, Madam President. This is part and

24 parcel of the provisions that were signed upon the signature of the ceasefire agreement in

25 Lusaka in July 1999 which granted each liberation movement autonomy to manage their

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1 own territories. This decision was confirmed because the acts undertaken by those
2 administrators in charge of the various territories were to be taken into account after
3 reunification by what was to become the central government.

4 So this term "national" only applies to those territories that were under the administration
5 of the MLC.

6 PRESIDING JUDGE STEINER: Thank you very much. Ms Kneuer.

7 MS KNEUER:

8 Q. Mr Witness, can you please very briefly summarise what this document is about?
9 What is the subject matter of it?

10 A. Counsel, as I have already mentioned, the MLC was to avail itself of all
11 opportunities to administer as well as uphold its commitment towards the soldiers. For
12 that reason (Redacted)
13 (Redacted) at the time because the MLC did not have
14 control over any major cities; it had mainly rural and farmer communities, but it also had
15 mineral resources, raw materials that were not in great quantities within the areas
16 identified by -- or, rather, under the control of the MLC, which area was not known to be
17 very rich in any of these minerals, minerals such as diamond, in rather low quantities, as
18 well as gold.

19 I believe that this letter refers to gold mining. And if I am not mistaken, the rule was that
20 (Redacted) to travel across the country, or across the territory, and then declare the
21 (Redacted)
22 (Redacted).

23 This particular (Redacted) does not point out that (Redacted) any of these
24 (Redacted) but, rather, that he wanted to (Redacted) but this was
25 exceptional. And, you see, there were very few (Redacted) and so this

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1 (Redacted) as an
2 operation, and so he wanted to enter into some agreement with the MLC under terms that
3 were different from the traditional arrangements whereby people were allowed to buy
4 gold. This is the context and these are the difficulties that arose as reflected in the spirit
5 of the (Redacted).

6 Q. Is it correct that (Redacted) was seeking (Redacted) permit for himself
7 and (Redacted) (phon).

8 A. Yes, indeed, Counsel.

9 Q. Since the (Redacted) was (Redacted)
10 (Redacted)
11 (Redacted)

12 A. The implementation of a decision, of a convention, was something that clearly could
13 involve (Redacted) if it is a matter of implementing a decision that has already
14 been made. So the relationship and the proximity between the decision-makers was such
15 that I could very quickly find out whether the president was in agreement with this type
16 of decision. So it was possible (Redacted) with these types of matters on a number of
17 occasions.

18 MS KNEUER: I don't need this document any more, and the Prosecution is not
19 tendering this document into evidence.

20 Q. Mr Witness, can you please elaborate on how, in general, political, financial and
21 military decisions were recorded, to the best of your knowledge?

22 A. Counsel, such decisions were made by the president of the movement. Clearly,
23 administering a very vast territory entailed having the national secretaries administer
24 their sectors. So in matters of territorial administration, in financial matters, in mining,
25 justice, and what have you, there was a team in place which, on all counts, resembled a

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1 government. And that was the administrative team of the MLC.

2 However, decisions were taken by the president, just as is the case with any team, a team

3 with a president who took the decisions and who was the co-ordinator. So that was the

4 method of operation, whether it be for military or other considerations.

5 It is the president who took the decisions exclusively in military matters, but for politics

6 and administration it was the secretary-general. And in military matters, it was the

7 president and his General Staff. Security matters were also exclusively under the

8 authority of the president. And as for political, administrative and financial matters,

9 these were under the authority of the president, but in part were implemented by the

10 various officials of the movement.

11 Now, to address the specific question about finances, let me say that, apart from tax

12 collection and some minor mining resources that were received, I must say that the

13 decisions on financial matters were also taken by the president of the movement. So

14 there was a clear division of work. There was discipline within the MLC for a good part

15 of its existence because of the structures that were in place.

16 Q. You just explained to us the decision-making process. And how were these

17 decisions recorded for the different branches that you just addressed?

18 A. Political decisions were transcribed and forwarded to various officials as signed by

19 the president of the movement. I'm referring here specifically to appointments and

20 important decisions.

21 Second, financial decisions: There were negotiations with persons who wanted to buy

22 precious stones, and the decisions in that connection were taken exclusively by the

23 president of the movement. As for their implementation and collection of funds and

24 resources, those transactions were under the authority of the National Secretary for

25 Finance.

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1 There were other areas involving resources that were exclusively within the authority of
2 the president, including gifts to the MLC, which were under the discretionary power of
3 the president of the MLC, as well as relations with various operators in the mining sector.
4 Now, as for military decisions, they were taken by the president of the republic -- of the
5 movement but, as is the case in all movements, these decisions were implemented by the
6 command structure or the Chief of Staff; and that is, in broad strokes, the way in which
7 the movement was set up.

8 Q. Was information (Redacted) office of the president of the
9 MLC?

10 (Redacted)

11 (Redacted)

12 (Redacted) all decisions relating to the -- should I say livelihood of the MLC
13 were subject to the vetting of the president of the MLC.

14 Q. (Redacted)

15 (Redacted) whether it be the

16 political or the military wings of the movement, (Redacted) to the
17 president of the movement.

18 Q. How often did (Redacted)

19 A. The president of the MLC was very mindful (Redacted)

20 (Redacted) in Gbadolite (Redacted) had communication devices,

21 and the president had his eye and ear on everything. Now, when (Redacted) in

22 negotiations away from Gbadolite (Redacted) report to him frequently, on a daily basis, at
23 least twice per day. The president always wanted to have a handle on the discussions.

24 He was very keen on knowing what was going on during the discussions and he wanted
25 to know exactly what was going on.

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1 (Redacted)

2 (Redacted)

3 A. Counsel, you said (Redacted)? That was the Chief of Staff. (Redacted)

4 (Redacted) and in that connection the meetings of the

5 military branch were restricted to the military branch and civilians had no business in

6 military meetings.

7 Q. I'm very sorry that I misspoke. (Redacted)

8 (Redacted). Do you know if the MLC's military wing had communication log-books?

9 A. The MLC operators on a daily basis conveyed the information from the supreme

10 commander of the MLC forces; that is, its commander. That information was passed

11 down to all the officers and to he troops. This means that there was a very proper

12 keeping of the log-books within the system.

13 Q. Sir, you mentioned that the meetings of the military branch were restricted to the

14 military branch, and civilians had no business in military meetings. What was the reason

15 for that?

16 A. The first reason, Counsel, is that we did not know anything whatsoever about

17 military matters. This is a professional consideration, and the second reason deals

18 actually with the very nature of our movement, which initially was a military movement.

19 The political wing only came on later on, simply as an out-growth or an appendage of the

20 initial movement and its business was simply to administer and to negotiate. In that

21 context, and throughout the life of the MLC, military matters remained strictly within the

22 purview of the General Staff and the supreme commander, President Bemba, and his

23 generals, his commanders and his troops, so there was no confusion or mixing up of

24 issues on that score. Things were distinctly separate and apart.

25 MS KNEUER: May I have a moment to consult with my team? Thank you. Thank

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1 you, Madam President, for having given me some time because we are trying to cut short
2 some portions.

3 Q. Mr Witness, now I would like to turn to a new topic and that is structure of the MLC.
4 Can you please explain what the main organs of the MLC were?

5 A. Counsel, if one were to talk of a structure, then the first body or unit of that structure
6 would be the presidency. Second would be the Political and Military Council. The
7 third would be the general-secretariat and the fourth would be the Army for the
8 Liberation of the Congo as an organ of that structure and we could also add that the
9 founding fathers, although they do not emerge as such in the history of the MLC to be a
10 structure they could be considered to be part of the structure of the MLC.

