

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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 8 February 2012
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you. Good morning. Welcome
19 Prosecution team, Maître Zarambaud, Defence team, Mr Jean-Pierre Bemba Gombo.
20 Good morning to our interpreters, court reporters.
21 We will continue today with questioning of Witness 15, and according to decision
22 issued by the Chamber the whole of the testimony of Witness 15 will take place in
23 closed session. Therefore, I ask, please, court officer to turn into closed session in
24 order for the witness to be brought into the courtroom.
25 (Closed session at 9.37 a.m.) Reclassified into Open session

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- 1 THE COURT OFFICER: We are in closed session, Madam President.
- 2 (The witness enters the courtroom)
- 3 WITNESS: CAR-OTP-PPPP-0015 (On former oath)
- 4 (The witness speaks French)
- 5 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 6 THE WITNESS: (Interpretation) Good morning, your Honour.
- 7 PRESIDING JUDGE STEINER: We welcome you to the courtroom, and before I give
- 8 the floor to the Prosecution, who will continue questioning you, I need to remind you
- 9 that you are still under oath. Do you understand that, sir?
- 10 THE WITNESS: (Interpretation) Yes, your Honour.
- 11 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 12 THE WITNESS: (Interpretation) I'm ready, your Honour.
- 13 PRESIDING JUDGE STEINER: Ms Kneuer, you have the floor.
- 14 MS KNEUER: Good morning, Madam President, your Honours.
- 15 QUESTIONED BY MS KNEUER: (Continuing)
- 16 Q. Good morning, sir. How are you doing this morning?
- 17 A. I'm just fine, Counsel, thank you very much.
- 18 Q. I'm glad to hear that, and today we will have three sessions per one-and-a-half
- 19 hour.
- 20 Yesterday I asked you a question but we were running out of time so you didn't have
- 21 the opportunity to respond, so I will ask that again. How was the discipline of the
- 22 MLC troops in the field?
- 23 A. Well, Counsel, it was understood that the discipline of the MLC troops was
- 24 recognised by all the other movements, all the other liberation movements. There
- 25 was never any report up until the time of the events in Ituri of acts of violence or

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1 abuse committed by the MLC troops on civil -- civilian populations, at least
2 not -- there was no public knowledge of such things. The MLC troops were
3 considered to be relatively disciplined troops within a context of a liberation
4 movement. That was the reputation of the MLC and the troops.

5 Q. You are referring to events in Ituri. Roughly, at what time did these events
6 occur?

7 A. The events in Ituri occurred in the second quarter of 2002 and, indeed, the
8 media covered those events quite extensively and this obliged the MLC to take a
9 number of measures and to apply sanctions against those responsible for the acts of
10 violence and abuse.

11 Q. Which media reported about these acts of violence and abuse?

12 A. Most of the media, most of the international media. And since the RDC
13 is -- correction, since the DRC is a francophone country, it was mostly Radio France
14 Internationale that was covering the events. That is how we heard about the events,
15 from the media. Generally speaking, the press also spoke of the acts of violence and
16 abuse committed by the MLC troops at that time.

17 Q. You stated that the media covered those events quite extensively. What do
18 you mean by "quite extensively," in terms of daily, weekly? How often per day?

19 A. RFI had a permanent attache in Kampala, a journalist, and since Ituri is a
20 province that borders on Uganda and, furthermore, another liberation movement
21 using the same media to complain about the actions of the MLC troops, you see, that
22 was the context and so the news was transmitted quite regularly. I wouldn't say on
23 a daily basis, but quite regularly, on this international radio station.

24 Q. What types of acts of violence and abuse did the RFI and other international
25 media report about?

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1 A. At that time, they reported on acts of cannibalism on the part of troops, eating
2 the local pygmy population. There were also reports of massacres in a number of
3 localities and, more broadly speaking, there were reports of a massive, massive flows
4 of populations fleeing the conflict areas going to the eastern part of the Congo. So,
5 in summary, those were the reports being provided by that international radio
6 service.

7 Q. Mr Witness, you also stated, and I quote from page 3, lines 18 onwards, "This
8 obliged the MLC to take a number of measures and to apply sanctions against those
9 responsible for the acts of violence and abuse." I have a few questions with regard
10 to this statement, if I may: What measures and sanctions were applied?

11 A. Early in 2003 officers and soldiers who had been involved in these acts of
12 violence and abuse were arrested, transferred to Gbadolite. A military court was set
13 up. They were put on trial and sentences were passed -- were handed down, both
14 for officers and soldiers. Those were the decisions and the sanctions that were
15 made.

16 Q. Do you know roughly how many officers and soldiers were arrested and
17 brought before the court-martial?

18 A. I no longer recall how many troops or how many officers were put on trial. I
19 just remember the name of Commander Ngalimu; Freddie Ngalimu to be precise.
20 He was the most visible one amongst those responsible for the acts of violence and
21 abuse. You must realise that at the time MONUC was present in Gbadolite, that the
22 trial was also covered extensively by the media, and a report was drawn up and
23 presented to the representative of the UN Secretary-General regarding the sanctions
24 that were imposed upon the MLC troops who were responsible for the acts. That
25 was early in 2003.

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1 A number of troops, in relation to this question you asked about troops being
2 disciplined, up until that point they were and the acts of violence and abuse that we
3 had reports about were punished.

4 JUDGE ALUOCH: Ms Kneuer, sorry to interrupt you, I need to seek a clarification
5 from the witness. Page 5 of the English transcript, line 5, where your answer reads,
6 "Early in 2003, officers and soldiers who had been involved in these acts of violence
7 and abuse were arrested and transferred to Gbadolite." Where were they transferred
8 from early 2003? Where were they transferred from to Gbadolite? Thank you.

9 THE WITNESS: (Interpretation) Your Honour, the events occurred in the province
10 of Ituri, which is about a thousand kilometres from Gbadolite. I don't have the exact
11 distance, but it was quite a distance away from Gbadolite.

12 MS KNEUER:

13 Q. Mr Witness, can you give us an idea of the type and length of the sentences that
14 were passed?

15 A. I no longer recall exactly how long these sentences were, how long the period of
16 imprisonment was, these sentences upon officers and rank and file soldiers.
17 I believe that information must exist, but I no longer recall exactly how many months
18 of prison had to be served by those officers and rank and file soldiers because of those
19 acts of violence and abuse.

20 Q. Do you know if the sentences that were passed were fully or only partially
21 served by the officers and soldiers?

22 A. I couldn't tell you, Counsel, I really didn't follow that file closely. I don't know
23 whether the sentences were served completely or not.

24 Q. Mr Witness, you also mentioned a report that was drawn up, and I'm referring
25 to page 5, line 19. Can you please elaborate a bit more on the report; for example,

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1 who drew up the report, what the purpose was, what it contained, at what time?

2 A. As I said earlier, Counsel, the events occurred in the second quarter of 2002.

3 The trial was held in February 2003. Immediately after the sentences were handed

4 down a message was sent telling the representative of the UN Secretary-General

5 about the events and the decisions taken at that time by the MLC. The context in

6 2002 was quite special since at the same time as these events were occurring,

7 negotiations to reunite the country and to set up a new political order were under

8 way, and so it was necessary for the MLC movement to clear itself of any accusations,

9 accusations -- particularly accusations about acts of violence or abuse committed

10 upon civilians. That is why the MLC was careful to organise the transfer of these

11 soldiers to Gbadolite, to organise a trial to ensure it was covered by the media, and

12 finally to draw up a report or a message for the United Nations because at that time

13 the United Nations was present throughout the entire territory.

14 It was absolutely necessary in 2002 and in 2003 to keep the momentum going for

15 these negotiations, which continued until a number of institutions were established at

16 the end of the first quarter of 2003. That was the context or the backdrop against

17 which the trial occurred and the sanctions were implemented by the MLC.

18 Q. Who within the MLC was responsible for arresting the officers and soldiers,

19 putting them on trial, setting up a military court and organising the trial, as well as

20 implementing the sentences?

21 A. Today I cannot make any clear assertion as to the manner in which the arrests

22 were conducted and the manner in which the decision was taken by the

23 commander-in-chief of the ALC. However, I would think that it was the Chief of

24 General Staff who implemented that decision. I do not know who physically

25 arrested people on the ground. As for the trial, Major Bule, who in the meantime

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1 has become a general, I believe, was designated and the bench of the court I believe
2 included Madam Ebenga, one of the MLC lawyers, was designated to sit on the bench
3 of the court. I no longer have a clear recollection of the full composition of the court,
4 but everything was done to give it the broadest possible media coverage.

5 Q. Was the trial preceded by investigations either conducted by the MLC or an
6 external body?

7 A. The clear desire of the MLC at that time was to call upon lawyers from Kinshasa
8 to be witnesses or parties to the trial. That expressed desire on the part of the MLC
9 was somewhat disturbed or offset by the Kinshasa authorities who did not grant
10 permission for the lawyers to travel to Gbadolite. So, in the end, it was basically
11 people from Gbadolite who conducted the trial. However, there was a clearly
12 demonstrated desire on the part of the MLC to be transparent, but within the limits of
13 what was possible at the time, the trial was in any event conducted with a view to
14 point out that the acts of violence and abuses would not go unpunished. That was
15 the spirit behind the trials.

