

Trial Hearing
Witness: CAR-D04-PPPP-0018

(Closed 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 Thursday, 6 June 2013
7 (The hearing starts in closed session at 9.06 a.m.)* Reclassified as Open session
8 THE COURT USHER: All rise.
9 The International Criminal Court is now in session.
10 Please be seated.
11 PRESIDING JUDGE STEINER: Good morning.
12 Could, please, court officer call the 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, and for
15 the record we are in closed session.
16 PRESIDING JUDGE STEINER: Thank you very much.
17 Good morning. I welcome the Prosecution team, legal representatives of victims, the
18 Defence team, Mr Jean-Pierre Bemba Gombo.
19 Good morning to our interpreters, court reporters.
20 We were informed that apparently the witness is not feeling well, but in any case I ask
21 VWU to inform the witness that he is going at least to explain in court what is going
22 on in order for us to have everything on the record. Therefore I ask, please, court
23 usher to bring the witness in.
24 (The witness enters the courtroom)
25 PRESIDING JUDGE STEINER: Court officer, please turn into open session.

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1 (Open session at 9.09 p.m.)

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

3 PRESIDING JUDGE STEINER: Mr Witness, good morning.

4 WITNESS: CAR-D04-PPPP-0018 (On former oath)

5 (The witness speaks French)

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

7 PRESIDING JUDGE STEINER: The Chamber was informed that you are not feeling
8 well this morning. Could you please explain to the Chamber what exactly is going
9 on?

10 THE WITNESS: (Interpretation) Well, I don't really know. I think it's my health.
11 I have the flu and I also have a very bad cold. I would not like to put the Court in a
12 bad position or indispose the Court. I do have a lot of medication that I'm currently
13 taking, and I think that if it is -- if I do not indispose the Court, it would be good for
14 me to take some rest and continue to take my medication and we reconvene
15 tomorrow. However, if the Court finds that I should continue with the hearing I will
16 push myself, but however I really do have the flu.

17 PRESIDING JUDGE STEINER: Have you seen a Court doctor, Mr Witness?

18 THE WITNESS: (Interpretation) No. I was given a thermometer. I was also -- I
19 also asked for them to take my blood pressure, but from yesterday evening I did go
20 and buy some medication, but I would be extremely grateful if the Court would place
21 a doctor at my disposal to see exactly what's wrong with me. I think it might be the
22 change of --

23 THE INTERPRETER: The witness does not finish his sentence.

24 PRESIDING JUDGE STEINER: Mr Witness, it has happened before and the
25 Chamber will ask the Court doctor to see you and, if need be, to give you whatever

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1 medication in order to help you to feel better.

2 My question is: Could we at least try this first part of the morning session to
3 continue with your testimony, or you feel totally unable to testify due to your
4 condition?

5 THE WITNESS: (Interpretation) Incapable, no, but very much indisposed. So if
6 the Court believes that we should do something, then I will push myself.

7 PRESIDING JUDGE STEINER: At least one-and-a-half-hour, because then I'm sure
8 the doctor will be here and will be able to see you even before -- even before you go
9 back to your hotel.

10 THE WITNESS: (Interpretation) No problem, Madam President. I shall push
11 myself.

12 PRESIDING JUDGE STEINER: If you really feel that you cannot even try this first
13 part of the morning you let us know and we will suspend, but I would suggest that
14 we at least try to advance the proceedings in order not to delay your stay here in The
15 Hague and not to delay the next testimonies that are already scheduled, but of course
16 if you don't feel better we will suspend the hearing and wait for the doctor's
17 instructions. So let's try.

18 THE WITNESS: (Interpretation) Yes, I will try, Madam President.

19 PRESIDING JUDGE STEINER: Let us know. If it is too difficult, just let us know.
20 Mr Witness, I need to remind you that you are still under oath. Do you understand
21 that, sir?

22 THE WITNESS: (Interpretation) Yes, indeed.

23 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
24 protective measures, so be very careful with information that could not be released in
25 public session, and also remind you that you are expected to speak slower than

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1 normal in order to facilitate the work of our interpreters.

2 And once again, Mr Witness, if you feel that you're not able to continue, let us know

3 and we will suspend until the doctor sees you and gives instructions.

4 Is that fine with you, sir?

5 THE WITNESS: (Interpretation) Yes, I will make an effort, as I said, Madam

6 President, even though I am very much indisposed.

7 PRESIDING JUDGE STEINER: I ask, please, the court officer to be in touch with

8 VWU to inform the Chamber as soon as the Court's doctor is available.

9 Ms Bala-Gaye, with taking into account that the witness is really doing his best in

10 order to continue testifying, we count on you also to respect the difficulties the

11 witness is facing. You have the floor.

12 MS BALA-GAYE: Yes, indeed, Madam President. Good morning, your Honours.

13 QUESTIONED BY MS BALA-GAYE: (Continuing)

14 Q. Good morning, Mr Witness.

15 A. Good morning, madam.

16 Q. Mr Witness, we will go slow and, as Madam President has indicated, if at any

17 stage you do not feel well enough to continue, please let us know. If my questions

18 are unclear, please just ask me and I will repeat. Do you understand?

19 A. Yes, I have understood, madam.

20 Q. Mr Witness, yesterday you said that the ambassador received order -- his order

21 from the Chief of General Staff to go to the Central African Republic, and I'm

22 referring to yesterday's transcript, real-time, page 47, lines 1 to 13. Is that correct,

23 Mr Witness?

24 A. Yes, I do confirm that, Madam President.

25 Q. You also told us that the Chief of Staff was responsible for the day-to-day

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1 management of the army, which you said is standard practice throughout the world,
2 and here I'm referring to page 37, lines 5 to 6, of the English real-time. Do you agree
3 with that, Mr Witness?