11 Q. You stated already several times today that Mr Bemba was the president of MLC.
12 For how long was Mr Bemba the president of the MLC?

13 A. President Bemba occupied the position and is still the president of the MLC from the
14 time of the creation of the movement in 1998. Since that time the MLC has not had any
15 other president.

16 Q. What was, and as you emphasise still is, Mr Bemba's function as the president of the
17 MLC?

18 A. Counsel, I don't have the constitution of the MLC before me, so off-the-cuff I cannot
19 give you what his statutory prerogatives were, but generally speaking you do know that
20 the functions of a president of a movement can often be confused with matters of
21 decision-making within a structure as being part of the patrimony. In any event, the
22 president is often and always the alpha and the omega in most institutions and structures,
23 particularly in our young and budding democracies.

24 MS KNEUER: Madam President, I think it's time for the break.

25 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer. Mr Witness, we'll

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- 1 go now for our lunch-break. You have time to have lunch and also to take some rest.
- 2 It's 12.30, almost 12.30. We will resume at 2 o'clock. I ask, please, court usher to
- 3 accompany the witness outside the courtroom.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 (Recess taken at 12.27 p.m.)
- 7 Upon resuming in closed session at 2.04 p.m.) * Reclassified as Open session
- 8 THE COURT USHER: All rise. Please be seated.
- 9 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
- 10 court usher bring the witness in.
- 11 (The witness enters the courtroom)
- 12 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome back.
- 13 THE WITNESS: (Interpretation) Thank you, Madam President.
- 14 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 15 THE WITNESS: (Interpretation) Yes, I am ready, your Honour.
- 16 PRESIDING JUDGE STEINER: Ms Kneuer, you have the floor.
- 17 MS KNEUER: Thank you, Madam President.
- 18 Q. Welcome back, Mr Witness.
- 19 A. Good afternoon, Counsel.
- 20 Q. Before I continue my questioning, I just wanted to bring to your attention if you
- 21 need a break at any stage just let the Bench know. We will sit another two times for
- 22 one-and-a-half hours this afternoon and it may be tiring for you.
- 23 Before the break, we started talking about the organs of the MLC, and you provided
- 24 already information about the MLC president. You also mentioned founding fathers.
- 25 What was the role or the particular objectives of the founding fathers? Meaning, did

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1 they have any power?

2 A. Counsel, the founding fathers did not have any specific powers. We had a
3 political/military council which, in fact, should have been the decision-making body.
4 That political/military council, as its name indicates, was made up of the pillars of the
5 general-secretariat, the General Chief of Staff and some senior officers but all the
6 members in one way or the other were attached to the person of the president of the
7 MLC and the political/military committee was, in fact, a rubber-stamp organ which
8 made it possible to approve or to cover the most important decisions, including
9 disciplinary measures and decisions relating to the ranks of the officers.

10 The fact of the matter is that this council met only in exceptional circumstances to
11 take such decisions. So in answer to your question, I will say some of the founding
12 members were members of that council.

13 Secondly, we were aware of the difficulties faced by the other movements,
14 particularly RCD-Goma and RCD-K/ML, which were two movements that were
15 competing with ours. The principle of what had been referred to as democratic
16 centralism meant that decision-making had to be collective or collegial but this was
17 frequently at the source of divisions and quarrelling. We wanted to prevent such a
18 thing happening in the MLC, and that is why we made it a point of remaining
19 extremely disciplined and certainly behind the president. And structures, as I have
20 said, was simply -- were simply rubber-stamp organs to approve the decisions.

21 Q. Who were the members of this military and political council?

22 A. Counsel, as far as I can remember, within the secretariat-general there was of
23 course the secretary-general - (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted). There were also officials or
2 members of the MLC who had started the struggle alongside Mr Bemba at the very
3 beginning of the movement, and these people (Redacted)
4 (Redacted) if I'm not mistaken. These were young officials who had been trained at
5 the very beginning of the movement and who were political/military officers within
6 the framework of what we learned after our contacts with our allies of the time, that
7 is the Ugandans.

8 Then there were senior officers (Redacted) and
9 I believe it was less than a dozen people, maybe I have forgotten a few names, but
10 these were the people who alongside the president of the movement made up the
11 political/military council.

12 Q. Earlier this morning you stated that the MLC was initially a military movement
13 and later on the political wing was formed, and I'm referring to the English real-time
14 transcript page 26, lines 5 onwards. When did this change occur?

15 A. This transformation of the movement started in May 1999 (Redacted)
16 (Redacted)
17 (Redacted) the transformation of the

18 movement started and it became more political with an administrative organisation.
19 So it happened at the end of the first half of 1999.

20 Q. Moving to the military wing of the MLC, how was it organised?

21 A. The military wing was organised in the same way as any conventional army, so
22 the troops were organised according to the normal hierarchy of a conventional army
23 even though the MLC was a liberation movement. The president of the MLC was
24 determined that the army should be disciplined and comply with the standards of a
25 conventional army or be organised in the same way as a conventional army.

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1 Q. Who was the Chief of General Staff?

2 A. The Chief of General Staff was Colonel Amuli. He had been one of the former
3 commanders of the special presidential division, that is the bodyguard unit of
4 President Mobutu, so this was an officer who had been trained as a regular army
5 officer and he occupied the position of Chief of General Staff.

6 Q. Who was the commander-in-chief of the ALC?

7 A. The commander-in-chief of the MLC was the president of the MLC Jean-Pierre
8 Bemba. As I have said, he was the supreme commander and the
9 commander-in-chief of the Congo Liberation Army.

10 Q. If you know, sir, can you describe the chain of command within the military
11 wing of the MLC?

12 A. Unfortunately, I am not in a position to tell you about the chain of command
13 except that regarding certain aspects I know that the decisions were the responsibility
14 of the commander-in-chief, and he could transmit the decisions through the hierarchy
15 or the chain of command or depending on the needs at the time he could send orders
16 directly to the concerned individuals.

17 So since I was not very familiar with the internal workings of the ALC, I cannot tell
18 you how the chain of command was structured, but I can say that we had wanted an
19 army that would be disciplined, that would have a code of conduct and would be
20 organised just like any other regular army. So I can, therefore, suppose that the
21 chain of command was similar to that in a regular army.

22 Q. Following up on this code of conduct, in which language was this code of
23 conduct of the MLC written?

24 A. The code of conduct was written in French. General Kibonge, who at that time
25 was a colonel and who was an expert in training, was the one who was most directly

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1 responsible for drafting that document, and the drafting was done in French.

2 Q. What was the language spoken by the soldiers in the MLC?

3 A. The MLC soldiers spoke Lingala.

4 Q. Was the code of conduct translated from French into Lingala?

5 A. Regarding the application or the pedagogy of the code of conduct, I can say that

6 I -- we did not associate -- we were not involved in what was happening with the

7 troops but what I can say is that the document was there, but I cannot tell you

8 whether it was indeed disseminated and popularised amongst the rank and file

9 soldiers, but I can tell you about (Redacted),

10 which was brief. (Redacted) the existence of this code, and

11 provisions related to humanitarian law. That was during (Redacted) in this

12 aspect, but I cannot tell you whether this code of conduct was widely disseminated

13 amongst the rank and file soldiers and in what language.