16 I must also say that another important factor is the media coverage of the trials.
17 Several journalists, particularly the RFI correspondent was in Gbadolite. Other
18 media were also present from Congo and from Uganda, and that was in line with the
19 desire of the MLC to have the broadest possible media coverage of the trial.

20 Q. Did Mr Bemba obtain any military training?

21 A. President Bemba received military training, but I am not able to tell you how
22 long it lasted and I cannot give you specifics as to the content of the training because
23 he received that training well before I joined the MLC.

24 Q. Did Mr Bemba receive a military rank, and if so which one?

25 A. President Bemba was the commander-in-chief of the ALC and his rank was

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1 divisional general. I believe that rank took effect in March 2003, but as you must
2 have read in all documents he was simultaneously the commander-in-chief of the
3 ALC and the chairman of the MLC. His formal rank therefore, as I have said, was
4 bestowed on him in March 2003.

5 PRESIDING JUDGE STEINER: Ms Kneuer, I'm sorry. I would like just to confirm
6 with the witness that it's March 2003, because they say in document here
7 (Redacted), which is document (Redacted) of the Prosecution list, there is a -- it's
8 part of newspaper, the news that he, Mr Bemba, (Redacted)
9 (Redacted) this grade of général de division in

10 February 2002. Could you please just clarify this discrepancy in the dates?

11 THE WITNESS: (Interpretation) I may be mistaken because memory might fail me,
12 but my impression is that it was in 2003. But if you have a document, it clearly must
13 be more reliable than my memory here in reference to the rank of major-general.

14 PRESIDING JUDGE STEINER: I don't have the document here. I have just news
15 from the newspaper, that's why I'm asking for the clarification, although the news
16 makes reference to decision (Redacted)

17 (Redacted). No, it's July, I'm sorry. July 2002. That's why I
18 asked for your clarification.

19 THE WITNESS: (Interpretation) Yes, Madam President, I must be confused. It
20 might, indeed, be July 2002.

21 MS KNEUER:

22 Q. Perhaps, Mr Witness, I can assist in clearing up this confusion. Is there a
23 difference between receiving a rank and that the rank takes effect by pinning the
24 stripes?

25 A. Counsel, you are absolutely right. Maybe the rank was awarded in July 2002,

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1 according to that press clip. I believe that there was a military parade organised in
2 March 2003 at which the various epaulets or stars of the military were conferred upon
3 the individuals. That may be the reason for my mixing up of the dates or the issues.

4 Q. I suggest, Mr Witness, that we take a look at some photographs related to the
5 military parade organised in March 2003 that you just mentioned.

6 MS KNEUER: And if necessary, Madam President, we can at the end still pull up
7 this press article.

8 So I kindly ask the court officer to display (Redacted) on the screen, and
9 perhaps the court usher could also hand back the witness the hard copies. And I just
10 heard the witness is already in possession of them.

11 THE COURT OFFICER: Document (Redacted) is available on the screens
12 and it's a confidential document.

13 MS KNEUER: I forgot to mention that it's number 43 on the list of documents.

14 Q. Mr Witness, do you recall when, where and under which circumstances this
15 photograph was taken?

16 A. Counsel, if I am not mistaken, this was during the parade organised for the
17 conferring of the epaulets and stripes upon the MLC officers. It was in Gbadolite, in
18 a football pitch that was organised or set up for that purpose.

19 Q. Who is depicted in this photograph?

20 A. On this photograph you can see the commander-in-chief of the ALC President
21 Jean-Pierre Bemba and to the right the Chief of General Staff General Amuli.

22 Q. When you say that Mr Amuli is on the right of Mr Bemba, do you mean the
23 right side of Mr Bemba?

24 A. Yes, to his right. Under his arm as you can see with the red beret and the
25 white T-shirt.

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- 1 Q. What is Mr Bemba doing?
- 2 A. President Bemba is greeting the crowd.
- 3 Q. What is Mr Bemba holding in his left hand?
- 4 A. He is holding the baton of command in his left hand.
- 5 Q. Have you seen this swagger stick personally as well?
- 6 A. Yes, Counsel, I have seen it with my own eyes.
- 7 Q. Can it be described as an aluminum or silver-plated cane?
- 8 A. If I am not mistaken, it is made of wood and ivory.
- 9 Q. What is the significance of this baton of command?
- 10 A. I think that this baton of command is a symbol of authority and power for
- 11 soldiers. Now, whether this is an Anglo-Saxon culture or otherwise, all I can say is
- 12 that when I arrived in Gbadolite President Bemba was already the bearer of that
- 13 baton of command, which symbolises power.
- 14 Q. What is Mr Amuli carrying in his right hand?
- 15 A. Colonel Amuli, in his capacity as Chief of General Staff of the ALC, also had a
- 16 swagger stick.
- 17 MS KNEUER: Madam President, the Prosecution tenders this document into
- 18 evidence. It's (Redacted). I don't need this document any more, and I
- 19 kindly ask the court officer to display (Redacted).
- 20 THE COURT OFFICER: Document (Redacted) is available on the screens
- 21 and it's a confidential document.
- 22 MS KNEUER: And it's document number (Redacted) on the list of documents.
- 23 Q. Mr Witness, I will ask the same question again: Can you please explain to the
- 24 Court when, where and under which circumstances this photograph was taken?
- 25 A. Counsel, this photograph was taken at the same rank-conferring ceremony to

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1 the officers of the Army for the Liberation of the Congo, the ALC. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted). Now, this photograph was taken probably at the time of the playing
5 or singing of the national anthem.

6 Q. What is Mr Bemba holding in his left hand?

7 A. He is holding the baton of command, which we saw on the other photograph.

8 Q. We can see Mr Bemba wearing a uniform. How often did Mr Bemba wear his
9 military uniform?

10 A. President Bemba often wore his military uniform on a regular basis. Now,
11 every now and then he would wear a shirt in traditional material, and whenever he
12 travelled he might wear a suit, but while in Gbadolite he was often in military attire.

13 MS KNEUER: The Prosecution moves (Redacted) into evidence. I do not
14 need this document any further, and I kindly ask the court officer to display
15 (Redacted), which is document number 46 on the list of documents.

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

18 MS KNEUER:

19 Q. Mr Witness, when, where and under which circumstances was this picture
20 taken?

21 A. Counsel, the photograph was taken during the same ceremony where ranks
22 were awarded to ALC officers. Here we see President Bemba addressing the local
23 people and the soldiers. I no longer recall the content of the speech, but certainly he
24 must have been taking stock of the situation and so that is what we see in this
25 photograph.

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1 Q. The civilian gentleman on the left side of the photograph in the green shirt,
2 what is this person doing?

3 A. I believe that he is a radio technician. The MLC had a radio transmitter that
4 transmitted on the FM band so that the people could also hear the speech and listen
5 to the news in the territory of the MLC, so I think we can conclude that this person is
6 a technician from the MLC radio transmitter holding a microphone close to
7 Mr Bemba.

8 Q. Parades and ceremonies that you attended, was it a standard procedure that
9 radio technicians were present, and recorded and transmitted speeches of these
10 parades?

11 A. Counsel, the parades were quite exceptional events and they bore witness to
12 many important times within the history of the MLC, so it was customary for the
13 speech given by President Jean-Pierre Bemba to be broadcast widely throughout the
14 entire territory controlled by the MLC. I couldn't say that it was done systematically,
15 but it was customary to broadcast the speeches of the president of the MLC to the
16 population and this was done broadly.

17 Q. Mr Witness, I have one clarification question: You stated on page 14, line 20,
18 that the MLC had a radio transmitter. Could you please clarify for me if that is a
19 radio station?

20 A. Indeed, it was -- it was a transmitter within a radio station. There was a whole
21 unit that handled the operations of that equipment co-ordinated by the national
22 secretary responsible for communications, and that person was a journalist. So,
23 indeed, it was a transmitter and it was possible to broadcast information, news,
24 information from the movement to the population.

25 Q. Who was the owner of this radio station?

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1 A. Well, the radio station was acquired by the movement and so it was owned by
2 the MLC.

3 MS KNEUER: Madam President, your Honours, the Prosecution tenders document
4 (Redacted) into evidence. I don't need this document any longer. I
5 kindly ask the court officer to please display (Redacted), which is number
6 (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 also a confidential document.

9 MS KNEUER:

10 Q. Mr Witness, I will start with my standard question: When, where and under
11 which circumstances was this photograph taken?

12 A. This photograph was taken under the same circumstances; namely, at the
13 ceremony at which ALC officers received their new ranks. (Redacted)
14 (Redacted)
15 (Redacted) probably Colonel Amuli was reading out the decisions taken, that is
16 to say the decisions regarding the new ranks to be given to the ALC officers. The
17 cameraman facing, well, I suppose the footage was kept, I don't know where. I don't
18 recognise the journalist.

19 Q. Who took the decision to confer the rank on the ALC officers?

20 A. Counsel, the decision regarding the ranks was taken by the political/military
21 council of the MLC. So, you see, this was the publication of the decisions by the
22 Chief of General Staff, the general who we see in this photograph. As I said
23 yesterday, the political/military council would make decisions about the life of the
24 movement on an exceptional basis, and the decisions would have to do with
25 disciplinary measures or ranks to be conferred upon officers, and so it was the

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1 military/political council that awarded the ranks to the various officers.