4 A. Yes, I can confirm that, madam, and that was also the case for the Chief of
5 General Staff of the ALC. However, as I mentioned yesterday, there are
6 interventions that the chief commander could -- and they were always executed by
7 the Chief of General Staff and those in charge.

8 Q. Then, as is standard practice throughout the world, the Chief of Staff takes these
9 orders from the commander-in-chief; isn't that right?

10 A. As I said, this was also practice within the General Staff itself; that is to say the
11 day-to-day management and -- was in the hands of the Chief of General Staff and also
12 those who received orders from him.

13 Q. What I want to know is where the Chief of General Staff got his orders from.
14 Was it from the commander-in-chief?

15 A. The General Staff is an organ and this was where military policies were
16 designed and this is also where each officer could think about their sector and the
17 directors could suggest to their Chief of Staff the practical measures for them to
18 undertake, and on that basis the Chief of General Staff - the general - would take his
19 decision.

20 It is true that the Chief of General Staff does have the duty to inform and to have the
21 considerations of the -- but there are cases where the Chief of General Staff does take
22 decisions on his own in individual cases, but it is true -- it is true also that the Chief of
23 General Staff has to report to the commander-in-chief and also to the political and
24 military committee itself.

25 Q. For the order to go to the Central African Republic, are you saying that's a

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1 decision that the Chief of General Staff can take by himself?

2 A. Well, it is an instruction that the ambassador received from Chief of General
3 Staff.

4 Q. And the Chief of General Staff would have taken this order from the
5 commander-in-chief? Was that the normal practice?

6 A. Ma'am, I can't confirm that, but it's true for the Chief of General Staff might
7 decide upon the sending off of a contingent, but he would have to have the approval
8 from the commander-in-chief, or the commander-in-chief, if he thought that he
9 couldn't decide, if he couldn't give the instruction himself, he would ask for advice or
10 counsel from each member of the political/military committee.

11 But what I have to tell you very specifically, ma'am, is that the instruction was given
12 to the ambassador by the Chief of General Staff. And just to help you understand
13 the situation properly, the ambassador was already away on his way towards the area
14 in question, Zone B, which means the zone that had been liberated by the MLC for
15 their work, and that is when this person was called back so he could go to Bangui.
16 So, you see, the decision or the provisions that were taken, he did not ask the Chief of
17 General Staff, "Where do these orders come from? Who asked me to leave?" No, he
18 received his orders from the Chief of General Staff.

19 Q. You have told us that the Chief of General Staff would have to have the
20 approval of the commander-in-chief, and we will come back to that point. Yesterday
21 you stated that within three hours the ambassador was able to go to Bangui; is that
22 right?

23 A. Ma'am, yesterday I told you that the Chief of General Staff gave the order to the
24 ambassador to go to Bangui. It was close to noon and he confirmed that he could
25 leave at 1500 hours, so he had three hours to get things under way. You see, an

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1 aeroplane was to come and fetch him.

2 Let me reiterate once again, to be most specific the person who gave the order, the

3 Chief of General Staff, I don't know whether it was the commander-in-chief, or

4 whether it was the commander-in-chief who consulted the members of the

5 political/military committee. So I will just restrict myself to saying that the

6 ambassador received the order from the Chief of General Staff to leave for Bangui,

7 and he was on his way practically all the way to Gemena. He came back. You see,

8 people went to fetch him, he came back, he got this order from the Chief of General

9 Staff and this person, the Chief of General Staff, said to him, "You have three hours,

10 because the aeroplane will be leaving at 1500 hours. Get yourself ready. Prepare

11 yourself for your departure to Bangui."

12 That is what I said, ma'am.

13 Q. And did the ambassador go to the Central African Republic -- did the

14 ambassador go to the Central African Republic via this aeroplane?

15 A. Ma'am, the aeroplane landed at 1500 hours and the ambassador and his

16 personal bodyguard got into the aeroplane and off they went.

17 Q. You also told us yesterday that on the same day a company crossed into the

18 Central African Republic, a company of 150 men; is that correct?

19 A. Close to 150 men. You see, on their way off the Chief of General Staff said to

20 them, "When you get there, you will have the soldiers of the 28th Battalion in

21 battalion and the others will come from Libenge, because you see from Libenge to

22 Zongo there's -- it's quite a distance and those troops will be made available to the

23 head -- to the chief of the FACA forces."

24 Q. Once these -- once this company crossed over into the Central African Republic,

25 did they immediately engage in battle?

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1 A. No, ma'am. I also told you yesterday that a plan and the situation -- had been
2 prepared and the situation -- regarding the situation in the field, and the company
3 together, along with a number of other soldiers in the field, mostly from the CAR
4 naval forces, took a number of very specific spots to protect the soldiers -- correction,
5 to protect against the advance of the assailants. Some FACA soldiers were already
6 in position and, you see, our forces came to support them. So we were providing
7 additional forces to provide support - additional support - upstream, so to speak.

8 Q. Staying with this first company that entered the Central African Republic, when
9 did they engage in the operations? Was it the next day?

10 A. Ma'am, when the ambassador arrived, a meeting was scheduled at the general
11 headquarters to sort out practical arrangements, and it had already been provided for.
12 Once the soldiers came, they would reinforce the naval forces, they were at the Sofitel
13 Hotel, and others were at the radio station. So the MLC troops that came in the
14 evening went and immediately provided support to the FACA forces that were
15 protecting the front line. They were between the attackers and the Central African
16 forces.

17 Q. Therefore this company, the first company, did not go back to the DRC once
18 they entered, until the end of the operation; isn't that correct?

19 A. Well, rather, it was soldiers from Libenge the day after who came and were
20 added to the company that was already in Bangui and to constitute the battalion that
21 carried out the operation, and they all went back together after the operation.

22 Q. So just to confirm, by the second day, the entire battalion was already in Bangui;
23 is that right?

24 A. That's right, ma'am.

25 Q. Mr Witness, can you give us the names of the company commanders, so the

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1 names of the three company commanders?

