

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

5 - ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Wednesday, 13 November 2013

10 (The hearing starts in open session at 9.05 a.m.)

11 THE COURT USHER: Rise. The International Criminal Court is now

12 in session. Please be seated.

13 PRESIDING JUDGE STEINER: Good morning, everyone.

14 Could please, court officer, call the case.

15 THE COURT OFFICER: Thank you, Madam President.

16 (Interpretation) Situation in the CAR, The Prosecutor versus

17 Jean Pierre Bemba Gombo, ICC-01/05-01/08. We are in open session.

18 PRESIDING JUDGE STEINER: Thank you very much.

19 Good morning, I welcome Prosecution team, Legal Representative of

20 Victims, Defence team, Mr Jean-Pierre Bemba Gombo.

21 Good morning, our interpreters. Good morning, court reporters.

22 Good morning, Mr Rojas. Good morning, Mr Rojas.

23 THE COURT OFFICER (Via video-link): Good morning, your Honour.

24 We hear you very well.

25 PRESIDING JUDGE STEINER: And good morning, Mr Witness.

Witness: CAR-D04-PPPP-0013 (On former oath) (Open Session)
Questioned by Mr Kilolo (Continuing)

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

2 PRESIDING JUDGE STEINER: Did you manage to rest throughout the
3 night? Are you feeling well and ready to continue with your testimony,
4 sir?

5 THE WITNESS: (Interpretation) Yes, Madam President. I'm fine
6 and ready to continue my testimony.

7 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that
8 you are still under oath. Do you understand that, sir?

9 THE WITNESS: (Interpretation) Yes, I have understood you,
10 Madam President.

11 PRESIDING JUDGE STEINER: So I'll give back the floor to
12 Maître Kilolo for probably concluding very soon with Defence questioning.

13 Maître, you have the floor.

14 MR KILOLO: (Interpretation) Thank you, your Honour.

15 (The witness enters the video-link room)

16 WITNESS: CAR-D04-PPPP-0013 (On former oath)

17 (The witness speaks Lingala)

18 (The witness gives evidence via video link]

19 QUESTIONED BY MR KILOLO: (Continuing)

20 Q. Good morning, Mr Witness.

21 A. Good morning, Counsel.

22 Q. I'm not going to be very long with you. My question to you is as
23 follows: How did the operations in the Central African Republic come to
24 an end in March 2003, and specifically who took the initiative for the
25 withdrawal from the theatre of operations? Was it an order that was

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1 given or did the soldiers withdraw spontaneously? Perhaps you can answer
2 us by giving us an account of your own personal case or experience.

3 A. Thank you, Counsel. Let me say this: The order that was given
4 for our return came from General Bombayake. Yesterday I told you that
5 when Colonel Thierry Lengbe left, the GP was receiving more trust. It
6 was no longer General Mazi but the person known as Bombayake who was more
7 trusted (Redacted) At that time, he sent a telegram
8 through the phonie and that message was addressed to everyone. Regarding
9 my own position in the Sibut area, the Congolese from the ALC were asked
10 to return to their country. The Central African forces were supposed to
11 occupy all the positions and all the roads. Vehicles were dispatched to
12 transport the Congolese soldiers. In the evening as from 4.00 p.m.
13 vehicles of the make known as Man belonging to the army arrived and
14 started transporting the troops. That same night, all the Congolese
15 soldiers left.

16 When we arrived at Bangui beach, the ferries were already there
17 and the soldiers boarded the ferries and returned to Zongo. Two days
18 after that the troops on the Bozoum road and those who were in Bossangoa
19 arrived. They all gathered together in Bossembélé and the brigade
20 commander, Colonel Mustapha, had set up his command post at Damara. When
21 those who were in Sibut left, he went to the -- a position between
22 Bossangoa and another town, and this was in the Bossembélé area, that is
23 Bozoum and Bossangoa. Two days later, he called Colonel -- Major Kamisi
24 who was the battalion commander and asked him to follow him to
25 Bossembélé. As for my own commander, he was injured and (Redacted)

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1 who was a Central African national who stayed back and asked this person
2 to return and wait for the other people who were on the Bozoum-Bossangoa
3 road. And my commander (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) when all the battalions on that road

12 arrived in Bossembélé the soldiers were taken away in small groups. We
13 left the brigade headquarters in Bossembélé and we went to PK12 to wait
14 for the soldiers who had stayed back.

15 After we arrived at PK12, we stayed near the school. And when
16 the soldiers arrived there, we were -- we stayed there with two platoons
17 as well as with Captain Roger Mukono (* phon) who was the commander of
18 the 2nd Company. There was also Colonel Dikunduakila, the brigade
19 commander, as well as his bodyguards. There was also Major Séguin, Major
20 Yves, and in fact this was the brigade command team.