2 Q. (Redacted)

3 A. (Redacted) I would suppose

4 that the decision that is being read out by Colonel Amuli was the one to bring the

5 President Jean-Pierre Bemba up to the rank of major-general. And I think you'll see

6 the symbolism of the political/military council, which was made up of both members

7 of the secretariat general - namely, civilians - and high-ranking officers of the ALC.

8 (Redacted)

9 (Redacted)

10 MS KNEUER: The Prosecution moves (Redacted) into evidence.

11 PRESIDING JUDGE STEINER: Before you go with another piece of evidence,

12 Ms Kneuer, I apologise but I -- again I would like it seek a clarification, more than one

13 by the witness, because the witness here on the page 16, line 14, the question "Who

14 took the decision to confer the rank on the ALC officers?" The witness answers,

15 "Counsel, the decision regarding the ranks was taken by the political/military council

16 of the MLC."

17 Again, I seek clarification taking into account the same document, document (Redacted) of

18 the Prosecution list of evidence, in which it appears that the rank of Mr Bemba was

19 granted by the political/military council in which Colonel Amuli was the highest

20 military rank but granted the rank of général du division to Mr Bemba. But in the

21 same -- in the same newspaper, comes a copy of the many decrees of President Bemba

22 granting ranks to the other officials.

23 So I just would like you to clarify whether the other ranks were granted by Mr Bemba

24 in his capacity as president of the MLC or by the military/political council? Yes,

25 Mr Haynes.

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1 MR HAYNES: Your Honour, I'm getting a bit concerned as to how the transcript is
2 going to read as a result of this line of questioning. Your Honour is referring to a
3 document that is not in evidence and is not on the screen and the witness has not seen,
4 and more particularly nor has Mr Bemba. So I think perhaps the document ought to
5 go on to the screen so that this is being done openly. And secondly, somebody
6 probably ought to seek to move the document into evidence so that the transcript
7 makes sense after all of this.

8 PRESIDING JUDGE STEINER: Mr Haynes, the document will be put on the screen
9 and if the Prosecution at the end of its questioning does not intend to tender the
10 document into evidence the Chamber always has the power to do it. So there will
11 be -- it has not to be done right now, but I agree with Mr Haynes that the document
12 should be put on the screen. So I request, please, court officer, first to display from
13 document (Redacted) of the Prosecution list the document page CAR-OTP-0032-0168.
14 Better saying, court officer, please first display the first page of the newspaper. It is
15 CAR-OTP-0032-0167.

16 THE COURT OFFICER: Madam President, the document CAR-OTP-0032-0167 is
17 available on the screens at that same page.

18 PRESIDING JUDGE STEINER: My first question, Mr Witness, do you recognise this
19 newspaper? Have you ever heard about the existence of this Le Phare?

20 THE WITNESS: (Interpretation) Yes, your Honour, I do recognise this copy of the
21 newspaper.

22 PRESIDING JUDGE STEINER: Is it a newspaper from Kinshasa, as I can see? Do
23 you confirm that?

24 THE WITNESS: (Interpretation) Yes, quite so, your Honour, I can confirm that.

25 PRESIDING JUDGE STEINER: So I ask, please, court officer to turn into the next

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1 page, which is CAR-OTP-0032-0168. At the bottom of the page, if you could
2 please -- can you, say, make it bigger, the half-bottom of the page? Can you see,
3 Mr Witness, on page 2 of this newspaper, the copy of this newspaper, this -- the
4 "Conseil politico-militaire de la libération décision numéro 001/CPML/07/2002" in
5 which it appears that the conseil politico-militaire granted the rank of général du
6 division to Mr Bemba. Do you confirm that?

7 THE WITNESS: (Interpretation) Yes, quite so, your Honour, I confirm that.

8 PRESIDING JUDGE STEINER: Can you confirm, as well, that at the end of the
9 document it is "Ainsi fait à Gbadolite 13 juillet 2002?"

10 THE INTERPRETER: Done in Gbadolite 13 July 2002.

11 THE WITNESS: (Interpretation) I can confirm that as well, your Honour. Now, I
12 must add some context, some background information. On 19 April 2002 we signed
13 what was called, in ordinary terms, the Cascading Agreements in Sun City. These
14 agreements had been negotiated amongst the members of the delegation of the
15 government from Kinshasa and the MLC delegation members. In short, these
16 agreements recognised that President Kabila would serve as president of the republic
17 and President Jean-Pierre Bemba would serve as prime minister.

18 The weeks following the signature of these agreements were the subject of
19 negotiations between the government and the MLC. These negotiations led -- at the
20 end of June 2002 ended in failure, and that is why in July 2002 it was important to
21 reassure the soldiers of the ALC that despite the failure of the political talks with the
22 government in Kinshasa the struggle would continue and for that reason the
23 political/military council was called upon to take this decision.

24 Against this backdrop, this decision was intended to reassure the officers and the
25 rank and file that there were no -- that there was no difference in viewpoint between

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1 the political branch, which had negotiated with the government in Kinshasa and
2 failed, and the military branch. So that was the context in which 13 July the
3 political/military council signed this decision. So that was the context. I just
4 wanted to explain it to you.

5 PRESIDING JUDGE STEINER: Thank you, Mr Witness. But in the same page,
6 soon after the names of the members of the conseil politico-militaire we see what
7 appears to be the decree signed by or issued by the president of the MLC nominating
8 officers of the ALC army. It's not any more the conseil politico-militaire, and this is
9 the clarification I wanted because you said that these ranks were granted by the
10 conseil politico-militaire.

11 So I wanted you to give a look in the following decree, and soon after I ask please the
12 court officer to display page 6 of the newspaper, which is document
13 CAR-OTP-0032-0172. It's a series of decrees by which the president of the MLC, in
14 his capacity as commandant chef de l'armée de la libération decides to grant ranks to
15 a number of officials. I wanted you, please, to check whether this information is
16 correct.

17 THE WITNESS: (Interpretation) Your Honour, I reminded the Court that the
18 political council -- political/military council met only on very exceptional -- on a very
19 exceptional basis, and this council was really a rubber stamp. There was no
20 particular debate. Proof of this is that the decision of 12 and 13 July 2002 was the
21 very first one; decision 0001 of the political/military council. The council did not
22 even meet during the first seven months of the year to make any decision; it only took
23 a decision in July. So you can see that the council met only very rarely.
24 What's more, I explained the context to you. It was important to reassure the
25 officers, this was a time when political negotiations were under way, difficult

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1 negotiations with the government in Kinshasa, and there could be no division or no
2 doubt in the minds or the spirits of the officers and the ordinary soldiers of the MLC.
3 And if you look carefully at the appointments, you will see that the appointments
4 were made by the president of the MLC but the very last line, just before the first
5 article is cited, there is a reminder -- well, it says that this is on the advice of the
6 political/military council. By the single decision that was taken to bring Mr Bemba
7 up to the major-general level, or rank, as president of the movement, in light of his
8 authority, he was the one to -- who decided to appoint Colonel Amuli to the rank of
9 major-general, and he also was the one who decided to appoint other officers to their
10 respective ranks.
11 Each time, each time a decree was issued by President Jean-Pierre Bemba he was
12 careful to do this for form's sake and to mention that the appointment was made
13 upon the advice of the political/military council. One could have added in the
14 clauses starting with "whereas," that the president himself was raised to that
15 particular rank by the military/political council but that wasn't done. But each time,
16 you see, he was careful to say that it was on the advice of the political/military
17 council.
18 So, you see, it was for form's sake, it was for -- but really only President Jean-Pierre
19 Bemba benefited from the decision of the political/military council, the official
20 decision, but all the other measures taken by President Bemba that took the form of a
21 decree, each time he was careful to say that it was upon the advice of the council. So
22 you can see how these decisions were issued.
23 The first one, decree 016, was the one that raised General Amuli to the rank of
24 major-general. You must also realise, your Honour, that this was in the year 2002.
25 A process was already underway, and the aim was to reunite the armies, and so it

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1 was important to reassure each officer by awarding him a rank that he would be able
2 to mention when the various armies were reunited and those discussions continued
3 and led to the integration of the FRDC into the Congolese army. And it was also a
4 very important time for each one of these officers. It was important for them to have
5 a certain rank that they could ask for when the units were reunited, and that was
6 quite -- very much to be expected because the negotiations were underway to that
7 effect with the government in Kinshasa.

8 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, and I apologise
9 to the Prosecution for taking so long from the Prosecution time of questioning.

10 And we have to go now into our break. Mr Witness, it is 5-past-11. We'll have
11 half-an-hour break. We will resume at 11.35.

12 I ask, please, court usher to accompany the witness outside the courtroom and, court
13 officer, the document can be taken from the -- from the screens, at least for the time
14 being.

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 11.05 a.m.)

18 (Upon resuming in closed session at 11.39 a.m.) Reclassified into Open session

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

20 PRESIDING JUDGE STEINER: Welcome back. I was told that Mr Haynes would
21 like to address the Bench. Mr Haynes, you want to do it in closed or open session?

22 MR HAYNES: Probably closed session, to be safe.

23 PRESIDING JUDGE STEINER: Please, you have the floor, Mr Haynes.

24 MR HAYNES: It's a very short matter, your Honour. I'd like the leave of the
25 Chamber to add two documents to our list for this witness. They are

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1 CAR-D04-0002-1481 and CAR-D04-0002-1499. They have been previously used in
2 examination of a witness earlier in the case, although the Chamber did not admit
3 them then into evidence, and so that there is no secret, they are the orders of the
4 conseil politico-militaire which underlie the newspaper report you've just been
5 referring to.