2 A. Well, this occurred nearly 12 years ago, if I recall correctly. I really couldn't
3 give you the names of the company commanders. I couldn't give you accurate
4 information, no. I really couldn't give you those names. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) -- I really couldn't tell you.

8 Q. Can you provide us with any names of any of those soldiers, so the battalion
9 commander or anyone else in that battalion?

10 A. At the battalion level, I said that I did know the battalion commanders. It was
11 Jean Diku and his deputy was Gilles -- yes, I knew those people and also the S3
12 responsible for operations, Fely. Fely. A few soldiers I knew at the battalion level,
13 (Redacted)

14 Q. And these three names that you've given us, they were all part of the 2001
15 operations; is that right?

16 A. Yes, yes. The battalion commander, Jean Diku, along with his deputy and the
17 S3, those were the main officers that come to my mind. (Redacted)
18 (Redacted) you must realise, ma'am, I couldn't -- I can't remember those names
19 ten, nearly 12 years ago.

20 Q. For the transcript, is it possible for you to spell the names that you have given
21 us? So let's start with the first, Jean Diku? Perhaps you could spell "Diku"?

22 A. Delta India Kilo Uniform.

23 Q. And his deputy Gilles, do you recall his last name?

24 A. Well, it's just popped into my head, Gilles Massimo (phon).

25 Q. And can you spell the last one, "Fely"? And do you know if he has any other

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1 name?

2 A. I don't remember but if it comes back to mind, I will let you know. I will
3 certainly tell you if I do remember later.

4 Q. And can you just spell "Fely" for us?

5 A. Force Echo Lima Yankee.

6 Q. Was there a specific soldier within the ALC battalion that was assisting the
7 ambassador as liaison?

8 A. Ma'am, an army has a certain structure, a structure. A commander has a
9 deputy. There's the person in charge of operations. There's the person in charge of
10 intelligence. I remember, each person does his own particular job and then it is all
11 co-ordinated by the battalion commander for a specific report for myself. The report
12 is signed by the battalion commander. As well there is time -- there is someone to
13 verify and the report is provided to the hierarchy.

14 Q. Perhaps my question wasn't clear so I'll ask it again: Was there a soldier
15 assisting the ambassador, specifically assigned with liaising with the Central African
16 forces?

17 A. The ambassador himself ensured liaison between the ALC force and the CAR
18 authorities, ma'am. After the centralisation of the daily activities, the ambassador
19 would make his report and his report was not the only one. There was another
20 commander within the unit who supported, who worked alongside the ambassador,
21 and this other person also would draw up his report and provide it to his hierarchy
22 because, you see, it was a joint unit.

23 Q. Mr Witness, yesterday you stated that the ALC operated on a specific axis and
24 FACA operated on other axes; is that correct?

25 A. Ma'am, the FACA is a large army and the various axes were dispatched. As I

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1 said to you yesterday, the axis occupied by the ALC, well, there were also FACA
2 soldiers there because the ALC did not know the town well. And in order to
3 advance, it needed to have people that knew the town, so there was a joint effort with
4 the ALC. Yes, of course, this was under the command of the ALC upon the axis
5 itself, but it is true that the FACA soldiers were part of this and they had the duty to
6 report back to their hierarchy. This was very much -- well, you know, we were
7 observing each other. We were observing each other's work, working methods and,
8 yes, the axis that was occupied by the ALC, it is true that there were FACA soldiers
9 there and I think I said that to you yesterday, ma'am.

10 Q. Mr Witness, let me read exactly what you said yesterday. And I'm reading
11 from the English real-time version, page 54, and I'm reading lines 8 to 11 -- well, 8 to
12 14, actually. And the French, it can be found in the French version, page 54, from
13 line 21. Mr Witness, this is what you said: "First of all, the ALC contingent did not
14 engage in combat single-handedly because it did not know the terrain. It had FACA
15 troops within its group who were scouts, who knew the terrain and provided
16 guidance in that connection, but there were other external forces as well, other than
17 the ALC forces. You see, each force had a specific mission during that operation and
18 was operating along a specific axis or road." Do you recall saying that, Mr Witness?

19 A. Could you please repeat what you just said, for me to understand correctly?

20 Q. Yes, of course. Yesterday your testimony was as follows: "First of all, the
21 ALC contingent did not engage in combat single-handedly because it did not know
22 the terrain. It had FACA troops within its group who were scouts, who knew the
23 terrain and who provided guidance in that connection, but there were other external
24 forces as well other than the ALC forces. You see, each force had a specific mission
25 during that operation and was operating along a specific axis or road."

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1 Do you recall saying that yesterday, Mr Witness?

2 A. Yes, ma'am. However, I would like you to understand what I said. In view of
3 the fact that the ALC did not know the terrain, it worked hand in hand with the
4 FACA soldiers. The ALC was not the only force and presence out in the field.
5 There were also other soldiers from other forces on other roads, or axes. I do not
6 know whether I have made myself understood, ma'am?

7 Q. Mr Witness, what I want to establish is this: Apart from the few scouts from
8 the FACA that were within the ALC contingent, ALC operated on its own axis; is that
9 correct?

10 A. Yes, indeed, ma'am, but do not talk to me about these few soldiers. This was a
11 force that was present out in the field with the soldiers of the ALC, and when you
12 have virtually a platoon present, well, of course the scout is armed and receives
13 orders in order to continue the operation. The scout doesn't come to say -- well, it
14 was somebody who was present within the ALC contingent.

15 Q. Mr Witness, you asked me not to talk to you about the soldiers that were out in
16 the field and yet you're providing information about the same thing. Is it because
17 you know exactly what was going on in the field, or are you just making an
18 assumption here?

19 A. Please, I have not quite grasped what you just said, ma'am.

20 Q. You tell us a bit about the FACA scouts that were out with the platoon in the
21 field, but then you ask me not to talk to you about these scouts, so I'm trying to
22 ascertain the level of knowledge you have regarding this. Do you understand that?