14 Q. Do you know if and eventually how MLC soldiers applied the code of conduct?

15 A. Regarding that question also, and in fact when it comes to military issues, I'm

16 not in a position to tell you whether they applied that code but the code was in

17 existence and this was part of our liberation movement. We were proud of having

18 those documents but regarding its implementation that would have been the

19 responsibility of the discipline and the initiative of the officers. That is what I can

20 tell you.

21 Q. Do you know if there was a body mandated to deal with violations of the code

22 of conduct by the soldiers?

23 A. Specifically with regard to the code of conduct, were there any disciplinary

24 measures? Well, Counsel, I believe that depends on the discipline of the army. It is

25 clear that the existence of a code could have constituted a basis for sanctions but I do

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1 not believe that there was a specific body for the implementation of the code, but in
2 the ALC - just like in all the other armies - sanctions were handed down by those who
3 were responsible for military law, but I do not know whether within the army there
4 was an organ that was specifically responsible for the implementation of the code.
5 We were not very familiar with the application of the code or the organisation of the
6 military structures.

7 PRESIDING JUDGE STEINER: Ms Kneuer, would you allow me to ask a
8 clarification from the witness? (Redacted)

9 (Redacted)

10 (Redacted)" just for

11 clarification of this part.

12 THE WITNESS: (Interpretation) Madam President, when (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: I see, Mr Witness, from one or part of your
17 statement, that is on CAR-OTP(Redacted) that you mention decisions taken by -- and
18 the name in French is "Conseil politico-militaire." When this council was created,
19 (Redacted)

20 THE WITNESS: (Interpretation) (Redacted). This

21 political/military council was set up after the creation of the structures of the

22 secretariat-general. This was a measure that was intended to demonstrate that the

23 movement was not exclusively a military movement but it had a civil/political

24 component. It was therefore important to have such a structure even though it was

25 simply a sort of rubber-stamp assembly but it was necessary at the statutory level to

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1 have this structure that reflected the transformation of the MLC. That is the reason
2 why the political/military council was set up.

3 PRESIDING JUDGE STEINER: Who were part of this council?

4 THE WITNESS: (Interpretation) Your Honour, both members of the
5 secretariat-general, officers from the ALC, and amongst them some young people
6 who had been there at the very beginning of the movement, who had been recruited,
7 and at one particular time they were officers or political commissioners. So it really
8 was a fusion of those various structures that made up the council.

9 As I said earlier, your Honour, this council was more -- well, more of a bogus
10 committee and it really didn't have any decision-making power. What's more, it
11 was really a rubber-stamp committee that would just pass on decisions to others; for
12 example, disciplinary measures taken affecting people within the movement.
13 Amongst these various decisions there were matters such as the ranks and this was
14 all in light of the decisions taken by the president of the movement. So that is what
15 I can tell you about this particular structure or committee.

16 PRESIDING JUDGE STEINER: (Redacted)

17 THE WITNESS: (Interpretation) (Redacted)
18 (Redacted)

19 PRESIDING JUDGE STEINER: And also Colonel Amuli, as chef d'etat majeur.

20 THE WITNESS: (Interpretation) Exactly, your Honour. As I said earlier, this was
21 an attempt to be consistent, to show a particular structure within the movement.

22 PRESIDING JUDGE STEINER: Ms Kneuer.

23 MS KNEUER:

24 Q. Sir, I also have a clarification question about something that you said earlier,
25 and I'm referring to page 48, lines 16 onwards of the English real-time transcript.

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1 When I asked you about the chain of command, you described two scenarios in
2 which the commander-in-chief would act; the one is through his hierarchy and the
3 other one to send orders directly to the concerned individuals. How do you know
4 that?

5 A. Well, just because we knew how the president of the movement operated.
6 And I've told you that he paid close attention to information, to communications.
7 The president of the movement was a man who liked to see decisions be carried out
8 immediately or as quickly as possible; consequently, he didn't always bother going
9 through the structure or the hierarchy. The important thing was for the objectives to
10 be attained; consequently, it was possible and indeed it did happen that an order
11 would be given but the chain of command would not be respected.
12 (Redacted) and each time reports would come back to the
13 Chief of General Staff and he would be told of the decision after the fact. He would
14 be told of the various decisions taken after the fact, so it all depended on the
15 circumstances and the requirements and the assessment done by the president of the
16 MLC.

17 Q. By any chance, are you in a position to provide an example when the
18 commander-in-chief bypassed his hierarchy in the chain of command?

19 A. Well, I'll take a very simple example: From a historical point of view, when the
20 very first town was captured on the map, Basankusu, in 1999, a few days after the
21 Lusaka ceasefire agreement that the other parties had endorsed, well, those
22 operations -- the president of the movement was in contact with his officers by radio
23 and in the heat of the action he wasn't going to report to all parts of the hierarchy
24 moving through the chain of command, in the heat of action.
25 I'll give you one example: He would -- he said -- he gave instructions on how to

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1 operate in light of the circumstances, and the president of the MLC was in contact
2 using satellite -- a satellite telephone or by radio with several of his officers who had
3 such communications equipment.

4 Q. You stated, sir, that (Redacted) and

5 I'm referring to page 53, line 20, of the real-time English transcript. Do you recall by
6 any chance (Redacted)

7 A. This morning I told you -- well, you asked (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. You already stated that General Amuli was the Chief of Staff and you provided
19 some names of military members of the political and military council. Do you recall
20 any other main players in the military wing of the MLC?

21 A. The military branch of the MLC had its own story, with its battles and victories,
22 and so there were some officers who were better known than others or more popular,
23 and amongst them, those who had fought at the very forefront -- I could mention a
24 number of officers who had been deployed throughout the entire MLC territory, be it
25 on the front-lines or at headquarters, so I could give you several names, and most of

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1 them are now part of the regular forces of the Democratic Republic of the Congo, so
2 I don't know whether I should give all the names but the military troops had a certain
3 history, a story, that began before the beginning of the political movement and there
4 were some stars amongst the troops.

5 Q. If I recall correctly, you provided the name of General Amuli and Kibonge.
6 Perhaps you can provide one or two other names of the stars that you mentioned of
7 the MLC at that time.

8 A. Well, I could certainly add the name of General Alongaboni who had taken the
9 town of Basankusu. I could mention General Alengbia, who at one particular time
10 also found himself on the front-lines. I could also mention the late General N'sau,
11 and he was well-known because he had defended the town of Gbadolite on the
12 orders of President Kabila, and after the defeat he *joined the movement of liberation
13 of the Congo and reported to President Bemba. I could also mention General Bule.
14 When I say "general," these are their current ranks. At the time, some were majors,
15 some were colonels at the time of the actual events.

16 Q. Mr Witness, (Redacted)

17 (Redacted). However,

18 if you allow me, I would like to ask a few more questions that are related to the
19 military wing, and I just realised that I said again "military" wing. (Redacted)
20 (Redacted)

21 So I would like to ask you a few more questions related to military matters (Redacted)
22 (Redacted) and to determine
23 what the scope of your knowledge is. If you don't know, that's fine and you can just
24 express this.

25 You stated earlier this morning that the MLC headquarters was based in Gbadolite.

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1 Where was the MLC army based?

2 A. The MLC army was deployed throughout the territory held by the MLC, so at
3 each particular geographical location there would be an officer. And at the
4 headquarters in Gbadolite, that's where the headquarters were, and -- well, that was
5 just a number of troops to protect and secure Gbadolite. The officers were deployed
6 throughout the entire territory, and of course since a ceasefire agreement had been
7 signed the mission was to ensure that the agreement be complied with.

8 Q. I recall that you stated this morning (Redacted)

9 (Redacted), do you know if

10 the military wing conducted regular meetings?