6 PRESIDING JUDGE STEINER: When you say that the Chamber did not admit them
7 into evidence, it was part of the Chamber's decision on evidence?

8 MR HAYNES: I'll check that, but I believe so, yes. They certainly don't have an
9 EVD-T number at the moment and I have a vivid recollection that I used them in the
10 questioning of a witness last year.

11 PRESIDING JUDGE STEINER: Yes. We just need to check whether they were
12 tendered into evidence, but --

13 MR HAYNES: Yes. Either way they are not in evidence at the moment but, given
14 that we're -- that this tranche of information has now been opened, it seemed to us
15 rather better to refer the witness in due course to the actual decrees themselves.

16 PRESIDING JUDGE STEINER: Ms Kneuer?

17 MS KNEUER: No objections.

18 PRESIDING JUDGE STEINER: So what you are saying, Mr Haynes, is that you are
19 going -- you are adding to your list of documents? You have not decided yet
20 whether you are going to tender these documents into evidence, just to make it clear?

21 MR HAYNES: Yes, I will add them to the list of documents. It is almost certain
22 that we will indicate on the amended list that we intend to tender them into evidence.

23 PRESIDING JUDGE STEINER: Thank you.

24 Ms Kneuer?

25 MS KNEUER: And at that time the Prosecution would via email respond if there are

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1 any objections to the tendering.

2 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer.

3 Could, please, court officer bring the witness in.

4 (The witness enters the courtroom)

5 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

7 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

8 THE WITNESS: (Interpretation) Yes, I am, your Honour.

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

10 MS KNEUER: Thank you, Madam President. Welcome back, sir. Madam

11 President, your Honours, I was about to use the Le Phare article myself, so the only

12 thing that is at this stage left for me is to tender CAR-OTP-0032-0167 into evidence. I

13 may have to come back to that document at a later stage.

14 PRESIDING JUDGE STEINER: Sorry, Ms Kneuer, which number in your list is the

15 document you just tendered?

16 MS KNEUER: It is document 25 on the list of documents, and the ERN number is

17 CAR-OTP-0032-0167.

18 PRESIDING JUDGE STEINER: Mr Haynes.

19 MR HAYNES: Can I be clear what it is Ms Kneuer is proposing? Is she proposing

20 that the whole newspaper goes into evidence, or only those pages which have been

21 used by the witness?

22 MS KNEUER: The Prosecution is tendering the entire document.

23 PRESIDING JUDGE STEINER: Clear, Mr Haynes?

24 MR HAYNES: Well, it's clear what Ms Kneuer said. I'm interested to know for

25 what purpose the remainder of the newspaper is being tendered into evidence that

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1 the witness hasn't dealt with. Is it said that all the reports in that newspaper are true
2 and probative evidence in this case?

3 PRESIDING JUDGE STEINER: I'll give the opportunity to Ms Kneuer to respond,
4 but I think in more than one occasion the Chamber has stated that the
5 Chamber favours the tendering of documents as a whole instead of parts of a
6 document into evidence. Any comment, Ms Kneuer?

7 MS KNEUER: Madam President, the Prosecution was looking up the respective
8 majority ruling, and I'm referring to paragraph 11 of decision 1470.

9 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer.

10 MS KNEUER: Of course, Madam President, in the most recent decision of your
11 Honours 2012, there are more references to this majority ruling but I don't have them
12 handy at this moment.

13 PRESIDING JUDGE STEINER: I think the reference to the decision 1470 it's enough,
14 and the Chamber will decide in due time in relation to the admissibility of the
15 document as a whole. Anything else, Ms Kneuer? You can proceed with your
16 questioning.

17 MS KNEUER: Thank you, Madam President. I ask the court officer to please
18 display CAR-OTP-0046-0081, which is document (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, when, where and under which circumstances was this photograph
23 taken?

24 A. Counsel, the photograph was taken under the same circumstances as the
25 previous photographs; namely, the grades-conferring ceremony to the MLC officers.

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1 You can see on that photograph to the extreme left François Mwamba, and next to
2 him in a green beret Colonel Mongapa. Then next to him in a blue suit Samuel
3 Simene, and in the centre President Jean-Pierre Bemba. To the right in a green beret
4 Alain Munanga.

5 Those are all members of the political and military council, and it is my take that the
6 photograph was taken while Colonel Amuli was reading out the decision raising
7 President Jean-Pierre Bemba to the rank of major-general. It is for that reason that
8 members of the political and military committee are all standing. I think the
9 photograph was taken when that decision was being read out.

10 Q. What was the function or position of Mr Simene in the MLC?

11 A. I believe, Counsel, at that time Mr Simene was in charge of finances, while
12 Mr Mwamba was in charge of external relations. I may be mistaken, but I believe
13 that those are the positions they held at that time.

14 Q. What is the soldier with the red beret, standing between Mr Simene and
15 Mr Bemba, holding in his hands?

16 A. He is carrying a Kalashnikov, and he was one of the close bodyguards of
17 President Jean-Pierre Bemba.

18 Q. Is there anything else you wish to add with regards to this photograph?

19 A. No, Counsel, nothing further.

20 MS KNEUER: Madam President, your Honours, the Prosecution tenders document
21 CAR-OTP-0046-0081 into evidence. I don't need the document any more, and ask
22 the court officer to please display CAR-OTP-0046-0083 which is document 51 on the
23 list of documents.

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

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1 MS KNEUER:

2 Q. Mr Witness, what can you tell us about this document, this photograph?

3 A. Counsel, this photograph is part of the bundle of photographs along with the
4 others we have seen. We can see Colonel Amuli reading out the decision and there's
5 Colonel Alongaboni to his right, a member of the political and military council which
6 made the decision, and then there's François Mwamba and Colonel Mongapa, in that
7 order.

8 Q. And this speech or reading out of the order by Mr Amuli was captured again by
9 the media; is that correct?

10 A. Yes, indeed, Counsel, the voice of Colonel Amuli was indeed recorded by the
11 media.

12 MS KNEUER: The Prosecution is tendering (Redacted) into evidence. I
13 ask the court officer to please display now (Redacted), which is document
14 number (Redacted) on the list of documents.

15 Q. Mr Witness, can you please tell us what you can see on the (Redacted)?

16 A. (Redacted)

17 (Redacted)

18 (Redacted).

19 Q. Was this pinning the rank on Mr Bemba transmitted by the media?

20 A. Yes, Counsel. Yes, the ceremony was indeed covered by the media.

21 Q. Can you confirm that the gentleman behind the soldier wearing a red hat is
22 holding a camera?

23 A. Yes, I can confirm that.

24 MS KNEUER: The Prosecution is tendering document (Redacted) into
25 evidence. I kindly ask the court officer to please display (Redacted), which

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1 is document (Redacted) on the list of documents.

2 Q. Mr Witness, what can you tell us about this photograph?

3 A. Once again, this is one of the pictures of the ceremony. President Jean-Pierre
4 Bemba is now raising Colonel Amuli to the rank of major-general in accordance with
5 the decree that President Jean-Pierre Bemba had signed.

6 Q. At that time in 2003, how many major-generals did the MLC have?

7 A. The MLC had two major-generals: President Jean-Pierre Bemba and the Chief
8 of General Staff.

9 MS KNEUER: The Prosecution is tendering document CAR-OTP-0046-0090 into
10 evidence. Can the court officer please display CAR-OTP-0046-0106, which is
11 document 55 on the list of documents?

12 Q. Mr Witness, when, where and under which circumstances was this photograph
13 taken?

14 A. Counsel, this photograph was taken at the same ceremony when the ranks were
15 being awarded to the officers of the MLC. Here we see three of the officers who
16 were being raised to the rank of general. To the left, green beret and wearing
17 glasses - sunglasses - Colonel Mongapa; in the middle I've forgotten the name of this
18 officer; and wearing a lighter green beret Colonel Mustapha. You'll also see one
19 particular detail. The MONUC observers attended this ceremony, for we can see
20 some of these people on the podium wearing -- wearing blue berets.

21 Q. I have two clarification questions, Mr Witness. One is maybe a mistake in the
22 record, in the transcript. In the transcript it reads that, "These officers were raised to
23 the rank of general." Did you say and mean "general," or did you mean a different
24 rank?

25 A. Counsel, I believe that they were raised to the rank of general. You would

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1 have to refer to the decree drawn up by the president, Jean-Pierre Bemba, and that is
2 to be found in the article in Le Phare newspaper.

3 Q. Before I will ask the court officer to bring up the Le Phare article, can you please
4 specify the MONUC observers in the photograph? You referred to them being on
5 the podium, wearing blue berets. Do you mean the persons on the left-hand side
6 with the baseball caps in blue?

7 A. Yes, the person to the left who is wearing a blue cap.

8 Q. Do you know why the MONUC observers attended this parade in March 2003?

9 A. They were carrying out their mission, which was to observe, and probably they
10 had been invited to attend the ceremony, which was not a confidential ceremony, it
11 was a public event, and as such the local people had been invited to attend the event,
12 as well as observers from MONUC who were deployed in the town of Gbadolite.