21 At around 3.00 p.m. in the afternoon, if I remember correctly,
22 the military jeep which had mounted guns on it and then it also had
23 soldiers wearing bandannas on their heads, there were vehicles coming
24 from the direction of Damara while others came from the Damara road.
25 They started shooting on us and we thought -- we had thought that they

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1 were our FACA friends or the GP soldiers who had stayed on that road. It
2 was only later that we realised that they were the enemies. Our soldiers
3 who had stayed at the front started fighting with the enemy. We tried to
4 fight back but we could not. Colonel Mustapha was at that time at a
5 meeting in town. It was Colonel Diku (* phon) who had stayed back as our
6 commander and he was the one who gave the order to retreat. We were not
7 very familiar with the town, so we retreated in dispersed ranks right up
8 to Port Beach. Some of the soldiers were killed. (Redacted)
9 (Redacted) after fleeing was captured by the soldiers of General Bozizé. We
10 used the paths that we knew and we met up with some fishermen at the
11 river. It was around 7.00 p.m. and this fishermen helped us to cross
12 using canoes. We arrived on an island. We were in small groups and we
13 could not cross over to Zongo, but the next morning other fishermen
14 helped us to cross over back into our country. That's how come we
15 arrived Zongo.

16 Q. Thank you, Mr Witness. I have no further questions. Thank you
17 for kindly accepting to answer the questions of the Defence.

18 A. Thank you, Counsel.

19 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

20 Before I give the floor to the Prosecution, could, please,
21 court officer turn very briefly into private session.

22 (Private session at 9.21 a.m.) * Reclassified as Open session

23 THE COURT OFFICER: (Interpretation) We are in private session,
24 your Honour.

25 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution will start
26

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1 questioning you. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: (Interpretation) Madam President, I remember them.

8 PRESIDING JUDGE STEINER: So just for you to feel comfortable, I

9 want to inform you that a broadcast of the hearing has a delay of 30

10 minutes. So what you say takes 30 minutes to go outside the courtroom.

11 This is the time we take in order to avoid information of this kind to go

12 outside. So I already ordered the redaction of the broadcast, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) But in any case, try to avoid when we are in public

16 session to mention these very particular kind of information. Can we

17 count on you, Mr Witness?

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

19 that.

20 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

21 Court officer, please turn back into public session.

22 (Open session at 9.24 a.m.)

23 THE COURT OFFICER: (Interpretation) We are in open session,

24 Madam President.

25 PRESIDING JUDGE STEINER: Mr Witness, now the Defence concluded

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1 with your questioning. I'm giving the floor to the Prosecution and you
2 will be questioned by Mr Iverson.

3 Mr Iverson, if you prefer, please remain seated since you are
4 questioning by way of videolink. You're free to remain seated.

5 MR IVERSON: Thank you, Madam President. I will remain seated
6 for the questioning.

7 QUESTIONED BY MR IVERSON:

8 Q. Good morning, sir. My name is Eric Iverson and I am a trial
9 lawyer with the Office of the Prosecutor, and I will be asking you
10 questions today on behalf of the Prosecutor. Sir, I may have missed it,
11 but in your last answer about the withdrawal you provide times. What
12 were the dates? What days did this withdrawal happen on?

13 A. This happened a long time ago. I no longer remember the date.
14 As for the year -- well, as for the month, I believe that it was in
15 March. This is because after the feast day of the 8th of March, not a
16 long time elapsed before our withdrawal.

17 Q. And you were initially in Sibut when you started the withdrawal;
18 is that right?

19 A. That is correct.

20 Q. So you were with the Poudrier B Battalion with Major Kamisi's
21 unit; is that right?

22 A. That is correct, he was the battalion commander.

23 Q. Were you with that unit when they initially entered Sibut on or
24 about the 14th of February, 2003?

25 A. I was in that unit; however, I do not remember that date. I went
26

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1 there with those other soldiers together.

2 Q. Okay. And regardless of the date, were you with that unit when
3 they initially Sibut coming from Damara?

4 A. Yes.

5 Q. Do you remember what time you entered Sibut with the unit?

6 A. We arrived Sibut at around 2.00 or 3.00 p.m., but I have
7 forgotten because this was a long time ago. We arrived at 2.00 p.m. and
8 we had finished with the enemy by 4.00 p.m.

9 Q. And were you in Sibut continuously until you left and withdrew
10 from the Central African Republic?

11 A. I haven't understood your question well. Please could you ask it
12 again.

13 Q. Sure, just to establish the time-frame I'm talking about. From
14 the time that you entered Sibut with the Poudrier B Battalion until the
15 time of the withdrawal, were you personally present in Sibut that period
16 of time, in late February to early March 2003?

17 Sir, did you hear my last question about being presented in Sibut
18 from the end of February 2003 until early March 2003, were you there in
19 Sibut during that time-period?

20 A. I was in Sibut -- in fact, when we arrived in Sibut, we didn't
21 stay there for a long time because there was an order to withdraw which
22 had been given.