11 A. I couldn't tell you how often such meetings were held; that was the

12 responsibility of the Chief of General Staff, Colonel Amuli. (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE STEINER: Ms Kneuer, I'm sorry again. (Redacted)

16 (Redacted)

17 (Redacted)

18 THE WITNESS: (Interpretation) Yes, your Honour. Those meetings of the

19 political and military council were quite infrequent, extremely rare. So it really

20 wasn't -- they really weren't meetings where decisions were taken that would affect

21 the MLC on a day-to-day basis. As I said earlier, it only meant to deal with really

22 extraordinary matters and there were very few minutes taken of the meetings of this

23 council. In actual fact, this committee really had to do more with disciplinary

24 measures, promotions. Within the story of the MLC, this organisation or this

25 committee, rather, was a structure that was used very seldom.

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1 MS KNEUER:

2 Q. Mr Witness, on page 54, line 9 and 15, you stated that "Mr Bemba was in contact
3 with his soldiers by radio and satellite telephones." Do you know what specific
4 types of satellite phones were used within the MLC?

5 A. Counsel, there were satellite telephones at first and then later we used Thuraya
6 equipment. Of course, the satellite communications were very expensive, that
7 equipment was very expensive, so the president of the movement used this satellite
8 equipment or, rather, gave the satellite equipment only to important people within
9 the movement, be they on the political side of the organisation or on the military side
10 of the organisation, since the bills for the satellite communications had to be paid and
11 these financial commitments were honoured by President Bemba. That is why it
12 depended on the importance of the mission or the function of the person, whether a
13 military or a civilian leader of the MLC would have such equipment.

14 Q. Do you know how many satellite telephones were available in the MLC in 2002
15 and 2003?

16 A. I don't have that specific information, unfortunately. (Redacted)
17 (Redacted) how many people within the MLC
18 had the satellite communications equipment.

19 Q. Do you know how many communication means Mr Bemba had at that time?

20 A. Well, Counsel, he had a phonie - that is a piece of communications equipment at
21 his home - and he had two satellite telephones; one for sure, perhaps a second, and
22 those were his tools of work so that he could be in contact with people who were far
23 away. He had a third means of communication, that was a Motorola, and if you
24 look at the photograph you can see it and that was a local network within the town of
25 Gbadolite. So there was the local network, there was the phonie, the radio

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1 equipment for contacting members of the MLC, the military branch. Civilians didn't
2 have a phonie, they could use the military people's equipment for administrative
3 purposes, and then there was the satellite equipment for communicating with people
4 overseas or abroad.

5 Q. Do you know if Mr Bemba operated the satellite telephones and the other
6 communication equipment himself or if someone else was doing that for him?

7 A. President Bemba used the communications equipment himself. I can tell you
8 an anecdote, if you wish. There was a demonstration in Gemena in the year 2000,
9 and we decided to celebrate an event and it just so happened that between Gbadolite
10 and Gemena we were using the phonie. Unfortunately, the phonie may have been
11 heard by everyone and the town of Gemena, as we were preparing the events, this
12 town was subject to air bombing by troops from Kinshasa. They had heard our
13 communications and they were well aware that there was going to be a rally and,
14 unfortunately, several people were hurt and that is why, you see, the satellite
15 communications are difficult to tune into and so they were used for the most
16 important things. The satellite equipment was the safest equipment for
17 communicating. At the time, it was not possible to encode messages using the
18 phonie and so these means of communication had to be improved. But to answer
19 your question specifically, President Bemba did have these means of communication
20 himself.

21 Q. How big was the MLC army in 2002/2003?

22 A. Well, the numbers varied between 15 and 20,000 soldiers. The actual accurate
23 figure, I couldn't tell you, but I would say somewhere between those two numbers at
24 that particular point in time.

25 Q. Do you know how many MLC soldiers were involved in the CAR conflict in

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1 2002/2003?

2 A. No, Counsel. Unfortunately, I can't answer that question.

3 Q. The 15 to 20,000 MLC soldiers you just mentioned, did they receive military
4 training?

5 A. Indeed, that was one of the important points for President Bemba. He wanted
6 to have an army that was really structured in the same way as a regular army.

7 Indeed, those young people did receive military training, the vast majority of them
8 did receive some military training.

9 Q. How long was that training?

10 A. I cannot give you a precise answer to that question. (Redacted)

11 (Redacted) who were trained at the very beginning of

12 the movement and they were trained for a much longer period, but I don't have any
13 specific information about the duration of the training.

14 Q. Who provided the military -- sorry, who provided the training to the soldiers?

15 A. Depending on the specificities and the background of the movement, military
16 training initially was provided by Ugandan instructors and also by Congolese officers,
17 and after the Ugandan troops withdrew from the DRC it was Congolese officers who
18 provided training to MLC recruits.

19 MS KNEUER: May I ask the court officer to please display CAR-OTP(Redacted)
20 on the screens, and it's number (Redacted) on the list of documents.

21 THE COURT OFFICER: Document CAR-OTP(Redacted) is available on the screens.
22 It's a confidential document.

23 MS KNEUER:

24 Q. Mr Witness, who are the people depicted in this photograph?

25 A. I can recognise Commander Alain Munanga, who is in the middle of the

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1 photograph with his hand on the tyre, and then there is (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted). I do not know the

6 other ones.

7 Q. What was Mr Munanga's position?

8 A. At the time, Mr Munanga must have been responsible for the security bureau.

9 He was in charge of internal security within the MLC.

10 Q. Can you tell us, please, what is depicted in this photo?

11 A. I suppose that this is an air defence weapon, so this would be a shooting or
12 firing exercise with this type of weapon. This is what I believe it is.

13 Q. Do you know if this picture was taken during a training?

14 A. Unfortunately, I am not in a position to confirm whether this was during the
15 course of a training or not. I do not know.

16 Q. Then I suppose you don't know where it was taken?

17 A. Unfortunately not.

18 Q. Is General Kibonge depicted in this photograph?

19 A. No, Counsel, he is not on the photograph.

20 MS KNEUER: The Prosecution is moving CAR-OTP(Redacted) into evidence, and

21 I don't need the photo any longer. I ask the court officer to please display

22 CAR-OTP (Redacted) on the screens.

23 THE COURT OFFICER: The document as referenced by counsel is available on the
24 screens and it's a confidential document.

25 MS KNEUER: Thank you.

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1 Q. Mr Witness, who is depicted in that photograph?

2 A. Counsel, the person in the centre of the photograph wearing a red beret is
3 Colonel Amuli, and still in the centre of the photograph you have Commander
4 Munanga, who was featured in the other photograph, and then (Redacted)
5 (Redacted). I do not recognise the others in the photograph.

6 Q. Do you know when, where and under which circumstances this photograph
7 was taken?

8 A. Just like in the case of the previous photograph, I cannot tell you where or
9 under what circumstances this photograph was taken.

10 Q. What is Colonel Amuli holding in his left hand?

11 A. Colonel Amuli is holding a communications -- a piece of communication
12 equipment.

13 Q. Do you know what kind of weapon the soldier on the left side is wearing
14 around his neck?

15 A. He is carrying an AK-47.

16 MS KNEUER: The Prosecution is tendering CAR-OTP(Redacted) into evidence, and
17 I don't need the document any more. I kindly ask the court officer to display
18 CAR-OTP(Redacted) which is document number (Redacted) on the list of documents.

19 THE COURT OFFICER: The document as referenced by counsel is available on the
20 screens and it's a confidential document.