13 MS KNEUER: The Prosecution moves CAR-OTP-0046-0106 into evidence, and I
14 kindly ask the court officer to again display document CAR-OTP-0032-0167 and to
15 display page 0 -- sorry, 0172, the upper part of that page, please.

16 THE COURT OFFICER: Document CAR-OTP-0032-0172 is available on the screens.
17 It's page -- it's one of the pages of document CAR-OTP-0032-0167.

18 MS KNEUER:

19 Q. Mr Witness, can you please take your time and read for yourself from the
20 beginning of the article perhaps until after Article 1, capturing the beginning of the
21 third column? Sir, I'm not sure how the document is being displayed on your screen.
22 Can you read the left column entirely, or should it be moved for your convenience?

23 A. No, Counsel, I can read the columns and recognise that, yes, indeed the three
24 people are receiving the rank of colonel, not general, so Colonel Mongapa, Colonel
25 Mabanga and Colonel Mustapha. So the person in the middle is Colonel Mabanga,

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1 and allow me to correct the mistake. They are receiving the rank of colonel. That is
2 the rank that is being given to them by President Jean-Pierre Bemba.

3 Q. Just for the sake of the clarity of the record, when you are referring to a person
4 in the middle, do you mean the photo that was previously displayed with the number
5 CAR-OTP-0046-0106?

6 A. Exactly, Counsel.

7 Q. Thank you very much, sir. And you already had confirmed the questions of
8 Madam President that these ranks were awarded to the officers in July 2002; correct?

9 A. Indeed, Counsel.

10 MS KNEUER: I don't need this document any more, and the Prosecution already
11 moved it into evidence, so I would like to turn now to document CAR-OTP-0046-0111,
12 which is document number 56 on the list of documents.

13 Q. Mr Witness, what can you tell us about this photograph?

14 A. Counsel, this photograph was taken at the same event; namely, the awarding of
15 ranks to MLC officers. And here we see the two officers, President Jean-Pierre
16 Bemba, who is about to award the stars to Colonel Mustapha.

17 Q. What was the position of Colonel Mustapha in the MLC?

18 A. At that time -- of course (Redacted)
19 (Redacted). I believe that Colonel Mustapha certainly
20 would have been leading a brigade at that time, but since I wasn't involved in the
21 activities of the military headquarters I can't confirm specifically.

22 Q. Who was the officer in charge in the field during the CAR operation from
23 October 2002 until March 2003?

24 A. It was Colonel Mustapha who was in charge of that operation between 2002 and
25 2003.

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1 Q. Have you heard about any abuses during this operation by the MLC soldiers
2 against civilians of the Central African Republic?

3 A. That information was broadly distributed through the international press; in
4 particular, by Radio France Internationale, RFI, in a way like the information that RFI
5 was broadcasting about Ituri, so it was through those media that we learned that
6 abuses had been committed.

7 Q. Which abuses did the RFI report related to the operation in the Central African
8 Republic?

9 A. Well, if I remember correctly, RFI reported acts of sexual violence and they also
10 reported cases of looting. Basically, those were the abuses that were reported on.
11 The FIDH, the Human Rights Federation, also reported on that. That radio station
12 reported on such events.

13 Q. Did the ceremony take place after the MLC troops withdrew from the Central
14 African Republic in March 2003?

15 A. The withdrawal of the troops was effective as of 15 March 2003. When I say
16 "effective," what I mean by that is the MLC was not supposed to have any more
17 troops in the Central African Republic as of that date, and that corresponded to a
18 commitment made by President Jean-Pierre Bemba on 16 January 2003.

19 Q. The ceremony of rank for the MLC officers that is depicted in this picture in
20 front of you and the others you already have commented on in March 2003, was
21 this -- did this ceremony take place after 15 March 2003?

22 A. As far as I cast my memory back, well, I can't really answer that question,
23 Counsel.

24 Q. As of when did RFI report about the abuses by the MLC soldiers against the
25 civilians in the Central African Republic?

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1 A. As of November, Counsel, November 2002, unless I'm mistaken. (Redacted)
2 (Redacted) it
3 was through that media that we learned, that we received information, about the
4 situation in the Central African Republic.

5 Q. Mr Witness, you stated earlier that Colonel Mustapha received the rank of
6 colonel in July 2002 and that Mr Bemba pinned the rank on him during the ceremony
7 in March 2003. You also stated that Mr Mustapha was the commander of the
8 operation in the Central African Republic and that the RFI was reporting about acts of
9 sexual violence and pillaging as of November 2002. And you further stated this
10 morning that Mr Ngalimu, who was in charge of the Mambasa operation, was
11 sanctioned by the military court for the abuses that occurred in Ituri.

12 Did you receive any information, (Redacted)
13 (Redacted), why Mr Ngalimu was sanctioned for crimes of the MLC troops that
14 were committed in Ituri and Mr Mustapha, who was in charge in the field of the
15 operation in the Central African Republic, was not charged or sanctioned, rather
16 promoted, in March 2003?

17 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

18 MR HAYNES: We do have a practice that references are given to -- when counsel
19 prefaces a question with a series of assertions that the witness has previously said
20 things. I'd like just one reference, the reference to where the witness is said to have
21 said that Mr Bemba pinned this award on him in March 2003.

22 MS KNEUER: Madam President, I understand that counsel would be satisfied if I
23 provide one reference. I'm happy to provide of course all of them; for example, page
24 10, line 24, to page 3 -- to page 11, line 3, and I will read it out, "Counsel, you are
25 absolutely right. Maybe the rank was awarded in July 2002, according to that press

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1 clip. I believe that there was a military parade organised in March 2003 at which the
2 various epaulets or stars of the military were conferred upon the individuals."

3 Of course I'm happy to find the reference when the witness responded to Madam
4 President. This would be page 33, lines 20 to 23. Madam President, do you want
5 me to continue, or is this satisfactory?

6 PRESIDING JUDGE STEINER: For me it's more than satisfactory, because we've
7 been talking about these pictures taken on the ceremony in March 2003 for almost
8 two hours, unless Mr Haynes needs some more precise information?

9 MR HAYNES: I don't believe the witness has ever confirmed that this ceremony
10 took place in March 2003, and the last question he was asked just before this was the
11 question, "Did this ceremony take place after 15 March 2003 when the troops returned
12 from the Central African Republic?", and he said he didn't know.

13 PRESIDING JUDGE STEINER: But the point is whether it was after or before, not
14 the fact that it was March. This is your doubt?

15 MR HAYNES: Well, let's be realistic, your Honour. It can't have been before
16 March, 15 March 2003, can it, because if it were Mustapha wouldn't have been there?

17 PRESIDING JUDGE STEINER: Ms Kneuer, you can continue, please.

18 MS KNEUER: Thank you very much, Madam President.

19 Q. Mr Witness, counsel were in a minor debate, and for your convenience I will
20 repeat my question and I will read it from the transcript, page 35, line 21, and I quote,
21 "Mr Witness, you stated earlier that Colonel Mustapha received the rank of colonel in
22 July 2002 and that Mr Bemba pinned the rank on him during the ceremony in
23 March 2003." You also stated that Mr Mustapha was the commander of the
24 operation in the Central African Republic and that the RFI was reporting about acts of
25 sexual violence and pillaging as of November 2002, and you further stated this

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1 morning that Mr Ngalimu, who was in charge of the Mambasa operation, was
2 sanctioned by the military court for the abuses that occurred in Ituri.
3 Did you receive any information (Redacted)
4 why Mr Ngalimu was sanctioned for crimes of the MLC troops that were committed
5 in Ituri and Mr Mustapha, who was in charge in the field of the operation of the
6 Central African Republic, was not charged or sanctioned, rather promoted, in
7 March 2003?
8 A. Counsel, investigations, or at least one investigation was initiated regarding
9 information that was broadcast by RFI regarding the Sibut locality. At that time,
10 President Jean-Pierre Bemba dispatched Colonel Thomas Luhaka to Sibut to
11 cross-check the veracity of the information that was being broadcast. Colonel
12 Luhaka travelled to Sibut by helicopter in February. I may be mistaken, because
13 there is no written report, but in any event the assertions made over Radio France
14 Internationale were baseless. So that is an example of what was done.
15 Counsel, what I can say is that the situation between the Ituri and the Central African
16 Republic could not -- at least as far as Ituri is concerned, could not be compared. In
17 Ituri, and within the context I have already mentioned, we were fully aware that the
18 MLC needed to take every possible measure regarding the abuses or the acts of
19 violence that had been pointed out, but the situation in the Central African Republic
20 could not be compared to the one in the Ituri. First of all, it was not within the
21 territory of the Republic of the Congo, secondly the troops had not been deployed to
22 fight a Congolese movement, third Central African authorities were involved in the
23 operation, and so one cannot compare the two situations.
24 The responsibility of the MLC in the Ituri was complete and total to the extent that it
25 was not shared with anyone else. However, in the Central African Republic the

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1 responsibility of the MLC was not complete, full and total, because it was not -- well,
2 because the MLC was not so to speak fully responsible as such.

3 As previously stated, the MLC made every effort to maintain discipline among its
4 troops. This, however, does not in any way exonerate the MLC from responsibility
5 for any acts of violence or abuses. Your question tends to ask me to compare two
6 situations that are not comparable, although the activities unfolded concomitantly;
7 that is, during the same time.