23 A. Quite sincerely, ma'am, I do not understand a thing. I do not really
24 understand what you are trying to say, unless of course you were to repeat with a
25 little more --

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1 PRESIDING JUDGE STEINER: Ms Bala-Gaye, if you allow me? I think it was
2 maybe a translation problem. I understood the witness saying, "... but not talk to me
3 about these few soldiers because they were not few." He completed saying, "This
4 was a force that was present." I think it was in that sense, not -- for you not to say
5 that they were few, but rather a force that was present. I heard it in French and this
6 is what I understood.

7 MS BALA-GAYE: Perhaps that's where the confusion comes from, Madam
8 President, because the English transcript reads at line 16 of page 15, "You tell us a
9 bit ..." -- no, I apologise. It's further down, or further up I should say. Exactly. So
10 it's from line 3, "... but do not talk to me about these few soldiers. This was a force
11 that was present out in the field of soldiers of the ALC."

12 Q. So, Mr Witness, I want to clarify. Previously you said there were a few scouts
13 and now it appears from the transcript that you are talking about a force. Can we
14 clarify what you mean by that?

15 A. Well, I was talking about a few missions conducted by this force side-by-side
16 with the ALC. There was indeed a force, and this was a mixed force which was
17 present upon this road or axis because the ALC was not familiar with the terrain, and
18 also because they enabled us -- well, they showed us the way and they also enabled
19 us -- and they also fought (sic) side-by-side, or they fought side-by-side with us.
20 The insinuation that you're making, you are insinuating something that I did not say.
21 I said specifically that there was a mixed contingent that took that way forward. We
22 did not fight alone. We were fighting with the -- with the Central African armed
23 forces.

24 Q. Mr Witness, you appear to be changing your story, so we will clarify that. Is it
25 your testimony that on the axis occupied by the ALC that there was a mixed force

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1 which included FACA, so not just a few scouts but actually a platoon or a company?

2 Mr Witness, I'll repeat my question. Is it your testimony that on the axis occupied by
3 the ALC this was a mixed force that included FACA? So we're not just talking about
4 a few soldiers that were scouts. In fact, now you appear to be talking about a mixed
5 force. Is that your testimony?

6 A. Ma'am, this axis was under the command of the ALC forces. However, in their
7 midst there were FACA soldiers who were helping us to complete our mission; in
8 other words they were showing the ALC soldiers the way forward and enabling them
9 to familiarise themselves with the terrain. That doesn't mean to say that they're
10 going to rest on their laurels and say quite simply, "This is the way forward and there
11 you go." They are fighting side-by-side with the ALC forces. I would not like you
12 to interpret what I am saying in (indiscernible), ma'am.

13 Q. Can you give us an approximation of how many FACA soldiers were part of the
14 ALC forces on a particular axis, for example?

15 A. Approximately one platoon; that is to say between 36 and 40 individuals.

16 Q. Do I understand you correctly to say that there was a platoon of FACA soldiers
17 mixed in with a company of ALC soldiers; is that correct?

18 A. They had been dispatched within the ALC battalion. I am repeating this,
19 because I might have intervened somewhat rapidly before waiting for the five
20 seconds. I said, rather, that they had been dispatched within the battalion itself and
21 not within a company, and if one were to make an assessment I would say
22 approximately one section per company, if you want to talk in terms of company.

23 Q. We'll follow your line and talk about the battalion. So we're talking about 36
24 FACA soldiers within an ALC battalion of 450 soldiers; is that correct?

25 A. Yes, I can confirm that, ma'am.

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1 Q. Mr Witness, let's talk about the reports that the ambassador -- I'll start again.

2 Let's talk about the reports that the ambassador sent to the FACA Chief of Staff,
3 copying his superiors in Gbadolite. Is it correct that these were daily reports?

4 A. Ma'am, the report was supposed to be drafted on a daily basis, according to the
5 evolution of the situation, and copying to the Chief of Staff of the FACA and also with
6 copy to the Chief of General Staff.

7 Q. And these daily reports were sent between 28 May and 10 June; is that correct?

8 A. Yes, I can confirm that. Even if one was to write three or four lines, one had to
9 copy to one's organ of origin.

10 Q. So we're talking about approximately 14 daily reports during 14 days of the
11 operation in the Central African Republic; is that right?

12 A. Yes, I can confirm that fact, ma'am.

13 Q. Mr Witness, how would you describe Mr Bemba as a leader?

14 A. Are you asking me about my feelings or would you like me to provide a
15 description? I do not quite understand your question, ma'am.

16 Q. Mr Witness, you're a soldier in the ALC. Mr Bemba was the
17 Commander-in-Chief of the ALC at this time. Therefore, he was your leader. My
18 question to you is: How would you describe him as a leader?

19 A. Just to set the record straight, ma'am, (Redacted)

20 (Redacted) And I did not have contact or direct dealings with

21 Mr Jean-Pierre Bemba. He was the President of the MLC and the

22 commander-in-chief. I had my own direct boss to whom I reported.

23 I do remember one thing of Mr Jean-Pierre Bemba. He was a nationalist, a very strict
24 and rigorous person, who would not accept any wrongdoing and who responded
25 nearly always. He was a great man, a well-educated, and I appreciated him very

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1 much for his manner of dealing with things.

2 I don't know if that answer suffices, ma'am, but I think we're perhaps verging upon
3 feelings and I think it would be better to take a more legal outlook rather than talking
4 about our feelings.

5 Q. Mr Witness, I'll be the judge of the questions that I will pose to you and your
6 role is to respond to the questions as best as you can. If you don't understand, let me
7 know. Do you understand that?

8 A. Thank you, ma'am, but other questions also seem to touch upon feelings or
9 emotions, and I really didn't know how to answer. I wouldn't necessarily say that he
10 was my friend, so I couldn't tell you about his feelings or -- I found it to be a matter of
11 sentiment, a matter of feeling, so I apologise, ma'am.