23 Q. Okay. Were you present on or about the 20th of February, 2003,
24 when a delegation from the MLC landed in an Mi8 helicopter in Sibut and
25 asked questions of the civilian population there and took a video? Were

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1 you present on that day?

2 A. Yes, I was there but I didn't see the helicopter in question
3 because we were in a place where there was just a path which went towards
4 Sibut -- towards Sido.

5 Q. Were you present with Major Kamisi and the delegation from
6 Poudrier Battalion to welcome the MLC officials?

7 A. (Redacted)
8 (Redacted) It was Major Kamisi who was the person responsible for that.
9 Some units were positioned on the road going towards Bambari and that --
10 a bit behind where we were, it was Major Kamisi who went to see our
11 compatriots. I don't know if they welcomed any delegation. (Redacted)
12 (Redacted)

13 Q. Sir, so you weren't aware that some high-ranking members from the
14 MLC visited Major Kamisi; is that what you're saying, sir?

15 A. You can ask the question to Major Kamisi. He's the person who's
16 able to know more about that.

17 Q. Sir, you --

18 MR IVERSON: Could I ask for private session, please,
19 Madam President.

20 PRESIDING JUDGE STEINER: Court officer, please turn to private
21 session.

22 (Private session at 9.38 a.m.) * Reclassified as Open session

23 THE COURT OFFICER: (Interpretation) We're in private session.

24 MR IVERSON: Thank you, Madam President.

25 Q. Sir, (Redacted) correct?

26

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1 A. Yes.

2 Q. (Redacted)

3 (Redacted) correct?

4 A. That's correct.

5 Q. And I don't know if you're aware of this or not, but there is a
6 video in this case of the delegation's visit to Sibut. And it's apparent
7 from that video that Poudrier B Battalion members are organised and
8 waiting for the delegation to arrive. Were you aware of that event?

9 A. Well, I'm speaking about what I know. I can't tell you something
10 that I don't know.

11 Q. (Redacted) did Major Kamisi have in his battalion?

12 A. (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted) Major Kamisi lived in

18 another place. There were also other soldiers who were on a road
19 somewhere, and if you see -- if you look at a map of the
20 Central African Republic, you can see that there's a road going towards
21 Chad. (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 A. Yes, that is correct.

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. No. You can contact Major Kamisi. That's the person who could
15 tell you more about that. I'm only telling you what I know.

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 Q. Okay. Do you know if Major Kamisi communicated by Thuraya in
4 order to let the helicopter know where to land, in order to organise the
5 whole episode?

6 A. I can't know that. He had this Thuraya because it's a portable
7 telephone, mobile telephone. (Redacted)

8 (Redacted)

9 Q. And in order for the mission to be planned from Gbadolite, where
10 the helicopter left, there had to be communication and co-ordination
11 between Gbadolite and at least Major Kamisi or others in
12 Poudrier B Battalion to know to expect the helicopter; right? (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. No, I don't know. And I repeat, you can ask the question to
17 Major Kamisi. That's the person who can help you and tell you more about
18 that.

19 Q. So would it be fair to say that you know very little about the
20 Thuraya communications that occurred between the various commanders and
21 Gbadolite?

22 A. I don't know a lot of things with regards to Thuraya. I didn't
23 use it. What I do know is that they could communicate with the
24 authorities. They could, for example, communicate with the commander of
25 operations, Mazi Bombayake, (Redacted)

26

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1 (Redacted)

2 That's how it went. In fact, the Thuraya were only used by them. They
3 said that the units were too expensive, so that was a situation that they
4 regretted very much.

5 MR IVERSON: Madam President, could I ask to go back into open
6 session.

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

9 (Open session at 9.53 a.m.)

10 THE COURT OFFICER: (Interpretation) We're in public session,
11 your Honour.

12 MR IVERSON:

13 Q. Sir, could you provide the Chamber with a list of names of people
14 who had Thuraya satellite phones?

15 A. The people who had the Thuraya phones are the following:
16 General Bombayake, General André Mazi, Major Kamisi had one,
17 Colonel Mustapha had one, Major Séguin had a Thuraya, Major Yves as well,
18 Major Tutu Kuese, a captain of the presidential guard of the air company
19 had one too. His name was Mbango. I don't know if the director of
20 transmission had one (Redacted) I
21 don't know if he had one.

22 Q. And the name of the director of transmission was who?

23 A. I don't remember his name. (Redacted)

24 (Redacted)

25 Q. (Redacted)

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1 A. I haven't understood your question. If you could please ask it
2 again.