8 MS KNEUER: The Prosecution is moving CAR-OTP-0046-0111 into evidence, and I
9 ask the court officer to please display CAR-OTP-0046-0116.

10 Q. Mr Witness, when, where and under which circumstances was this photograph
11 taken?

12 A. This photograph was taken at the end of the ceremony at which ranks were
13 conferred upon the officers. A reception had been organised following the event in
14 the gardens of President Jean-Pierre Bemba's residence. During that reception this
15 photograph was taken, on which you can see President Jean-Pierre Bemba having a
16 discussion with Colonel Mustapha.

17 Q. Do you know how the relationship between Mr Bemba and Mr Mustapha was?

18 A. I cannot guess what the nature of their relationship was. All I can say, it was a
19 hierarchical relationship between the president of the movement and one of his senior
20 officers. Beyond that these will be matters that I cannot offer any guesses on as to
21 what the nature of the relationship between President Jean-Pierre Bemba and Colonel
22 Mustapha was.

23 Q. Looking at the emblems that Mr Bemba and Mr Mustapha are wearing, would
24 you mind to please describe them in terms of colours, stripes and stars?

25 A. Counsel, I am not very versed in military matters, but we can see from the

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1 photograph that President Jean-Pierre Bemba is wearing red epaulets with two stars,
2 and that would correspond to the rank of major-general; and the third star, if it were
3 there, would be that of a lieutenant-general, I believe. But in any event, if you see
4 the three stars on Mustapha's epaulets, that would represent the rank of a colonel, as
5 you can see on the photograph.

6 MS KNEUER: The Prosecution is moving document CAR-OTP-0046-0116 into
7 evidence. Can the court officer please display CAR-OTP-0046-0170, which is
8 document number 59 on the list of documents.

9 Q. Mr Witness, when, where and under which circumstances was this photograph
10 taken?

11 A. Counsel, as I stated a short while ago, this photograph was taken at the
12 reception that was held immediately after the ceremony at which officers of the MLC
13 were conferred new grades. On that photograph you see the officers who were
14 raised to different ranks pursuant to President Jean-Pierre Bemba's decree.

15 Q. Can you provide some names of the officers that are depicted in this
16 photograph?

17 A. I can mention a few names, but I might not be able to name all the officers on
18 the photograph (Redacted)

19 (Redacted). Extreme left, green beret,

20 Commander Kitenge, whom as we saw in a previous document was the Chief of
21 General Staff.

22 THE INTERPRETER: AI, says the witness.

23 THE WITNESS: (Interpretation) And then to the left in -- rather, to the right, in a
24 red beret is Colonel Peter, who was the junior brother of General Amuli, and then in a
25 green cap you see Colonel Alongaboni. I do not recognise the person in the front in

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1 a green beret.

2 Now, first line to the right in the middle you have Colonel Mustapha. I do not

3 recognise the other two people to the extreme right, but there is Colonel Samba.

4 And then around President Bemba, to his right, you have Colonel Mongapa who has

5 an emblem on his beret, and to the right of President Bemba is Commander Ndima

6 and behind him, at the top, you have General Bule. Those are the people I can

7 recognise, Counsel. I don't have the names of the other officers (Redacted)

8 (Redacted) and so it's difficult for me to put a name to each face.

9 MS KNEUER: Madam President, the Prosecution tenders document

10 CAR-OTP-0046-0170.

11 PRESIDING JUDGE STEINER: Mr Haynes.

12 MR HAYNES: Your Honour, I suppose I could deal with this in cross-examination

13 but it might save time since the document is on the screen. It's going to be very

14 difficult to make sense of the witness's answer on the transcript later. I wonder at

15 this stage whether it might not be an expedient idea if he simply circled the face of

16 Colonel Mustapha because, as you know, other witnesses have purported to identify

17 him from other photographic material and the Bench might, in due course, want to

18 have some form of pictorial comparison. It is only a suggestion. As I say, I can

19 bring the photo back up later, but while we are here it seems to me it would make

20 sense of his answer which is going to be very hard to read with him saying go one to

21 the right, go up a level, and things like that. I don't think there's anybody else of any

22 relevance that we might want him to indicate, but Mustapha I would have thought

23 we do.

24 PRESIDING JUDGE STEINER: I don't have any reference to Mustapha being in this

25 picture. Could, please, the witness confirm that Mustapha is depicted here? I took

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1 note of the names, and I don't have the name of Colonel Mustapha here. Who is
2 Colonel Mustapha, please? Could you please describe exactly in which position and
3 which beret Colonel Mustapha is wearing?

4 THE WITNESS: (Interpretation) Madam President, Colonel Mustapha is in the
5 front, right in the middle of the photograph, in front of President Bemba. He is
6 wearing a wristwatch on his left arm, and it is a golden wristwatch.

7 PRESIDING JUDGE STEINER: It is on the right side of the person that you said you
8 cannot identify, the person that is with a different uniform?

9 THE WITNESS: (Interpretation) Yes, that is correct, Madam President. He is
10 right at the centre of the photograph.

11 PRESIDING JUDGE STEINER: Is that enough, Mr Haynes?

12 MR HAYNES: Absolutely, your Honour, it is, yes. That's clear now.

13 MS KNEUER: Madam President, I'm about to move to a new topic and with your
14 leave I would prefer to do so after the break.

15 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer. Mr Witness,
16 we'll have now our lunch-break. It's almost 1 o'clock. We will resume at 2.30. I
17 ask, please, the court usher to accompany the witness outside the courtroom. We
18 will suspend and resume at 2.30.

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

21 (Recess taken at 12.56 p.m.)

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

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

24 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

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

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome back.

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

4 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

5 THE WITNESS: (Interpretation) Yes, I am, your Honour.

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

7 MS KNEUER: Thank you, Madam President.

8 Q. Good afternoon, sir.

9 A. Good afternoon, Counsel.

10 Q. Mr Witness, yesterday you stated that (Redacted)

11 (Redacted), and that

12 Mr Bemba (Redacted), which is the same

13 transcript, (Redacted). Who made appointments to positions in the military

14 wing?

15 A. Counsel, the military branch came under the command of the president of the

16 MLC, and as such the commander-in-chief of the MLC made the decision and had

17 authority over the military branch.

18 Q. Was there any other individual, despite the president of the MLC, who made

19 appointments to positions either in the military or political wing?

20 A. Counsel, to my knowledge there was no other person, no one other than the

21 president of the movement, who had the power to take such decisions.

22 Q. Was it possible in the MLC to have open-minded discussions, or question

23 decisions that were taken?

24 A. Well, a decision is not debatable. If you were to ask me "Could we make some

25 proposals to the president of the MLC?", indeed one could make proposals to the

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1 president, but to discuss a decision? Well, that would be a sign of a lack of discipline.

2 So decisions were not debatable.

3 Q. Did it ever happen that someone challenged a decision that was already taken?

4 A. I don't remember -- well, within the political branch, I don't remember any
5 challenges of decisions taken. As for the military side of the organisation (Redacted)
6 (Redacted), but I would say definitely, yes, when it comes to
7 the political branch.

8 Q. Mr Witness, I need your assistance to clarify the record. Currently it reads in
9 the transcript, and I quote from (Redacted), "I don't remember -- well, within the
10 (Redacted), I don't remember any challenges of decisions taken," and then on
11 (Redacted), it reads, "... but I would say definitely, yes, when it comes to the
12 (Redacted)." Could you please clarify (Redacted)
13 (Redacted)?

14 A. There were no challenges of decisions taken. (Redacted)
15 questioned the decisions taken by the president of movement.
16 Counsel, may I add something? I believe you're talking about formal challenges,
17 formal opposition, to a decision taken by the president, Jean-Pierre Bemba. There
18 never were any formal challenges. Of course there may have been some differences
19 of opinion, or doubts. There may have been difficulties applying some decisions,
20 that's quite obvious, (Redacted) to ensure that
21 decisions taken by the president would never be doubted or challenged by anyone at
22 all. The issue at stake was the survival of the movement in its entirety. We were
23 aware of that. And yesterday I said that other liberation movements had
24 experienced division because the authority within those movements was questioned,
25 but that never happened in the political branch of the MLC.

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1 Q. Let's put aside formal or even legal challenges. You mentioned, and I quote
2 from (Redacted), "There may have been some differences of opinion, or
3 doubts," quotation end, and further on that page, lines 20 and 21, I quote, "There may
4 have been difficulties applying some decisions," quotation end. What do you mean
5 by that? Can you further elaborate on this and eventually provide an example?

6 A. One of the examples that I think is most revealing certainly was the negotiations
7 that led in April 2002 to the agreement between the government and the MLC, the
8 Sun City agreement. That agreement was never implemented, and obviously a part
9 of the political branch was surprised that the agreement was not implemented and
10 beyond their surprise or astonishment I think there was some doubt within one part
11 of the political branch so that would be one example, quite a revealing one.
12 However, that never was really spoken of publicly. There were never any public
13 challenges or refusals. You asked me for an example, so there's one example.

14 Q. Why is it that this agreement was never implemented?

15 A. I have no specific answer to that question. I believe that the president of the
16 MLC was not ready to endorse that agreement, which in any event had not received
17 the blessing of the sponsor of the movement; namely Uganda. I think those are the
18 two probable reasons. President Jean-Pierre Bemba in no way at that time would
19 consider collaborating with the Kinshasa government and certainly not -- he was not
20 willing to become the prime minister serving under President Kabila. Nonetheless,
21 in the second half of that same year (Redacted) that was clearly less
22 favourable to the MLC and I believe that year, 2002, was an extremely difficult one for
23 the political branch of the organisation.