21 MS KNEUER:

22 (Redacted)

23 A. This document was issued at the time when, as I said this morning, (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 As I told you before, as time went on, the responsibility for training progressively
6 moved from Ugandan officers to Congolese officers as the Ugandan troops withdrew.
7 At that time, it was the Ugandan officers who provided artillery training for the
8 Congolese Liberation Army. So this is a certificate that would have been awarded at
9 the end of artillery training within the Congolese Liberation Army.

10 Q. Do you recall where this artillery training centre was located?

11 A. The Tudu (phon) artillery training centre was located a few kilometres away
12 from Gbadolite.

13 Q. You stated that Major Okelo was the commander of this artillery training centre.
14 Did he also provide the training?

15 A. I cannot tell you, Counsel, whether he provided the entire training or not but
16 since he was commander of the centre he probably shared responsibility, but I cannot
17 tell you what type of training he provided himself.

18 Q. Do you know why the commander-in-chief, Mr Bemba, and not the Chief of
19 Staff, Mr Amuli, was supposed to sign these certificates?

20 A. Well, let me take the liberty of proposing an answer: This was not included in
21 any document or instrument, but the fact that those who were graduating from
22 training would have a certificate signed by the leader of their movement, I think that
23 was a lot more gratifying for those who had received training, so it would have been
24 more gratifying for them to have a document with their name on it and signed by
25 Mr Jean-Pierre Bemba rather than it being signed by the Chief of General Staff. So

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1 this was a sort of motivation for those who had received training and were being
2 awarded a certificate for that training.

3 Q. (Redacted)

4 A. (Redacted)

5 (Redacted)

6 Q. Was this document (Redacted) investigators
7 of the OTP?

8 A. Yes, Counsel.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. In the upper part of the document we can see the line that is highlighted in
14 white, and we can find an abbreviation "EMG." Can you please clarify for the record
15 what that means?

16 A. Counsel, that abbreviation stands for "État-Major Générale, or General Staff.

17 Q. Sir, is there anything you wish to add with regard to this document?

18 A. I think I can point out that the Front de Libération du Congo, that is the
19 Congolese Liberation Front, which covered the territorial areas of the MLC and the
20 RCD-K/ML was at that time effectively controlled by the ALC, that is the Congolese
21 Liberation Army. I think this point is quite significant.

22 MS KNEUER: Madam President, the Prosecution tenders CAR-OTP(Redacted) into
23 evidence, and I don't need the document any more. Madam President, I know we
24 have only a few minutes left, but perhaps I can be granted five minutes to clean up
25 and finish with this topic before the break.

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1 Q. Sir, a few more questions about the military matters, then we break and then
2 after the break we will continue with a different topic.

3 This morning, sir - and it's on page 13 of the real-time transcript, lines 10 to 13 - you
4 described what your military training was composed of and you mentioned drills,
5 military drills, exercises, weapons handling, training on the duties of the
6 office -- soldier and a few concepts about strategy. Do you know if the training of
7 the soldiers was conducted in a similar way?

8 A. Counsel, I cannot confirm that but this training was reserved for the senior
9 officials of the MLC, (Redacted) would
10 have involved such discipline in terms of strategy, humanitarian law, drills.
11 I believe it would have been limited to aspects other than those that we were
12 instructed in during our military training.

13 Q. Just to be clear, sir, on (Redacted)
14 (Redacted) about the existence of this code of conduct and provisions related
15 to humanitarian law. To your knowledge, were the MLC soldiers that were sent to
16 the field into combats were trained on humanitarian law?

17 A. I have just told you, Counsel, that this training was intended for the senior
18 officials of the MLC, (Redacted) whether or not the training of the rank and
19 file soldiers included all these various components and so it is not possible to say
20 whether they were instructed in all these aspects.

21 MS KNEUER: Thank you, Mr Witness. Madam President, I've finished my
22 questions on this topic.

23 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Mr Witness, we have,
24 again, a half-an-hour break. Our interpreters and court reporters need to take some
25 rest, and I suppose you as well. It's 3.30. We will resume at 4 o'clock.

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- 1 I ask, please, court usher to accompany the witness outside the courtroom.
- 2 (The witness stands down)
- 3 THE COURT OFFICER: All rise.
- 4 (Recess taken at 3.30 p.m.)
- 5 (Upon resuming in closed session at 4.04 p.m.) * Reclassified as Open session
- 6 THE COURT USHER: All rise. Please be seated.
- 7 PRESIDING JUDGE STEINER: Welcome back. Please, court usher, bring the
- 8 witness in.
- 9 (The witness enters the courtroom)
- 10 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 11 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 12 PRESIDING JUDGE STEINER: Last part of today's hearing. Mr Witness, we were
- 13 informed that you intended to bring an aide-mémoire for this session. Do you have
- 14 any with you, or was it just your intention?
- 15 THE WITNESS: (Interpretation) Your Honour, it was just a few dates that I had
- 16 written down on a scrap of paper that I had with me when reading over the
- 17 testimony. Yes, I do have that.
- 18 PRESIDING JUDGE STEINER: I don't think -- Mr Haynes, any objection if the
- 19 witness uses an aide-mémoire for dates? Would you like to check whether the
- 20 document can be used or not?
- 21 MR HAYNES: I'm taken rather by surprise. I'd like to look at it. Certainly he's
- 22 entitled to use an aide-mémoire, but an aide-mémoire is generally speaking
- 23 something that's made concurrent to the events and then used later, not something
- 24 that is written up many years later during a break in testimony but I've got no
- 25 particular objection. Giving evidence shouldn't be a memory test.

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1 PRESIDING JUDGE STEINER: Mr Witness, do you have any objection that the
2 document is presented to the Defence, just in order to avoid any future allegations
3 that you made use of an aide-mémoire?

4 THE WITNESS: (Interpretation) No, your Honour, I have no objection but if this is
5 difficult for the work of the Court I can do without it. I just want to be particularly
6 precise. I can do without it.

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

8 MS KNEUER: Thank you, Madam President.

9 Q. And welcome back, Mr Witness, for the last session of today and I think we've
10 progressed quite quickly. I would now like to focus your attention on how the MLC
11 operated in practice.

12 First, did the MLC soldiers have uniforms?

13 A. Indeed, Counsel, the MLC soldiers did have uniforms and that was what
14 President Bemba wanted. He wanted an army that was comparable to a regular
15 army. Each MLC soldier was given a uniform and that was the rule to be followed,
16 right until the end of the conflict.

17 Q. Did you have opportunity to see the soldiers in their uniforms?

18 A. The uniform -- the soldiers wore those uniforms for military parades. Often
19 they were given new uniforms, the ones who had been assigned to take part in those
20 particular parades.

21 Q. Which colour had these uniforms?

22 A. The uniforms were green, Counsel.

23 Q. Who provided these uniforms to the MLC soldiers?

24 A. Counsel, as I said earlier, first of all we obtained support from the ally of the
25 MLC, the Ugandan army, and then efforts were made regarding the actual resources

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1 of the movement and finally there were some donations to the MLC and probably
2 some of those donations took the form of uniforms, but it was the supreme
3 commander or the Chief of Staff of the MLC forces, Jean-Pierre Bemba, (Redacted)
4 (Redacted).

5 MS KNEUER: May I ask the court officer to please display CAR-OTP(Redacted),
6 which is number (Redacted) on the list of documents.

7 THE COURT OFFICER: The document as referenced by counsel is available on the
8 screens and it's a confidential document.