12 Q. Are you aware that Mr Bemba wrote a book about the period from
13 September 1998 to September 2001?

14 A. Yes.

15 Q. Have you ever read this book?

16 A. (Redacted)

17 MS BALA-GAYE: Court officer, could we look at document CAR-OTP-0069-0372,
18 which is document number 29 on the Prosecution's list, and it is a public document?
19 To assist those who are more comfortable in English there's a translation, which is
20 document number 30 on the Prosecution's list, and this is CAR-OTP-0070-0138.

21 Court officer, can we please turn to page 0421?

22 Q. Mr Witness, I will read out an extract of Mr Bemba's book, but before I do so, is
23 there any part of your testimony that you would like to change or rectify?

24 A. One does not make alterations to the truth, ma'am. As I just said, one does not
25 alter the truth.

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1 MS BALA-GAYE: Court officer, can we go, scroll down the page to the chapter that
2 begins with, "To rescue -- to the rescue of our Central African neighbour"? Exactly.

3 Thank you.

4 Q. Mr Witness, let me read Mr Bemba's own words, and at the end of it I will ask
5 you some questions. It begins, "To the rescue of our Central African neighbour. On
6 28 May 2001 at 2 a.m., the telephone rang. On the other side -- on the other end of
7 the line was President Patassé. He informed me of the tragedy that was taking place
8 in the heart of the Central African capital. It was a dramatic situation. The
9 attackers were determined to finish off the Head of State, whose personal bodyguard
10 was bravely defending his modest residence. Democratically elected in an election,
11 the results of which few African Heads of State would have cause to challenge,
12 Ange-Félix Patassé is one of the main figures of African history. His age and
13 experience explain the entirely paternal attention that he has continuously paid to me
14 and which I have always been touched by. The Congo and the Central African
15 Republic share more than 1,000 kilometres of common border."

16 Court officer, can we move to the next page.

17 And I continue: "My relations with the Central African authorities take into
18 consideration first and foremost the hundreds of thousands of residents living by the
19 Ubangi River, for the most part Yakomas, who aspire to live in peace and security.
20 All the indications are that during the night of 27 to 28 May 2001 the soldiers in
21 President Patassé's army who were from the Yakoma ethnic group defected to the
22 side of former President Kolingba. However, in the first hours of the attempted
23 coup, there was nothing to identify the true instigators of the attempted assassination
24 or the invisible hand behind the rebels. A recent wave of social discontent, the
25 ambitions of the inner circle of President Patassé's loyalist or those of his sworn

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1 enemies, agitation by circles of former Mobutu supporters intent on besieging Central
2 Africa in search of a secure rare base, are all conjectures about those responsible for
3 the coup.

4 At 7 o'clock, President Patassé called me and informed me that the troops that had
5 remained loyal were unable to regain control of the situation. He had contacted
6 President Gaddafi, who was sending around 100 soldiers, with the sole mission of
7 ensuring his physical safety, with no intervention by the Armée de Libération du
8 Congo, there appeared to be no hope. The fall of an elected president opened up the
9 prospect of a bloodbath amongst the Central African ethnic groups. This chaos
10 would pave the way for MLC's enemies, who since the capture of Gbadolite, were
11 trying to find a foothold in the Central African capital. Their takeover of Central
12 Africa, using mutineers, would constitute a serious threat, not only to the movement
13 but also to the peace process in the Congo.

14 After assessing the state of this uprising with my General Staff, I ordered commander
15 Jean-Louis Bokolombe, the head of military intelligence, to co-ordinate, in
16 consultation with the General Staff of the Central African Armed Forces, the FACA,
17 the operations for returning power to the Central African authorities.

18 On 28 May at 3.30 p.m., 12 hours after the attempted coup d'état, Commander
19 Bokolombe landed in Bangui and started discussions with the FACA General Staff
20 and the Minister for Defence, Mr Jean-Jacques Démafouth.

21 At 6.30 p.m., at nightfall, the first company of 28th Battalion began crossing the
22 Ubangi River and gained a foothold on the Central African side. The ALC's mission
23 was to secure the Sofitel rock and bend, the naval force staff headquarters, radio
24 Bangui and the Ubangi River.

25 On 29 May, a first ALC platoon advanced with FACA support as far as Ngaragba. It

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1 drove back the mutineers and blocked the road linking Camp Kasai to the town

2 centre. The ALC's presence was a psychological shock to the rebels.

3 A second platoon and a section of the Presidential Guard dislodged the

4 mutineers ..." --

5 THE INTERPRETER: Message from the interpreters: If the court officer could

6 scroll down, many thanks.

7 MS BALA-GAYE: Thank you.

8 Q. I'll start that sentence again, "A second platoon and a section of the Presidential

9 Guard dislodged the mutineers from the town and tried to prevent them from

10 crossing over towards Zongo. In consultation with the French ambassador,

11 Jean-Marc Simon, the ALC secured the French embassy.

12 On 30 May, two other companies were transported to Bangui. Commander

13 Bokolombe again contacted the FACA staff in order to strengthen the co-ordination of

14 operations.

15 On 1 June, the ALC and the FACA decided to regain control of Camp Kasai to where

16 the rebels had withdrawn.

17 The Central African forces took the Ndrès road, while the ALC contingent took

18 Boulevard Général de Gaulle in order to reach the Coq, the code-name for the Bangui

19 prison.

20 On 2 June, following a delay in the FACA's advance, I ordered the soldiers of 28th

21 Battalion to take control of the two trunk roads and leave the mission of protecting

22 the town to FACA. The ALC advanced on two fronts, as far as the Lycée des

23 Rapides, to the right of Bangui, and the Villa Saulet on the left. After 24 hours of

24 cleaning up and fighting, the two fronts came together at Ouango.