3 THE INTERPRETER: The interpreter notes that (Redacted)
4 (Redacted) in English.

5 MR IVERSON:

6 Q. So you don't know the name of the person (Redacted)
7 (Redacted)

8 A. I've forgotten his name. I knew his name but I've forgotten it.
9 It was many years ago.

10 Q. Do you remember giving a name (Redacted)
11 yesterday in your testimony?

12 A. No. I didn't give the name of (Redacted) There is (Redacted)
13 (Redacted) I gave the name of (Redacted) but where it
14 concerns (Redacted) and that person's name, I've forgotten it and I didn't
15 mention it.

16 Q. Okay. Was there anyone else in your command structure who had a
17 Thuraya satellite phone?

18 A. Those were the people whose names I mentioned to you. They were
19 the ones who had Thuraya satellite phones.

20 Q. Sir, have you ever heard the name Lionel Gan Bafio (* phon)?

21 A. I no longer remember. As you are aware, this happened ten years
22 ago. I do not remember.

23 Q. Do you remember an adviser to President Patassé, a French
24 national, by the name of Lionel Gan Bafio?

25 A. I used to see a white man (Redacted)

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1 (Redacted) but I do not know what that person's
2 position or role was, and I do not know his name also.

3 Q. Do you know if that person had a Thuraya telephone?

4 A. No, I do not know. (Redacted) I
5 saw that person only once, so I do not know whether he had a Thuraya.

6 Q. Sir, I'm not asking you (Redacted) I'm just asking you if
7 he had a Thuraya, but I think you answered it.

8 MR IVERSON: Madam President, I'd like to request another private
9 session, please.

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

12 (Private session at 10.03 a.m.) * Reclassified as Open session

13 THE COURT OFFICER: (Interpretation) We are in private session,
14 Madam President.

15 MR IVERSON:

16 Q. Sir, you're currently a (Redacted) is that
17 right?

18 A. Yes.

19 Q. How long have you been a (Redacted)

20 A. It was (Redacted) that I was promoted to that rank. Prior
21 to that, I was a (Redacted)

22 Q. Do you know the date of your promotion, your date of rank?

23 A. I believe it was around the (Redacted) If you can give me some time,
24 I can go through the decree that gave me that promotion, but I know it
25 was (Redacted)

26

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1 Q. So around the (Redacted)?

2 A. Yes, it was about that time.

3 Q. And what is your current duty assignment? What unit are you
4 assigned to and what is your job in that unit?

5 A. (Redacted) I'm assigned to the
6 (Redacted)

7 Q. And what was the day, month, and year when you were assigned to
8 that unit?

9 A. I did not quite understand you. Are you talking about my
10 appointment or my transfer or assignment to that unit when you talk about
11 dates?

12 Q. Well, I don't know what distinction, appointment, transfer, or
13 assignment may have in the (Redacted) But what I'm really asking is: What
14 was your official date of appointment to your current assignment, to your
15 current unit, the current position that you're in? What was the day,
16 month, and year of that taking your -- the position that you're in right
17 now?

18 A. Thank you, Counsel. During the integration of the MLC into the
19 one-plus-four regime, (Redacted)

20 (Redacted) After my training, I was transferred to

21 the general staff headquarters. That was at the end of my training. I

22 started work on the (Redacted) I was working there in the

23 (Redacted) Later on there was a competitive examination for the

24 training of (Redacted) I was successful and then I went to (Redacted) to

25 undergo that training. That was on the (Redacted) After

26

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1 completing the training, we returned on the (Redacted)

2 (Redacted)

3 That is when I took up the position of (Redacted) and

4 that was from (Redacted). Later on I was transferred to (Redacted) in

5 the service of the (Redacted) I no longer

6 remember the precise date, but I know that it was in early (Redacted)

7 (Redacted) That is when I was transferred to the (Redacted) That is

8 the (Redacted) At that time I was a

9 (Redacted) Subsequently

10 I was promoted. That is in the course of this year.

11 (Redacted)

12 (Redacted)

13 Q. Sir, back in (Redacted)

14 (Redacted)

15 (Redacted)?

16 PRESIDING JUDGE STEINER: Sorry to interrupt, Mr Iverson. I need

17 a clarification here to check on the transcript.

18 Mr Witness, it's here that you were transferred to the (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted); is that correct? The date is

23 correct?

24 THE WITNESS: (Interpretation) Yes, it was indeed (Redacted).

25 PRESIDING JUDGE STEINER: Thank you.

26

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1 Mr Iverson, I'm sorry for the interruption. Could you repeat
2 your last question, please.

3 MR IVERSON:

4 Q. During (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. Before you were appointed (Redacted) did you have to
10 go through (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted) So as part of this mechanism, all the various

15 soldiers were taken together and distributed to the various units, and

16 that is what I referred to (Redacted)

17 (Redacted)

18 Q. Okay. Then I think we're talking about the same thing.

19 And before you could take your position as (Redacted)

20 one requirement was that you had to go through (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) is that right?