9 MS KNEUER:

10 Q. Mr Witness, can you please tell us who is depicted in this photo? Obviously,
11 not by name.

12 A. Counsel, you can see members of the Congo Liberation Army, and they are
13 wearing uniforms and they are bearing weapons, and you can see that they are about
14 to go on parade, and this photograph was taken in Gbadolite.

15 Q. Do you recall when this parade in Gbadolite took place? I don't ask for the
16 exact date, but the year would be helpful for the Court.

17 A. Well, there are two dates that come to mind: Either to celebrate the taking of
18 the town of Gbadolite, and that would mean 1999, or the first anniversary of the
19 movement. But I have the impression that this event was to celebrate the taking of
20 the town of Gbadolite, so that would be the first parade, or drill, done at that place
21 which later became the capital of the MLC.

22 Q. And if I'm not mistaken, sir, you already stated today that Gbadolite was taken
23 in July 1999; correct?

24 A. Yes, 4 July 1999, unless I'm mistaken.

25 Q. You already stated that the uniforms of the MLC soldiers is green. With the

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1 assistance of this photograph, what type of shoes and hats were the soldiers wearing
2 at that time?

3 A. As you can see in the photograph, they were wearing boots, rubber boots, as
4 well as their caps.

5 Q. Do you wish to add anything with regards to this photo which I haven't asked
6 you yet?

7 A. No, Counsel, I have nothing further to add.

8 MS KNEUER: Madam President, your Honours, the Prosecution is tendering
9 document CAR-OTP(Redacted) into evidence, and I don't need this document any
10 more. I ask, court officer, to please display document CAR(Redacted), which is
11 document number (Redacted) on the list of documents and can be found at
12 CAR-OTP(Redacted) at (Redacted) of the English statement; and for the ones
13 following in French, CAR-OTP(Redacted) at (Redacted).

14 THE COURT OFFICER: Document CAR-OTP(Redacted) is available on the screens
15 and it's a confidential document.

16 MS KNEUER:

17 Q. Mr Witness, when, where and under which circumstances or at which occasion
18 was this picture taken?

19 A. Counsel, the photograph, as we've just seen, was taken in Gbadolite and the
20 circumstances and the date I hesitate. It was either the event, the parade in 1999
21 after the town was taken - captured - or it was the first anniversary in the year 2000.
22 So sometime between 1999 and the beginning of the year 2000. And here you can
23 see that this is an event for the general population of Gbadolite.

24 Q. When parades were organised with the military part of the MLC and the
25 population, did it look like this; meaning, civilians in front and the MLC soldiers

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1 lined up in the back?

2 A. Counsel, the MLC was a *liberation movement; that is to say, its aim was to
3 help the civilian population and the military. So, you see, the civilians were very
4 much in favour, they took part *in the events, they followed the parade. They took
5 part in the series of events and activities, so people from the various parts of society
6 were present. And you can see here, there were the *lifeblood of the territory held by
7 the MLC, as well as members of the ALC. And this was a demonstration of this
8 will, to see symbiosis between the ALC and the civilian population.

9 Q. Do you wish to add something with regards to this photograph?

10 A. No, Counsel, I have nothing further to add.

11 MS KNEUER: The Prosecution moves document CAR-OTP(Redacted) -- sorry,
12 (Redacted) into evidence, and I don't need this document any more.

13 Q. Sir, when you were describing the first picture, you mentioned arms and
14 weapons. Where did the MLC get the weapons from?

15 A. The supply of new weapons that we see on the photograph, I believe those
16 weapons were obtained through our ally; that is to say, the regular Ugandan army, so
17 it was a donation from the Ugandan army to the Congolese Liberation Army.
18 Generally speaking, these donations -- well, the Army of Liberation of the Congo got
19 many weapons from government troops. As the Congolese liberation troops moved
20 throughout the territory, particularly in Gbadolite, and under other circumstances,
21 the government troops abandoned their weapons and some of the MLC weapons
22 were recovered from these government forces, from the government army.

23 Q. And what about ammunition?

24 A. Well, the same principle held for ammunition. There was a large supply of
25 ammunition abandoned by the government army when they left Gbadolite in

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1 July 1999. So, you see, there was the support from the Ugandan troops - that is to
2 say, donations - of weapons and ammunition and, what's more, there were the
3 weapons and the ammunition regained, recovered rather, from the government
4 forces. As for uniforms, resources were mobilised from the movement itself. So
5 those were the three sources of uniforms, ammunition and weapons of the MLC.

6 Q. Do you know with what type of weapons the MLC soldiers were equipped?

7 A. Counsel, I didn't deal with military supplies; that was something that the
8 president of the movement and the Chief of Staff were responsible. But, basically,
9 they were Kalashnikov, that's what was provided to the MLC soldiers. There may
10 have been other weapons, other supplies, but that really was something that was
11 handled by the army headquarters; (Redacted)
12 (Redacted)

13 Q. What means did the MLC use to transport its troops?

14 A. Along the rivers they used canoes, they were built these baleinière, these canoes.
15 There were also several vehicles, most of which had been recovered from the troops
16 that were facing the MLC. You must realise that as the troops advanced, the MLC
17 faced both government forces and troops from Chad. At one particular time we got
18 a few vehicles (Redacted) and those vehicles were sent by the president of
19 the Central African Republic as a sign of his support for the actions taken by the MLC.
20 So those were the various means of transportation that at various times were used by
21 the MLC troops.

22 Q. Did the MLC also use means for air travel?

23 A. Yes, indeed, Counsel. I failed to mention air transport, which was essential.
24 This was available to the MLC, specifically a Russian-made plane, the Antonov, the
25 services of which were being hired by the MLC, but that was a discretionary decision

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1 by the MLC leader. In 1999, after the capture of the town of Basankusu, we seized a
2 plane which was in the process of resupplying government troops. It was an
3 Antonov, and this made it possible for us to have a second Antonov which was not
4 on charter. The pilots of that plane remained in Gbadolite for several weeks while
5 awaiting their release, so air transport was indeed very important in a territory as
6 large as the one which was under the control of the MLC.

7 Q. Do you recall the colour of that Antonov?

8 A. I may be mistaken, but I believe that the Antonov that was captured was red in
9 colour. This plane crashed when it was landing in Lisala. It is possible that I could
10 be mistaken, but I think the colour of this plane was red.

11 Q. Who in the MLC issued flight clearances for military and civilian flights?

12 A. For civilian flights, it was the secretariat-general of the MLC. (Redacted)
13 (Redacted) which made it possible for humanitarian staff to
14 have access to the entire territory under the control of the MLC. (Redacted)
15 (Redacted) that were not humanitarian in nature or purpose, but there was
16 close collaboration, given that the president of the movement was kept abreast of
17 those flights and the clearances obtained to land or circulate inside the MLC territory.

18 Q. (Redacted)

19 A. (Redacted)

20 Q. Coming back to what you stated earlier today, was this a decision (Redacted)
21 (Redacted) without oversight by
22 Mr Bemba?

23 A. If this was a (Redacted), that is for humanitarian purposes, for example,
24 (Redacted), a priori there was no need to
25 systematically inform President Jean-Pierre Bemba. And so when it came (Redacted)

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1 involving humanitarian operators then it was a routine matter because the MLC
2 made it a policy to grant access to the entire territory under its control. I believe this
3 also applied to MONUC. However, regarding information, the president had access
4 to all the information, (Redacted) so the
5 president could ensure close follow-up of (Redacted) within MLC territory.