24 Q. Yesterday you talked about coffee exports, and I'm referring to transcript 207,
25 English real-time, (Redacted), and I'm quoting one sentence from line 7

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1 onwards, "Since the region that the MLC was occupying produced coffee and that
2 coffee would go through the Central African Republic and then on to the Cameroon
3 and the port of Douala." Can you explain what the geographical significance of the
4 CAR was to the MLC?

5 A. In the history of the MLC, Counsel, I would say there are several periods. The
6 first one went from 1999 to 2001, and that was a period of time during which there
7 was support - well, I would say even 1998 to 2001 -- support with an exclusive rear
8 base, the support of Uganda and the Ugandan regular forces. The Ugandan forces
9 provided support to the MLC in their operations to conquer in the northern part of
10 the Congo. Once the town of Gbadolite was captured in July 1999, Uganda
11 continued to support, well, no longer the MLC, for its attempts to conquer more
12 territory, but rather to gain some terrain and Uganda favoured the setting up of a
13 broad movement for the liberation of the Congo for the reasons that I mentioned
14 yesterday and that was the result of the ceasefire agreement signed in Lusaka. The
15 Congolese Liberation Front appeared on 16 February 2001 and the administration of
16 the MLC and the RCD-K/ML were combined, the two administrations were combined,
17 and as such the territory covered quite a broad expanse; as I said yesterday, between
18 the extreme west to the border of the Central African Republic and Brazzaville and
19 then to the east, all the way to Ituri. The Congolese Liberation Front did not survive.
20 The management and dissension began to occur between the two movements and the
21 dissent provoked an armed conflict and this division between the RCD-K/ML and the
22 MLC appeared once again because of this conflict. From 2001 on the Central African
23 Republic became a second base for the MLC, a support base so to speak. 2001 to the
24 end of May, that was when the -- there was the attempt to overthrow President
25 Patassé by Mr Kolingba and that attempt to overthrow him failed, partly because of

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1 the involvement of the MLC intervening to help to support President Patassé, and
2 consequently Uganda was the rear base of operations so to speak and then there was
3 a second rear base, namely the Central African Republic, mostly the capital, Bangui,
4 and this second rear base had an advantage. It was much closer to Gbadolite. This
5 second rear base made it possible to have certain facilities.
6 Now, although the relationship with Bangui go back to before this time, they were
7 very much affected by this attempted overthrowal of the president. We had dealings
8 with Bangui before that time, but not the same level of trust because of the support
9 given by the MLC to President Patassé in 2001. So there you have it. That is a brief
10 history of the movement from 1999, the taking of Gbadolite in 2001, later on Bangui
11 becoming a very important base for the MLC.

12 Q. What type of relationship did Mr Bemba and Mr Patassé have?

13 A. (Redacted)

14 (Redacted). There was an attempt to achieve reconciliation between the
15 Kinshasa government and the MLC. That attempt was initiated owing to the
16 presence within the Kinshasa government of Mr Jeannot Bemba, the father of
17 President Jean-Pierre Bemba, and (Redacted)
18 (Redacted) where he was expected to discuss arrangements for reconciliation
19 under President Patassé with the good offices of Mr Jeannot Bemba and (Redacted)
20 (Redacted). I believe that
21 (Redacted) with the prime minister of the Central
22 African Republic and to discuss a number of administrative problems with him. For
23 the most part, the payment of certain invoices for the supply of electricity from the
24 Mobaye dam, not far from Gbadolite, a dam that provided electricity to a locality in
25 the Central African Republic, and (Redacted) the possibility of trading electricity

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1 between Bangui and the town opposite, (Redacted).

2 And you asked me exactly what were the dealings or the relationship like. I would
3 say that it was a relationship of trust. Almost -- it was almost a family relationship.
4 He thought of Jean-Pierre Bemba as almost like a son to him. That is what I can
5 confirm to you.

6 Q. Was one of them in a stronger position than the other, or did one need the other
7 more than the other one?

8 A. I cannot say whether one needed the other more than the one. What I would
9 say is that the relationship was based more on complementarity than anything else.
10 President Patassé had a rear base that would have been indispensable for the security
11 of the MLC. Historically, in 1998 the Central African government and President
12 Patassé were objective allies of the Kinshasa government and President Patassé at the
13 time had offered safe passage for the troops of the government in Kinshasa,
14 supported by Chadian troops, to then commit acts of violence and abuses on the
15 Congolese people as they proceeded to attack the MLC as it moved forward. (Redacted)
16 (Redacted) this is part of our history and it is therefore crucial to
17 have the support of the government and that of President Patassé and also to avoid
18 the possibility of the Central Africa becoming again an objective ally of the
19 government of Kinshasa. So complementarity in that context must be understood
20 against the backdrop that the Central African Army was known to be weak, while
21 struggling with internal rebellions, so one can say that Patassé's government and the
22 MLC in that context found common ground for complementarity.
23 Now, if we are to talk about President Jean-Pierre Bemba's personality as well as the
24 personality of President Patassé, I do not know whether any of them had any
25 psychological ascendancy over the other, so I would believe that there must have

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1 been some kind of unwritten agreement of complementarity in that context.

2 Q. Did Mr Bemba travel to the Central African Republic either before or during the
3 conflict in the Central African Republic between October 2002 and March 2003, if you
4 know?

5 A. (Redacted)

6 (Redacted), I am not able to answer that question. What I can tell you, however, is
7 that President Bemba went to the Central African Republic in Bangui at least once
8 before the events of October 2002, but I no longer recall the exact date. I know,
9 however, that he travelled and that is the only time I recall that he travelled to the
10 Central African Republic. I do not remember any other trip he may have made to
11 the Central African Republic.

12 Q. Who took the decision for the MLC to intervene in the Central African Republic
13 and engage in a military operation?

14 A. I really cannot answer that question formally, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). So I'm not in a position to state formally who may

19 have taken that decision to return our troops to the Central African Republic.

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Mr Witness, I need again your assistance to clarify the record. Did you say that
6 Sun City 1 took place around March to April 2002; is that correct?

7 A. That is correct, Counsel.

8 Q. And Sun City 2 started in October 2002 until 16 December 2002; correct?

9 A. The second set of discussions took place in Pretoria, Counsel, and (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted). It is for that reason that he felt

13 bad about the unpleasant conclusion of the Sun City 1 on 19 April caused him to
14 decide to return to Sun City in early April 2003 at which point the agreement
15 organising transitional arrangements would be signed in Sun City.

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) the French republic did

23 not in any manner whatsoever support the Bangui operations. (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted).

7 Q. (Redacted) the negotiating teams went back to

8 Gbadolite during the negotiation phase, including any possible breaks?

9 A. I do not remember that any member of the team returned to Gbadolite. (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted) where the

23 intervention of MLC troops into the Central African Republic were discussed?

24 A. (Redacted) and I do not know whether any such

25 meetings were held, by the way. As for the political wing, (Redacted)

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1 (Redacted)

2 (Redacted). At that time it was through the media (Redacted)

3 (Redacted) that the operation had been launched and that MLC troops had entered
4 the Central African Republic. (Redacted).

5 Q. Did Mr Patassé visit Mr Bemba in Gbadolite during the relevant time, if you
6 know?

7 A. No, I am not aware of that and no one has ever informed me of any such visit,
8 so I do not think that such a visit ever took place.

9 Q. Did any other representative of the Central African Republic government visit
10 Mr Bemba in 2002, or 2003?

11 A. I have no knowledge of that. However, in the very last days of President
12 Patassé's regime, one of his expatriate advisers landed in Gbadolite, using a Central
13 African aircraft, seeking support from President Jean-Pierre Bemba. By the way, I do
14 not know the name of this expatriate adviser to the president. In any event, he was
15 unable to return to Bangui, because in the meantime Bozizé's troops had captured the
16 Central African Republic, Bangui. This is the only person I know to have come to
17 Gbadolite at that time.

18 PRESIDING JUDGE STEINER: Ms Kneuer, if you allow me, I'm a little bit lost here
19 with the chronology. So I'm sorry to interrupt you, but I need the witness to clarify
20 the chronology of the facts.

21 On page (Redacted)-- no, I'm sorry, starting on line 13, the witness says that

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted). So here is the first point
2 that I would like clarification. (Redacted)
3 (Redacted)
4 (Redacted)
5 THE WITNESS: (Interpretation) Madam President, yes, indeed. After the
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 PRESIDING JUDGE STEINER: Which means (Redacted)
11 (Redacted)
12 (Redacted)
13 THE WITNESS: (Interpretation) I do not know, Madam President. (Redacted)
14 (Redacted)
15 PRESIDING JUDGE STEINER: (Redacted)
16 (Redacted)
17 THE WITNESS: (Interpretation) That is correct, Madam President.
18 PRESIDING JUDGE STEINER: Thank you for the clarification.
19 Ms Kneuer.
20 MS KNEUER:
21 Q. Mr Witness, you stated that you learned about the abuses committed by the
22 MLC troops in the Central African Republic in 2002/2003 by RFI and the media, and
23 as examples I'm referring to transcript 208, page 35, lines 14 to 17, as well as to today's
24 transcript, page 56, line 20. (Redacted) the abuses
25 committed in the Central African Republic by his troops?