24 A. Yes, indeed.

25 Q. Sir, what was the date that you joined the MLC back in 1998?

26

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Questioned by Mr Iverson (Continuing)

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1 A. I no longer remember the day or the month, and I am saying this
2 because the unit to which I belonged, (Redacted) in the Congolese armed forces,
3 it is that unit that I left to join the MLC. I no longer remember the
4 precise date. It was around (Redacted) 1998, about that time.

5 Q. Okay. And what units did you serve in? So what battalions did
6 you serve in within the ALC?

7 A. When I joined the ALC in Gemena, we underwent a training, an
8 (Redacted) that is where
9 people were selected, that is, those who had some education who could
10 write. And the battalion commander --

11 THE INTERPRETER: The Lingala interpreter did not catch the name.

12 THE WITNESS: (Interpretation) -- he sent me to (Redacted) to undergo
13 training by the ALC. The commander's name was (Redacted) Subsequently,
14 I was transferred to the 28th Battalion in Libenge as part of the
15 (Redacted)

16 MR IVERSON:

17 Q. And when did that transfer take place? When did you go to the
18 28th Battalion from the training battalion?

19 A. This was many years ago. I no longer remember the precise dates.
20 I think this was around (Redacted).

21 Q. Okay. And with the 28th Battalion were you always (Redacted)
22 (Redacted)

23 A. (Redacted)

24 Q. Okay. Did you serve in any other capacity in the 28th Battalion?
25 For instance, did you work with the S1, administration, or the S2,

26

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1 intelligence, or were you only (Redacted) the entire time?

2 A. I did not occupy any other position in that battalion apart from
3 (Redacted)

4 Q. What operations did you take part in as part of the
5 28th Battalion for the whole period that you were in the ALC?

6 A. I did not quite understand you. Can you kindly repeat. Are you
7 talking about operations within the 28th Battalion or in the
8 (Redacted)

9 Q. Well, let's limit it just to the 28th Battalion for now. What
10 military or combat operations did you take part in with the
11 28th Battalion, during your service with the 28th?

12 A. The 28th Battalion was a Battalion that had been newly created.
13 When the Echo Brigade was set up, I was assigned there. That was in
14 Libenge. They did not take part in any military operation. When I was
15 transferred to Zongo with the deputy battalion commander, that is when I
16 served (Redacted) During that period there was no fighting going on. We
17 were involved, or rather, it was during the negotiations process. And
18 our leaders were involved in that process. That is why there was no
19 fighting during that period.

20 Q. So during the entire time that you were with the 28th Battalion,
21 the operation in the Central African Republic was the only combat
22 operation that you -- that you were involved in?

23 A. That is correct, Counsel.

24 Q. Okay. And what about with the (Redacted), what combat
25 operations were you involved in with the (Redacted)?
26

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1 A. In the (Redacted) we started operating in (Redacted)
2 then we went to (Redacted), and from there we went to fight (Redacted), from
3 where we went to another locality known as (Redacted). From there we
4 went to (Redacted), and that is where we were together with the general
5 staff of the brigade. We spent quite some time there because the
6 (Redacted)
7 (Redacted) some of our companies were taken away and
8 attached to other battalions. (Redacted)
9 joined together and later on we went and fought (Redacted). After the
10 cease-fire I left (Redacted)

11 (Redacted)

12 Q. So can I take it from that that being a (Redacted) was not
13 your only position in the (Redacted) Battalion? You had other positions in
14 the (Redacted) Battalion; is that right?

15 A. In (Redacted) I was the (Redacted) in
16 the (Redacted) Battalion.

17 Q. And who was your battalion commander at that time?

18 A. That was (Redacted)

19 Q. And who was your brigade commander at the time?

20 A. The brigade commander -- well, before it was
21 (Redacted)

22 (Redacted)

23 Q. Okay. And so (Redacted) was also your sector commander.
24 Who was (Redacted) higher commander when he was section
25 commander? What was his higher echelon?

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Questioned by Mr Iverson (Continuing)

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1 A. When he was a sector commander or when he was a brigade
2 commander, I did not understand your question well.

3 Q. Who was (Redacted) next higher commander when he was a
4 section commander?

5 A. When he was the sector commander, the commander was the chief of
6 general staff, Dieudonné Amuli Bahigwa.

7 Q. And General Amuli's commander was Division General Bemba,
8 correct, the Commander-in-Chief?

9 A. I never heard anyone speak about General Bemba. I know he was
10 the chief -- the commander of the ALC, but I never heard anyone say
11 General Bemba.

12 Q. Mr Bemba was called president, chairman, Charlie-Mike. Are all
13 of those terms -- were they used to refer to Mr Bemba?