25 On 4 June, the Bangui operation ended with the cleaning up of the town. At the

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1 request -- at President Patassé's request, I gave my men the order to remain in
2 position in Bangui for the time being to enable the FACA to regain full control of the
3 capital. On 10 June, all the soldiers from 28th Battalion crossed back over the Ubangi
4 River."

5 Mr Witness, did you understand this extract that I just read out?

6 A. I've read it (Redacted), ma'am.

7 Q. That's good. So let's now delve into the substance of it. According to
8 Mr Bemba himself, he is the one who gave the order for the commander to enter the
9 Central African Republic; is that correct?

10 A. In general terms, (Redacted)

11 (Redacted)

12 (Redacted)

13 Now, when one writes, one receives shortly thereafter the assistance of other
14 individuals in order to bring corrections or additions to one's draft. One never
15 writes a book alone.

16 So briefly speaking, and to be more precise, the facts are more or less correct.

17 However, in its form it is propaganda. This book has been tweaked by a number of
18 individuals, and probably within the same book you will see the situation in the
19 North Kivu where lots of things -- where many things were broached. This is pure
20 political propaganda.

21 Those people who corrected this book there are people who wanted to make the
22 leader of the MLC the man who did everything, but in substance he is not Lucky
23 Luke. He is not somebody who did everything himself single-handedly. If you
24 will allow the analysis, he is not Lucky Luke.

25 This is virtually political propaganda and many things have been touched up in this

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1 book. Many things have been redrafted. There are many peoples who have
2 manipulated or have had their hand in this book in order to have Jean-Pierre Bemba
3 see that they like him, that he has been capable of everything, and really it is
4 propaganda. I do apologise for this.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) Thank you, madam.

11 Now, for propaganda purposes, it was written that the G2, or the colonel -- what are
12 we? Are we in open session, or what? I would like us, please, to go into what do
13 you call it?

14 THE INTERPRETER: Message from the interpreter: Could the witness please be
15 requested to finish his sentences? He is not speaking at all clearly and it is very
16 difficult to interpret. Thank you.

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

18 (Private session at 10.25 a.m.) * Reclassified as Open session

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

20 THE WITNESS: (Interpretation) I thank you, Madam President.

21 PRESIDING JUDGE STEINER: Mr Witness, I just received from the interpreter a
22 request that you speak slower and that you finish your sentence, because sometimes
23 you start a sentence and you don't finish it and it's becoming confused for the
24 transcript. So, if you speak slowly, that problem will be solved. Thank you.

25 THE WITNESS: (Interpretation) Yes, thank you, madam. I shall make an effort.

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1 I was saying that when one writes a book, it is also given to other individuals for it to
2 be corrected, for amendments to be made, for opinions to be brought.

3 (Redacted)

4 This book was written by Mr Jean-Pierre Bemba, but I do know that there was a lot of
5 flattery involved from people who corrected the book and who brought their
6 assistance to publish the book, et cetera, et cetera.

7 What occurred in Bangui is not faithfully reproduced. In terms of the substance, yes,
8 but a lot of propaganda has come into play here, a lot of political propaganda, in
9 order to show that Mr Jean-Pierre Bemba did this or that, that he was a Lucky Luke
10 type character, but fundamentally Mr Jean-Pierre Bemba never had direct contact
11 (Redacted) not even via the Chief of General Staff (Redacted)
12 (Redacted) but in order to explain things, in order to show all of this, they improved
13 on it.

14 This is not the only example. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 So you will understand that when one writes a book, especially a political book of this
25 type, there are other things that are brought into play in order to boost or shore up the

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1 leader of the movement, but when they say he -- I ordered, but that's not what it was
2 at all, madam. I thank you.

3 MS BALA-GAYE:

4 Q. Mr Witness, now that we've heard your opinion regarding this book, be rest
5 assured that it is in the record. So we'll try to continue in open session and focus on
6 Mr Bemba's words, and then you can tell us if you disagree with what he says, or not.
7 Is that fine with you?

8 A. I am historically speaking and honestly speaking quite in disagreement with the
9 form of this book, with this chapter itself. I am in disagreement with it, but I can't
10 really wrestle Mr Bemba's leadership away from him, but politically speaking, it is
11 quite -- it is fantasy that has been improved on when people brought their corrections
12 to the book and people who really wanted to suck up to him, these are people who
13 wanted to flatter him. He might have accepted the game. But these are people who
14 wanted to flatter him in the political context. They wanted to sell his image. They
15 wanted to sell his political image, but with regard to the facts this is not at all what
16 happened and I thank you, ma'am.

17 Q. Since you agree with some of the facts and you disagree with some of the facts,
18 based on your testimony, we'll go to what is in the book.

19 Madam President, I request that we move back into open session.

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

21 (Open session at 10.31 a.m.)

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

23 PRESIDING JUDGE STEINER: Mr Haynes, what you want to say can be said in
24 public session?

25 MR HAYNES: Absolutely, because the issue was raised in open session earlier on.

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1 I just note that the witness has, as you asked him with some obvious difficulty now
2 given evidence for an hour-and-a-half and I wondered whether there was any news
3 on the doctor?

4 PRESIDING JUDGE STEINER: Mr Haynes, the Chamber is following the testimony
5 of the witness. We have a break in 15 minutes. The witness was many times
6 informed that he could ask for a break at any time and 'til now the witness appears to
7 be --

8 THE WITNESS: (Interpretation) We can go on for a while, ma'am.

9 PRESIDING JUDGE STEINER: 20 minutes, and the doctor, since Mr Haynes is so
10 concerned about it, I can inform that the doctor is already waiting to see you during
11 the break.

12 MR HAYNES: I do hope you don't think that my concern is misplaced, your
13 Honour?

14 PRESIDING JUDGE STEINER: No, I have not seen any intention to misplace your
15 concern. It's just that you are anticipating yourself to the instructions of the
16 Presiding Judge, but it was a good opportunity to inform the witness that a doctor is
17 already waiting for him.