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1 A. When Radio France Internationale spoke about the presence of MLC troops in
2 the Central African Republic, (Redacted)
3 (Redacted), we raised that issue, that situation, not
4 speaking about acts of violence or abuse, but rather the issue of our troops' presence
5 in the Central African Republic, and during the discussion Jean-Pierre Bemba
6 explained that the troops of the MLC crossing over to support the Central African
7 Republic president that that was done at the request of President Patassé and he had
8 agreed to the request. That is why the MLC soldiers had crossed over to provide
9 support to President Patassé. As best as I can recollect, we did not discuss the RFI
10 reports of abuse or violence. The president answered, explaining why the MLC had
11 sent troops to the Central African Republic.

12 Q. Did Mr Bemba (Redacted) why he agreed to the request of Mr Patassé to
13 send troops to the Central African Republic?

14 A. (Redacted)

15 (Redacted).

16 President Bemba had said that this request had been made by President Patassé. He
17 had asked for support. President Patassé was in an extremely precarious situation.
18 His government was about to fall and, as I mentioned earlier, the concern of the
19 movement was to keep the best possible relationship with the Central African
20 Republic since the capital of that country, Bangui, directly across from the town of
21 Zongo, was an extremely important rear base or logistics base. The president of the
22 Central African Republic had called upon the MLC forces and obviously, given that
23 context, it was not necessary to ask many questions about why the MLC was
24 conducting this operation.

25 Furthermore, and this was stated earlier, a decision had been taken. We had

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1 certainly heard and we understood (Redacted), particularly not
2 beyond the borders of the country or far away from MLC territory. Consequently, it
3 was left to the president, Jean-Pierre Bemba, to make an assessment and to decide.

4 Q. Sir, you stated on page 59, line 18, that the MLC troops crossed over to support
5 the Central African Republic's president. Can you explain to us by which means of
6 transportation the troops crossed over to the Central African Republic?

7 A. Counsel, it's difficult for me to answer that question. (Redacted)
8 (Redacted). I don't know the exact date, nor the time of day, nor the number of
9 troops. I really don't know what means of transportation were used to conduct that
10 mission. (Redacted)
11 military operation (Redacted), so I really
12 can't answer that question.

13 Q. That's fine, sir. As I said yesterday, sometimes I just need to explore the scope
14 of your knowledge of the events, (Redacted)
15 (Redacted). This morning you stated - and it's page 34,
16 line 6 to 9 - that Colonel Mustapha was the commander in the field for the operation
17 in the Central African Republic. Do you know if Colonel Mustapha underwent
18 military training?

19 A. Colonel Mustapha was a member of another liberation movement, the RCD,
20 and his story is special. He didn't have the training received by the regular troops of
21 the government, the armed forces of Zaire. He was a combatant. I don't know
22 whether within the RCD he received any military training but, as he progressed
23 through the ranks as an officer in the MLC, he joined the MLC in 1998 or 1999.
24 I don't know the exact date. I don't know whether he had military training, or
25 whether he had gone to officers school. I don't think he went to an officers training

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1 school, but he may have had some military training when he was a member of
2 another movement.

3 Q. During the 2002/2003 operation in the Central African Republic, from whom did
4 Colonel Mustapha receive his orders?

5 A. As a member of the Congolese Liberation Army, as a member of the military
6 headquarters, I believe he received his orders from the commander-in-chief of the
7 Congolese Liberation Army, but I do wish to be careful here. I don't know if he
8 received orders from President Patassé, with whom Commander Mustapha had
9 special dealings, so I really don't have a specific answer for you. (Redacted)
10 (Redacted) and I wasn't present when orders were being given to MLC soldiers
11 in Bangui.

12 Q. Do you know to whom Colonel Mustapha reported at the relevant time?

13 A. At that period, Colonel Mustapha reported to the president of the MLC.

14 Q. How do you know that?

15 A. Well, I can't tell you that I heard that, but I was told that he reported to the
16 president of the MLC. Various members of the MLC told me that. So I can't give
17 testimony to a direct reporting relationship to President Jean-Pierre Bemba, but I did
18 hear statements by various members of the MLC to that effect, so it was a deduction
19 that I made. It's not an affirmation.

20 Q. Do you recall any names of these members who informed you about this?

21 A. One of the people who told me that (Redacted).

22 (Redacted). He was the one who gave me that information. (Redacted)

23 (Redacted)

24 (Redacted). It was through him that I

25 heard these affirmations, or statements.

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1 Q. Do you have any information on how often Mr Mustapha reported to Mr Bemba
2 during the relevant period?

3 A. Counsel, I don't have any information about how often they spoke to one
4 another. They must have used satellite telephones to speak to one another, so I
5 really can't answer your question.

6 Q. Mr Witness, this morning you were providing information about an event in
7 Sibut, and I'm referring to transcript 208, real-time, page 38, lines 13 until 21, and I
8 would like to ask you a couple of questions with regards to these events and what
9 you had stated. You mentioned Colonel Luhaka. Can you tell us what function or
10 position he had in the MLC at the time he was sent by Mr Bemba to Sibut?

11 A. I think that at the time Mr Thomas Luhaka would have been in charge of
12 defence within the secretariat general. As I've told you, the structure was similar to
13 that of a government and I believe that the president, Jean-Pierre Bemba, had
14 appointed Luhaka as secretary of defence and I think that is what his position was
15 and that is why he was sent to Sibut to determine whether the acts of violence and
16 abuse mentioned in the media were true or not.

17 Q. What is Mr Luhaka's position today?

18 A. Today Mr Luhaka is the secretary-general of the MLC.

19 Q. Do you know who joined Mr Luhaka for his mission to Sibut?

20 A. I believe that this mission was during a particular period of time, namely the
21 time when the trial was being organised for the elements from Ituri, and I believe that
22 the mission was being handled and there were dealings with journalists to ensure
23 transparency in relation to the reports over the radio. I have a vague recollection of
24 the mission, because Mr Thomas Luhaka had left in a helicopter and during the
25 mission there was a storm and he had to land on an emergency basis and we were

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1 very worried because we had had no news about his return, but I do have some
2 hesitations about the presence of a journalist. At that time in Gbadolite, there were
3 many journalists present because of the trial being underway, the MLC soldiers and
4 the events in Ituri. So that was the context in which that mission was organised to
5 Sibut.

6 Q. Did any other member of the MLC join Mr Luhaka for that mission?

7 A. Certainly. As to who accompanied Thomas Luhaka, perhaps Commander
8 Valentin Senga, but the person responsible for the mission was indeed Commander
9 Luhaka.

10 Q. This morning you stated that Colonel Luhaka travelled to Sibut by helicopter in
11 February, and I'm referring to transcript 208, real-time, page 38, lines 18 and 19. Just
12 for the record, Mr Witness, could you please clarify which year you're referring to?

13 A. It was in February 2003.

14 Q. Do you know how long the delegation led by Mr Luhaka stayed in Sibut?

15 A. I no longer recall how long a time they spent there. A few hours. I don't
16 think they spent the night. I think they came back rather quickly.

17 Q. Did the delegation meet with Mr Patassé?

18 A. (Redacted). I don't think it
19 ever took place.

20 Q. What were the allegations about the event in Sibut?

21 A. I believe that at the time there were allegations of massacres, unless I'm
22 mistaken, Counsel.

23 MS KNEUER: Madam President, I will not be able to conclude this topic today, so I
24 suggest we break now.

25 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer.

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1 Mr Witness, thank you very much. We will adjourn for today and resume tomorrow
2 morning at 9.30 in the morning.

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

4 (The witness stands down)

5 PRESIDING JUDGE STEINER: Mr Haynes, before we adjourn, we have been trying
6 to be prepared for the next witness that as the Defence knows will be heard by video
7 link and that means that the Registry needs to take some logistical decisions. My
8 question is whether Defence is in a position to estimate how long the Defence will
9 take to question the current witness?

10 MR HAYNES: Absolutely, and I was going to do so this week in any event. The
11 estimate placed on the time required for this witness was done a very long time ago
12 when I think in fact a rather different attitude was taken to the content of what he had
13 to say and it is wildly inaccurate I don't mind saying so now. My best guess is that
14 arrangements could be put in place to start to hear the next witness, if it is possible,
15 some time towards the middle or second half of next week. I am anticipating
16 Ms Kneuer is going to be another session or two and that probably the victims will
17 use the rest of tomorrow. I would be surprised if I took three days with him.
18 I think it's more likely to be two and a bit, if that helps?

19 PRESIDING JUDGE STEINER: That helps a lot at least for Registry to have an idea
20 on when the preparations for next witness will have to start.

21 MR HAYNES: Of course. I appreciate somebody is going to have to fly to where
22 he is to be with him.

23 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

24 I thank very much the Prosecution team, Maître Zarambaud, legal
25 representatives -- the Defence team, Mr Jean-Pierre Bemba Gombo. I thank very

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- 1 much our interpreters and court reporters, as always. We will adjourn and resume
- 2 tomorrow morning at 9.30. The hearing is adjourned.
- 3 THE COURT USHER: All rise.
- 4 (The hearing ends in closed session at 4.00 p.m.) Reclassified into Open session
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 7 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.