14 A. Yes, that's what he was called.

15 Q. Were there any other terms that ALC soldiers used to refer to the
16 Commander-in-Chief, Mr Bemba?

17 A. The term that I knew was the term "chairman."

18 Q. Mr Bemba had (Redacted); is that right?

19 A. I didn't understand that well. Please could you repeat that?

20 Q. Sure. Mr Bemba (Redacted)
21 correct?

22 A. I don't know that. (Redacted)
23 (Redacted) Perhaps there
24 was (Redacted)

25 Q. Sir, I'd like to ask some questions about the 2002/2003 period in
26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 Central African Republic. I'm a bit confused as to what exactly your
2 position was (Redacted) You started as (Redacted) for the
3 28th Battalion; is that right, at the end of October 2002?

4 A. I don't know the exact date. I think I might have forgotten the
5 month, but the year is right.

6 Q. Okay. I think there --

7 THE INTERPRETER: The witness didn't finish the answer. The
8 witness didn't say the year.

9 MR IVERSON:

10 Q. All right. Let me try that again. I think there may have been a
11 bit of a disconnect. At the beginning of the conflict in the
12 Central African Republic at the end of October 2002, (Redacted)
13 (Redacted) for the 28th Battalion; correct?

14 A. Yes. On the 29th of October 2002 (Redacted)

15 THE INTERPRETER: The sound quality is not good. The
16 interpreters cannot hear the witness, say the Lingala interpreters.

17 THE COURT OFFICER (Via video-link): Madam President, just to let
18 you know, here we hear you loud and clear, and I was wondering whether it
19 was now the same for my colleagues in the booth. Here we have ...

20 PRESIDING JUDGE STEINER: We will try to reconnect, as we did
21 yesterday, to see if we can improve the quality of sound.

22 Mr Witness, can you hear me?

23 THE WITNESS: (Interpretation) I can hear you very well.

24 PRESIDING JUDGE STEINER: Can I ask the interpreters whether the
25 sound quality improved?

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 THE INTERPRETER: It is the Lingala booth that will have to
2 answer that, your Honour, as they're taking the direct feed.

3 PRESIDING JUDGE STEINER: So may I receive from the Lingala booth
4 any sign of improvement?

5 THE INTERPRETER: Yes, there is an improvement.

6 PRESIDING JUDGE STEINER: So let's try to continue.

7 I think you should repeat your last question, Mr Iverson.

8 MR IVERSON:

9 Q. Sir, I was just looking to clarify your seemingly various
10 positions within different units during the 2002/2003 period. You say
11 you started as (Redacted) with the 28th Battalion at the end of
12 October in 2002; is that right?

13 A. What I said was that I don't remember the exact date when I
14 started that work. I'm not sure, it must have been 2002 and 2003, but I
15 think it was 2002.

16 Q. Okay. At the end of October 2002, you were a (Redacted) for
17 the 28th Battalion and you were stationed in Zongo (Redacted)
18 (Redacted) is that right?

19 A. When I started my work with the 28th Battalion -- in fact, it was
20 at that time (Redacted)
21 (Redacted) I was in Zongo. The battalion commander -- (Redacted)
22 (Redacted)

23 Q. Okay. And did you remain a (Redacted) for the 28th Battalion
24 during the entire course of the conflict up until March 2003?

25 A. No, that wasn't the case. When I crossed over I was in the
26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 28th Battalion, and when the brigade commander came I was with (Redacted)
2 (Redacted) and I was working with that person in the brigade staff HQ. And
3 when we were separated, I left with Colonel Mustapha to Damara and that's
4 where we were staying. And the Battalion commander was Kamisi. At that
5 time, at that time, if there was a brigade -- well, the -- there was no
6 longer a -- (Redacted) In fact, he was working with just one
7 (Redacted)

8 When we were ordered to leave, (Redacted)
9 (Redacted) At that time I was with Kamisi, I
10 went to Poudrier B, and at the end, in order to go back to (Redacted) the
11 brigade commander (Redacted) at
12 that time (Redacted) until I went back
13 to (Redacted). I was with the brigade commander.

14 Q. Okay. And on what -- which date did you switch over and
15 become -- from being a (Redacted) in the 28th Battalion to being a
16 (Redacted)?

17 A. If I remember well, it was from the 31st of October when the
18 brigade commander came, (Redacted)
19 (Redacted)

20 Q. And what time did the brigade commander arrive in Bangui?

21 A. He arrived in Bangui towards 1.00 or 2.00, approximately.

22 Q. (Redacted)
23 (Redacted)

24 A. Well, I've just said that on the arrival of the brigade
25 commander, the next day, that's to say the 31st, (Redacted)

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
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1 him in PK12. When we went to Damara, (Redacted) And as I

2 said, (Redacted)

3 (Redacted)

4 Q. And do you know which date that was, sir?

5 A. I don't remember the date. I have forgotten it.

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. And do you know the dates of when you were in Zongo and then when
12 you went to Bossembélé?

13 A. I don't remember. It could have been in the month of March,
14 February or March. Because when we went to Bossembélé we didn't -- well,
15 it hadn't been a long time, we didn't even stay two weeks. So it must
16 have been around the month of March. I don't remember the exact date
17 anymore.