6 Q. Who was in charge for flight clearances for military flights?

7 A. As is the usual practice, military affairs came under the responsibility of the
8 commander-in-chief of the Congolese Liberation Army, so he was the one who gave
9 those authorisations. And then to formalise the decision, there was a document that
10 was issued at the level of the secretariat-general. So when it came to military flights
11 for resupplies and orders, those decisions were the sole responsibility of the president
12 of the movement.

13 Q. Sir, you stated this morning that the president of the MLC, Mr Bemba, was
14 taking decisions with regard to logistics - and I'm referring to page 22, lines 12 and
15 13 - as well as with regards to financial matters, and I'm referring to transcript 39, line
16 17 and 18. Who controlled the military budget of the MLC?

17 A. That control was exercised by the commander-in-chief of the MLC army.

18 Q. What about the budget for day-to-day activities?

19 A. Regarding the day-to-day activities, I believe there was an intention to make the
20 MLC autonomous, and given that the rural inhabitants were poor, and they were
21 initially under the territories controlled by the MLC, so this prompted the president
22 of the MLC, with the support of the Ugandan allies, to sign an agreement with
23 another political/military movement which was equally allied to Uganda, that is the
24 RCD-K/ML. This agreement was signed on 16 January 2001 and amongst the stated
25 objectives of the agreement, one of the most important was to have available

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1 sufficient financial resources to ensure the autonomy of the Congolese Liberation
2 Army. And so as a result of that agreement, through the officer in charge of finance,
3 the MLC gathered much more significant resources, collected revenues, particularly
4 at the custom posts in the east of the Democratic Republic of Congo. So daily
5 activities were partially funded from those resources. This shows that the resources
6 of the MLC in the territories that had been initially occupied in the Équateur province
7 were quite insignificant and had not made it possible to manage the MLC on a
8 day-to-day basis.

9 Now, regarding military and logistic expenses, that is more important, more
10 substantial expenditures, this was the sole responsibility of the president of the MLC.
11 The taxes made it possible to provide feeding for the troops. Those resources were
12 insufficient, and that distinguished the MLC from the other liberation movements
13 because the other liberation movements controlled large towns or other areas, that is
14 where the population paid taxes, and that was not the case of the MLC.
15 So the MLC used funds that were collected and managed exclusively by the president
16 of the MLC; that is, funds from donors and other sources.

17 MS KNEUER: Can the court officer please display CAR-OTP(Redacted) on the
18 screens, and it's number (Redacted) on the list of documents.

19 THE COURT OFFICER: The document as referenced by counsel is available on the
20 screens and it's a confidential document.

21 MS KNEUER:

22 Q. Mr Witness, could you please take some time to read the document for yourself.
23 It has two pages, and I'm sure that the court officer will scroll to the next page once
24 you have finished reading the first page.

25 (Pause in proceedings)

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- 1 Mr Witness, before we talk about the content of this document I will ask you a few
2 questions to authenticate this document. (Redacted)
3 (Redacted).
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 Q. (Redacted)
11 (Redacted)
12 A. (Redacted)
13 Q. (Redacted)
14 A. (Redacted)
15 Q. The letterhead that we can see on this document, is that the letterhead of the
16 MLC?
17 A. Yes, Counsel, it is the letterhead of the MLC.
18 Q. Who signed this document?
19 A. The document is (Redacted), and that is
20 (Redacted)
21 Q. What is (Redacted) requesting through this document?
22 A. The period during which this document was produced is important. It was
23 issued after or during the (Redacted), because the (Redacted) not
24 only refers to the national president of the MLC but also refers to the title of
25 vice-president of the Democratic Republic of Congo, and this position was filled after

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1 the signing of the second Sun City agreement in March 2003. It concerns police
2 logistics, and the inspector-general of the police, in view of the anticipated merger of
3 the territories controlled by the liberation movements and the government in
4 Kinshasa, he is requesting the training of police officers and the recruitment of new or,
5 rather, the recruitment of new officers. He refers to the three-month training of the
6 new recruits, and he gives an estimate of the cost of training for those new recruits
7 and this is a document he is submitting to the president of the MLC for a decision.

8 Q. I'm sorry. On the left-hand side of this document, there is a column which
9 reads "Décision du chairman." What is the significance of this column?

10 A. This column corresponds to what is indicated. The inspector-general is
11 requesting a decision on expenditures for the -- from the president of the MLC who,
12 in fact, is the person who can order the expenditures. The funds that would or,
13 rather, that were available to the national secretary in charge of finance could only be
14 disbursed after the authorisation of the president of the MLC, so this is the
15 authorisation that was being requested by the inspector-general for the purpose of the
16 training of the new recruits.

17 Q. Was it the standard procedure that the president of
18 The MLC had to approve the purchase of fufu pureed beans, palm oil and salt?

19 A. Indeed, that was the mode of operations for all expenditures done by the MLC.
20 As such, the national secretary responsible for finance had a cash ledger, or book, and
21 on a day-to-day basis this log-book of expenditures would be reviewed by the
22 president of the MLC, and that way he would be able to ensure that expenditures
23 were made on a day-to-day basis in a unified manner.

24 Q. Is there anything else you wish to comment on with regards to this document?

25 A. No, I have no further comments.

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- 1 MS KNEUER: Madam President, your Honours, the Prosecution tenders document
2 CAR-OTP(Redacted) into evidence, and I don't need this document any more. I
3 kindly ask the court officer to display CAR-OTP(Redacted), which is document
4 number (Redacted) on the list of documents. Sorry, Madam President, it's number 16.
5 THE COURT OFFICER: Document CAR-OTP(Redacted) is available on the screens
6 and it's a confidential document.
7 MS KNEUER:
8 Q. Sir, can you please take a moment to read this document by yourself.
9 (Pause in proceedings)
10 Again, sir, I will ask you some foundational questions and then we will talk about the
11 substance. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 A. Well, certainly it must have been one of the many documents (Redacted)
16 (Redacted).
17 Q. Was this document (Redacted) investigators
18 of the OTP?
19 A. Yes, indeed, Counsel.
20 Q. What is the date of this document?
21 A. It goes back to the year 2001. Now, I don't know if it's the 19th of September or
22 the 19th -- or 12 March. It goes back to the year 2001. It speaks of the Congolese
23 Liberation Front, the FLC, and I mentioned that earlier, Army for the Liberation of the
24 Congo, and the army headquarters. It is signed by Commander Kilenge (phon) who
25 was serving as Chief of General Staff on an interim basis in Gbadolite because the

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1 Chief of General Staff was actually travelling outside that town at that time.

2 Q. To whom is this document addressed?

3 A. It is intended for the chief commander of the ALC and the head of the
4 Movement for the Liberation of the Congo.

5 Q. On the left-hand side we see "Décision du C/M." May I ask you to explain
6 again what that means?

7 A. Just like the previous document, the head of General Staff, the acting head of
8 General Staff, is making a request of the president of the MLC. He is asking for a
9 decision, a favourable decision. The mode of operations of the president of the MLC
10 was, you see, he would make a mark to indicate his approval and then it would be
11 sent on to the person in charge of finance. And if the resources were available, and
12 the expenditure was possible, the expenditure would be made on the basis of the
13 approval from the president of the MLC. So, you see, this is a request to the
14 chairman to free up resources to purchase computer equipment.

15 Q. So for the purchase of a printer at the cost of \$US 250 the approval of the
16 president of the MLC was necessary?

17 A. Any expenditure by the MLC required the authorisation of the president of the
18 MLC, no matter what the amount, and if by some chance the expenditure was done
19 without approval it would have to be marked in a log-book, or a notebook, that
20 would be shown to the president of the MLC on a day-to-day basis. That way the
21 finances and the approval and the organisation, it all depended on the president of
22 the MLC. It was all subject to the president of the MLC.