18 Ms Bala-Gaye, you can continue.

19 MS BALA-GAYE: Thank you, Madam President.

20 Q. Mr Witness, you stated that you disagree with some of the facts in this chapter
21 regarding the Central African operation in 2001. So are you saying that Mr Bemba
22 published a book that contains lies? Is that your testimony?

23 A. I'm not talking about lies as such but I'm talking about fantasy, about political
24 propaganda. That's what I mean. You know, this has been brought to the book by
25 those who corrected it, and those individuals who touched the book before it was

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1 published. And you might be aware of the fact that a book goes through a number
2 of hands and there are various options in play. This is a political book. I don't
3 want to go into the substance but, you know, really, this, in terms of form, it does not
4 go hand-in-hand with reality.

5 You know that an order has various -- is staggered or has various stages, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) But he will never say that the company
10 commander or brigade commander said do this or do that. That is not what is done
11 in the army.

12 However, those who corrected the book might have been able to extrapolate and take
13 political factors into account, political propaganda, and it is quite normal for them to
14 write in such a manner. Lies, no, but I do believe that it was touched up in its form
15 for propagandist and political reasons. I do not know whether we have understood
16 ourselves or understood each other, ma'am.

17 Q. Mr Witness, in this Court we like to talk about facts and truth, so what I want to
18 know is whether this chapter contains the truth or not?

19 A. Excuse me?

20 Q. My question was simple: Does this chapter contain the truth of what
21 happened, or not?

22 A. There is the truth. This happened in Bangui. There was an attack in Bangui.
23 The soldiers went to Bangui and the Chief of General Staff received -- gives an order
24 to the ambassador and he might have received this order from his hierarchy, certainly
25 from hierarchy. And, well, in terms of the line of command, it has to be respected.

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1 The chain of command must be respected. So the facts, yes, they are true, but there
2 have been a number of interpretations which are associated with political propaganda;
3 with propaganda.

4 Q. So you're saying that in Mr Bemba's book some of these facts have been
5 embellished for propaganda purposes; is that your testimony?

6 A. Political, yes.

7 Q. And like all authors everywhere, Mr Bemba has taken responsibility for this
8 book by publishing it in his name; isn't that correct?

9 A. After all, madam, Mr Jean-Pierre Bemba was the leader of the MLC, and he was
10 the political and military leader.

11 Q. Therefore, you are saying that Mr Bemba chose to distort certain facts in order
12 to suit his purpose; isn't that what you're saying?

13 A. The people who corrected, I'm talking about the people who corrected the text,
14 they made some changes. They embellished. They did not change but they
15 embellished a number of events to highlight their political leader. This is what I'm
16 saying, ma'am.

17 Q. Now, Mr Witness, you know that the book is in Mr Bemba's name; it is not in
18 the name of two or three other people. It solely reads, "Jean-Pierre Bemba" as the
19 author of this book. Did you know that?

20 A. Well, that's entirely normal. When, for example, you talk about Boeing, for
21 example, and you talk about an aircraft, well, many elements of the aircraft may be
22 attributable to other people or other countries, not Boeing, so it's the same sort of
23 thing.

24 Q. Since Mr Bemba is the author and he has taken responsibility for the content of
25 this book, if what was attributed in this book was not correct, wouldn't he have set the

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1 record straight?

2 A. I'm sorry, ma'am, but I'm not a judge. I'm here. I'm not talking -- I'm not
3 answering or sharing my feelings, I'm answering your questions. If you're asking
4 me to express my feelings, I don't really think I can help you.

5 Q. Mr Witness, you've told us that (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) isn't that a fact?

9 A. If that suits me. If that suits me. Thank the Lord, I'm not a politician, and I
10 don't have to take into account such considerations. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Now that we've established that Mr Bemba twisted some the facts in order to
14 suit his purpose, let's go through the specific facts that we are dealing with in this case.
15 Isn't it correct --

16 A. I beg your pardon, ma'am. What were you saying?

17 Q. I paused in order to allow you to finish coughing, Mr Witness, so I'll continue.
18 In this book Mr Bemba says, "I ordered Jean-Louis Bokolombe." He doesn't say, "I
19 ordered Colonel Amuli to order Jean-Louis Bokolombe", isn't that correct?

20 A. In this book -- well, from a military point of view, if -- as I said, if you have to
21 give orders, orders go through various stages. They are staggered. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Mr Witness, you testified earlier that you do not know if -- where Colonel
6 Amuli received his order from in order to tell the ambassador to deploy; isn't that
7 correct?

8 A. Ma'am, I've been telling you constantly quite specifically that within a hierarchy,
9 if someone at a particular level gives -- receives an order, he will not say, "I received
10 the order from a brigade commander." The battalion commander -- the battalion
11 commander cannot act that way. He will say, "Company commander, gather your
12 men and do this." He won't say that a company -- to a company commander, "Well,
13 I received an order." No, he won't ever put it that way. No. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. So just to confirm, you disagree with Mr Bemba when he says that he gave the
18 order to the -- to Jean-Louis Bokolombe in order to intervene in the Central African
19 Republic; is that correct?

20 A. I can confirm. I'm telling you this is political propaganda and it's quite normal.

21 Q. And when Mr Bemba says, "On 2 June, following a delay in FACA's advance, I
22 ordered the soldiers of the 28th Battalion to take control of the two trunk roads and
23 leave the mission of protecting the town to the FACA," do you disagree with
24 Mr Bemba?