18 Q. When you were (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: Mr Iverson, we need to --

5 MR IVERSON:

6 Q. Sir, it's time to take the break so we'll come back in a half an
7 hour and continue questioning. Thank you.

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

10 THE WITNESS: (Interpretation) Thank you.

11 (Open session at 10.59 a.m.)

12 THE COURT OFFICER: (Interpretation) We are in open session,
13 your Honour.

14 PRESIDING JUDGE STEINER: Mr Witness, it's 11.00. It's time for
15 our break, for you to have a cup of coffee or tea and take some rest. We
16 will resume at 11.30. The hearing is suspended.

17 THE COURT USHER: All rise.

18 (Recess taken at 10.59 a.m.)

19 (Upon resuming in open session at 11.34 a.m.)

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

21 THE COURT OFFICER: (Interpretation) We are in open session,
22 your Honour.

23 PRESIDING JUDGE STEINER: Thank you very much.

24 Mr Witness, welcome back.

25 THE WITNESS: (Interpretation) Thank you, your Honour.

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1 PRESIDING JUDGE STEINER: Ready to continue with your testimony,
2 sir?

3 THE WITNESS: (Interpretation) Indeed I am, your Honour. I'm
4 ready.

5 PRESIDING JUDGE STEINER: So I'll give back the floor to
6 Mr Iverson.

7 MR IVERSON:

8 Q. Sir, I'd like to try to stay in public session if possible. So
9 just take care not to provide any revealing information about your
10 identity in your answers. I wanted to ask some specific questions about
11 communication devices. So you mentioned Thuraya satellite phones. What
12 other communication devices were used? (Redacted)
13 (Redacted)
14 (Redacted), that would be helpful.

15 A. Thank you, Counsel. Well, the communication devices (Redacted) used
16 were radiophonies. (Redacted) Motorolas, GP300s, there were Racal radios as
17 well. (Redacted)
18 (Redacted) That were the --
19 those were the devices that (Redacted) used.

20 Q. Okay, I'd like to start with the Racal radios. Were these
21 walkie-talkies, hand-held devices?

22 A. We had walkie-talkies and it was a portable equipment that could
23 be carried on the back and it had a small antenna. If you look at war
24 films, for example, you will see that there are soldiers who carry this
25 type of communication equipment with a microphone. So in a battle when
26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 you have an exchange of fire, the operator can continue communicating
2 using the equipment which is placed on his back.

3 Q. So in other words, the Racal radios were not walkie-talkies but
4 they were man-pack military radios; is that right?

5 A. That is correct.

6 Q. (Redacted) had a whip -- a small whip antenna attached to the radio
7 and a microphone; is that right?

8 A. That's correct. It was a radio that was in a rucksack.

9 Q. Okay. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. I didn't follow your question, Counsel. Please could you repeat
15 your question so I may understand it better?

16 Q. Well, (Redacted)

17 (Redacted)

18 (Redacted); correct?

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted) We didn't know how this was the case. We
5 found it where it was.

6 Q. So in order to (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) is that right?

10 A. That's correct. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 (Redacted) Is that what happened?

20 A. I would ask the President, the Presiding Judge, if we could go
21 into closed session so I could give a lot more detail in this regard.

22 PRESIDING JUDGE STEINER: Of course, Mr Witness.

23 Court officer, please turn into private session.

24 (Private session at 11.49 a.m.) * Reclassified as Open session

25 THE COURT OFFICER: (Interpretation) We're in private session,

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1 your Honour.

2 PRESIDING JUDGE STEINER: You can answer to the question,

3 Mr Witness.

4 THE WITNESS: (Interpretation) Thank you very much. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MR IVERSON:

23 Q. So when you spoke (Redacted)

24 (Redacted)

25 A. (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 (Redacted)

2 But we were with our colleagues, and when they spoke in Sango we couldn't
3 understand what they were saying. And so that was a difficult that we
4 had until we arrived at PK10.

5 THE INTERPRETER: And the interpreter corrects: It wasn't PK12
6 previously but PK10.

7 MR IVERSON:

8 Q. (Redacted)

9 A. (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 A. (Redacted)

13 THE INTERPRETER: Says the witness.

14 THE WITNESS: (Interpretation) That's what I heard.

15 MR IVERSON:

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted)

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

Page 33

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 A. We had a radiophonie in Zongo, a Kenwood radiophonie.

22 Q. Now, would you agree that Bangui is about the same distance from
23 Gbadolite as Zongo is?

24 A. Well, I'm not in a position to know. I did not measure the
25 distances and I have never been to Gbadolite.

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

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1 Q. Okay. But Bangui's right across the river from Zongo; right?