23 MS KNEUER: I don't need this document any more.

24 Q. Sir, do you have any idea --

25 PRESIDING JUDGE STEINER: Sorry, Ms Kneuer, are you tendering this document

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1 into evidence?

2 MS KNEUER: No, Madam President. Sorry that I forgot to mention that.

3 Q. Sir, do you have any idea about the size or amount of MLC funds?

4 A. Counsel, I don't have an idea of what the amount of money was held by the
5 MLC, the money that came in the form of support from the ally of the MLC, Uganda,
6 and then there were donations from various people as well as taxes collected by the
7 MLC administration, and those taxes were really quite marginal. Thus, the
8 consolidation of the MLC accounts could only be done by President Jean-Pierre
9 Bemba who had also allocated his own personal resources to the Movement for the
10 Liberation of the Congo, so it would be impossible (Redacted)
11 (Redacted) the total resources held
12 by the Movement for the Liberation of the Congo.

13 Q. Did the MLC have an anti-fraud brigade?

14 A. Well, I do remember that there was such a brigade that was set up to ensure
15 that any resources would not go missing, because the resources were quite limited.
16 Of course, there were some precious materials from the diamond quarries. The
17 production of diamonds was quite low.
18 There were also coffee exports. Since the region that the MLC was occupying
19 produced coffee, and that coffee would go through the Central African Republic and
20 then on to the Cameroon and the Port of Douala, so taxes would be collected on these
21 exports. So in light of the scarce resources, it was important to minimise the risk of
22 any resources being diverted or going astray. So a structure was set up.
23 I would also like to add, Counsel, that the MLC did extend the administration within
24 its territory and a number of public bodies responsible for customs for administering
25 coffee. So that administration, despite the tremendous poverty, the province of

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1 Équateur is the poorest province within the Democratic Republic of the Congo and so
2 that was why the taxes and the local resources were quite minimal.

3 Q. What punitive measures were taken in the event of fraud?

4 A. Counsel, like any other administration, it had to apply penalties to people who
5 engaged in fraud.

6 Q. Who within the MLC decided about the penalties which were applied to people
7 who engaged in fraud?

8 A. Well, Counsel, I don't really remember many cases of fraud in a context such as
9 the one in that time period, 1990s up until the year 2003, in the territory held by the
10 MLC. But there were traders who did try to ship coffee across, but that was quite
11 unusual. That occurred quite infrequently. What's more, regarding resources and
12 regarding expenditures, it was the president of the MLC who had the final word.
13 And although there were these administrative bodies with the proper tools, generally
14 speaking, the decision would be taken by the president of the MLC.

15 Q. Were the MLC soldiers paid for their service in the army?

16 A. The MLC soldiers did not receive wages. The MLC could not provide a salary
17 to anyone, and that is why the resources were spent on their equipment, and above
18 all to their daily rations, but it was impossible to pay a salary or wages to the soldiers
19 of the MLC.

20 Q. Did that have an impact on the soldiers, in general?

21 A. Probably, from a psychological point of view. I can't really answer, I can't tell
22 you about the impact of that. I wasn't in the military branch of the organisation, but
23 one must acknowledge that most of the MLC recruits came from Équateur province,
24 from provinces and towns that had been conquered by the MLC and, consequently,
25 there was no pillaging or cases of violence or abuse on civilians. If such things

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1 occurred, well, they were very marginal. The young people came from the
2 territories that they were occupying, and the population of Équateur in some towns
3 made special efforts to provide rations to the soldiers. The same thing holds true for
4 the town of Bumba where bags of paddy rice could be acquired from the local
5 population at very favourable prices or the local people would provide this food to
6 the young people. Quite often, they were family members or friends of the local
7 population. So that certainly was important, to have an army whose members for
8 the most part came from the territory that was being occupied. But to get back to
9 your initial question, the soldiers and the officers or the civilians did not receive
10 wages from the MLC.

11 Q. So what did the troops live off?

12 A. The soldiers did receive soap, wax, various items for the day-to-day life of a
13 soldier when that was possible. As for the rest, they did not receive any salary.

14 Q. A few minutes ago, sir, you mentioned "daily rations," and I'm referring to page
15 86, line 13. What do you mean by that?

16 A. As the inspector-general of police mentioned in the document that we looked at,
17 I think you can see there that the inspector-general was very meticulous when it came
18 to the rations for each soldier. And the same thing held true for soldiers deployed,
19 you had to provide a certain amount of fufu, manioc, palm oil, so that the troops
20 would have something to eat, so that they would not go hungry for several days,
21 because that would have sparked a veritable disaster. So it was a very difficult
22 exercise.

23 And considering the scanty resources in the MLC territory, in Équateur, management
24 of these resources was very, very tight. There was no question of paying salaries to
25 the soldiers or for civilians, but the movement tried to provide rations to soldiers and

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1 civilians so all the civilian families could eat and so that all soldiers would have a
2 daily ration. That was what was in mind. That's what was the modus operandi
3 within the MLC.

4 Q. How was the discipline in the MLC troops -- of the MLC troops in campaign
5 and in the field throughout the (Redacted)

6 PRESIDING JUDGE STEINER: Ms Kneuer, I'm sorry, it appears that the question
7 now turns into discipline of the troops, which is a very comprehensive part of the
8 questioning, and we have only two minutes left. So my question is whether we
9 could adjourn for today and turn back to this issue tomorrow morning?

10 MS KNEUER: Absolutely, Madam President.

11 PRESIDING JUDGE STEINER: Mr Witness, it's time for us to adjourn. We have
12 completed six hours of hearing, which is enough for you as witness and for our
13 interpreters and court reporters. We will adjourn for today and resume tomorrow
14 morning.

15 I inform the parties and participants that tomorrow we will turn back to our regular
16 sitting hours; meaning, from 9.30 to 4 in the afternoon.

17 Before I adjourn, I would like to thank very much the Prosecution team, Maître
18 Zarambaud representing the victims, the Defence team, Mr Jean-Pierre Bemba
19 Gombo. To thank very much for their double efforts our interpreters and court
20 reporters. And, once again, leaving in the transcript the thanks of the Chamber to
21 the Registry for providing us with these additional sitting hours today.

22 We will now adjourn and resume tomorrow morning at 9.30. I ask, please, court
23 usher to accompany the witness outside the courtroom. And, Mr Witness, we wish
24 you a very restful night.

25 THE WITNESS: (Interpretation) Thank you.

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1 (The witness stands down)

2 THE COURT OFFICER: All rise.

3 (The hearing ends in closed session at 5.29 p.m.) * Reclassified as Open session

4 CORRECTIONS REPORT:

5 The Court Interpretation and Translation Section has made the following corrections in
6 the transcript:

7 *Page 44 line 12

8 "... and after the defeat he rallied the movement of liberation of the Congo..."

9 Is corrected by

10 "... and after the defeat he joined the movement of liberation of the Congo..."

11 *Page 58 line 2

12 " Counsel, the MLC was a movement of liberation; that is to say,..." Is corrected by

13 "Counsel, the MLC was a liberation movement; that is to say,..."

14 *Page 58 line 4

15 " They took part, they followed the parade" Is corrected by " they took part in the
16 events, they followed the parade."

17 *Page 58 line 6

18 " And you can see here that there were the live forces for the territory held by the
19 MLC..." Is corrected by " And you can see here, there were the lifeblood of the
20 territory held by the MLC,..."

21 RECLASSIFICATION REPORT

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

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