25 A. I've been constantly telling you, ma'am, that when the ambassador was in

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1 Bangui he was reporting to the Chief of General Staff. It is true that the Chief of
2 General Staff would also make a report to the commander-in-chief and to the
3 political/military committee, with a copy for information purposes to the
4 political/military committee. In the field at a particular point these events occurred,
5 and the ambassador was obliged to make a report to the Chief of General Staff of the
6 FACA and they talked about this and the FACA Chief of Staff accepted that option.
7 As I was telling you, the ambassador was not a "Yes" man. If there were problems,
8 or anomalies, he had the opportunity to challenge or to protest. So that's what I can
9 say about that. The ambassador in his report was in a position to inform and say,
10 "No, this happened, or that happened." You see, the correctors of the text might
11 have interpreted it this way as part of the general exercise of engaging in political
12 propaganda as I have told you time and time again, ma'am.

13 Q. So when Mr Bemba says he ordered the ALC to take a particular road, what
14 type of order is that? Is that a tactical order, Mr Witness?

15 A. Ma'am, why should we be turning around the issue here? Did I not tell you
16 that Mr Jean-Pierre Bemba knew the terrain, that he knew for example that Souleyaye
17 (phon) was the Ngaraba prison and that Oisseau (phon) was Saulet? No, no. These
18 were reports that we were sending to the Chief of General Staff, who also has the
19 duty to report back to his hierarchy, and on that basis the military/political
20 committee -- well, at that moment it would be in a position to then use the soldiers of
21 Jean-Pierre Bemba.

22 But from Jean-Pierre Bemba there was no order - no direct order - coming from him as
23 such, no, and the report from Bangui to Gbadolite, well, there was one, yes, but the
24 contrary was not the case. There was a report from Bangui to Gbadolite, but from
25 Gbadolite to Bangui over that 12 to 14 day period, no. We were not in territory

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1 under the MLC control, where the parameters were under control. We were out on
2 foreign ground, on foreign terrain, and we weren't using those parameters.
3 And -- I realise that I need to speak more slowly, ma'am. And even we needed to
4 have our FACA friends and their knowledge of the terrain to help us. So how could
5 we -- how could they have given orders out in the terrain that they did not -- that they
6 were not in control of, or that they did not know? Gbadolite, they -- well, they
7 weren't -- they did not know the terrain well.

8 So the FACA staff was there. As you can see, there was a plan of action - there was
9 an elaborate plan of action - but from time to time we would discuss the facts and,
10 you know, I would say to my general, "In view of this and in view of that ..." The
11 ambassador would discuss things with the plan that had been drawn up by the
12 general of the FACA, in order to bring certain amendments in view of the reality of
13 the terrain.

14 I do not know whether we have understood each other correctly?

15 Q. So when Mr Bemba says he ordered the 28th Battalion, according to you that's a
16 lie; is that correct?

17 A. Ma'am, I am continuously explaining to you that military orders are given in a
18 staggered fashion, or in stages. Military orders were staggered, as I have been
19 repeatedly saying to you, ma'am, so please save me from this question. The
20 ambassador received the order from his hierarchical superior, who was the Chief of
21 General Staff, and if anybody gave an order to the Chief of General Staff it would
22 have been the commander-in-chief, via the political/military committee. The
23 ambassador, the G2, or deputy that he was, only received an order from his
24 hierarchical superior. Otherwise, this would be in complete imbroglio. It would be
25 complete confusion, would it not?

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1 Q. Mr Witness, I have a simple question. An order to take a particular road is a
2 tactical order, isn't it?

3 A. As you said, ma'am.

4 Q. Mr Witness, it is a question to you. Is an order to take a particular road a
5 tactical order, or is that not considered a tactical order?

6 A. As I said to you, the order to take a specific road is a tactical order coming from
7 an operational order for a given operation.

8 MS BALA-GAYE: And I'll ask a last question, Madam President.

9 Q. So, Mr Witness, is it true that the order to take the particular axis, when
10 Mr Bemba says "I ordered," did that come from Gbadolite then, even if it didn't come
11 from Mr Bemba himself? Is that what you're saying?

12 A. Ma'am, the dividing up of the various axes of combat was done and designed
13 within an operational plan that was to be found in Bangui and implemented by the
14 FACA General Staff. I do not know -- I do not believe, and I think you know this too,
15 that Mr Jean-Pierre Bemba -- well, do you think that Mr Jean-Pierre Bemba knew the
16 roads in Bangui in order to say, "Take that road. Take this road"? How could he
17 know that? How could he -- was he familiar with the town of Bangui to tell people
18 to take such a road? No. The various roads or trunk roads were found within the
19 operational plan that was drawn up by the FACA General Staff, and it was the FACA
20 General Staff via General Bozizé who said, "You will take such-and-such a road,
21 FACA will take such-and-such a road and that is what the Libyans will do and this is
22 what -- and this is that," and how can you then ascribe this to another individual?
23 The tactical operation and the specific road, well, this could only come from the
24 FACA General Staff that had the operational plan before it, that had actually drafted
25 the operational plan and that knew what was to be done.

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1 Do you want me to say that it was Mr Jean-Pierre Bemba? Well, he did not know all
2 of those roads in Bangui.

3 Thank you.

4 MS BALA-GAYE: So according to you it's a lie, but I'll stop there and continue after
5 the break, Madam President. Thank you.

6 PRESIDING JUDGE STEINER: Thank you, Ms Bala-Gaye.

7 Mr Witness, we are going now into the break. The doctor is waiting to see you to
8 evaluate your physical condition. You can -- you feel free to talk to the doctor and
9 explain how you are feeling.

10 The Chamber would very much appreciate if it's possible for us to continue at least
11 until the end of the morning session, but during the break you will be seen by the
12 doctor, you will talk with the VWU assistant and the Chamber will be informed on
13 whether we can continue at least to finish the morning session.

14 Maybe you can take the afternoon to take some rest. Let's see. Feel free to talk to
15 the doctor and to the representative of VWU and they will inform the Chamber. In
16 any case, the Chamber will meet at 11.30 whatever the situation is.

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

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

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

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (The hearing ends in closed session at 11.02 a.m.) * Reclassified as Open session

24 RECLASSIFICATION REPORT

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

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