2 A. Yes. Someone can see Bangui from Zongo because the two towns are
3 located on opposite sides of the river.

4 Q. So both Bangui and Zongo are about the same distance away from
5 Gbadolite; is that fair?

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Well, I don't know. What prompted the question was yesterday at

16 page 63, lines 8 through 14, you said that: (Redacted)

17 (Redacted)

18 (Redacted)" So what are you --

19 why do you say that?

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

Page 35

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

Page 36

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. Counsel, I did not quite understand your question. Please kindly
17 repeat it.

18 Q. Well, you're saying that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

Page 37

1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Well, exactly. That's what I just said. But I'm asking you why

9 that is, sir.

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Sir, (Redacted)

14 (Redacted) Were mobile phones used by members of the ALC while

15 they were in Bangui for communications about military affairs?

16 A. This is what I can tell you, the mobile phones that are in use

17 today only got to Zongo after the year 2000, between the months of May

18 and June. It is at that time that Vodacom, a telecommunications company,

19 set up an antenna in Libenge and in Imese. Before then, there were no

20 mobile phones in the area and the inhabitants of Zongo used a mobile

21 telephone system whose name I now forget, but the antenna for that system

22 was in Bangui. So what I'm saying is that at that time even political

23 figures of authority did not possess any mobile phones.

24 Q. So are you saying that in 2002 and 2003 it was not possible to

25 communicate by mobile phone in Bangui? Is that what you're saying, sir?

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 A. In 2002 and 2003 there were no mobile telephones in that area as
2 at that time because there was no antenna in the area.

3 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry to interrupt you.

4 Mr Witness, I need you to confirm some information that
5 apparently here in the transcript is -- there's something wrong. When
6 you say that it was after the year 2000, between the months of May and
7 June, it was at that time that Vodacom set up an antenna in Libenge and
8 Imese. So in 2002/2003, at least in this -- in the areas, in those
9 areas, it was possible to use mobile phones. So I did not understand
10 your answer that in 2002/2003 it was not possible to have mobile phones.
11 So maybe there is a mistake in the transcript. Could you explain it
12 again, please.

13 THE WITNESS: (Interpretation) Yes, I can explain this. Maybe I
14 wasn't properly understood. This is what I said. From the year 2000 to
15 2003, whether it be in Zongo, in Gemena, or in Libenge or in Dongo or in
16 Imese, none of those locations had an antenna, whereas in Kinshasa there
17 was a communications antenna during the movement for the liberation of
18 the Congo. And because there was no antenna in those areas there was no
19 communication by mobile phone. But it was in 2003, between the months of
20 June -- or, rather, between the months of May and June that an antenna
21 was built in the area, and it is at that point that mobile phones became
22 available for people to use. But in Libenge and in Imese, there were no
23 mobile phone antennas prior to that date. I do not know whether such
24 antennas were built after I left the area.

25 PRESIDING JUDGE STEINER: Yes, now I understood it was 2003 then.

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 And during the events that we are analysing in this case from October
2 2002 to March 2003, were there mobile phones available and being used in
3 Central African Republic?

4 THE WITNESS: (Interpretation) Yes, there were mobile phones at
5 that time.

6 PRESIDING JUDGE STEINER: Thank you.

7 Mr Iverson.

8 THE WITNESS: (Interpretation) Thank you.

9 MR IVERSON:

10 Q. Sir, do you know who in the ALC had mobile phones while they were
11 in Bangui?

12 A. Some people bought their own mobile phones, these were personal
13 or private phones, and the first person I saw who bought a mobile phone
14 and used it for communicating with members of his family who were in
15 Europe was Commander René.

16 Q. Were mobile phones used in the city of Bangui to communicate
17 instructions between the various forces?

18 A. At that time I did not see any mobile phones.

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 A. (Redacted)

25 Q. (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR IVERSON: Could I ask the court officer to please display

7 CAR-D04-0002-1641.

8 PRESIDING JUDGE STEINER: Mr Iverson, which document is it in the
9 Prosecution's list, please?

10 MR IVERSON: It's document 6, Madam President, and it's the
11 cahier de communication.

12 And if you could please display 1702 of that document, and it's
13 the message that starts in the lower left-hand quadrant and finishes in
14 the upper right-hand quadrant.

15 Q. Sir, is there anywhere in this message that indicates this
16 message came from or went through Zongo?

17 PRESIDING JUDGE STEINER: We need to give him time to read the
18 message, don't you think, Mr Iverson?

19 MR IVERSON:

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

Page 41

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 A. Correct.

8 Q. Okay. Sir, could I ask you to read this message out loud,
9 slowly, please.

10 A. "Extremely urgent" from Chief of Staff -- chief of general staff
11 ALC to Commander OPS. Co-ordinator OPS Bangui. Info Chairman. Security
12 number -- security secret, non-clarified, number ALC 047/general
13 staff/command 2003 ACK 07 January 2003.

14 "From your report, your operational report number ALC/0/2002
15 operation/Coordo/2002/16th of December 2002. Summary: Operational
16 situation of 012015 December 2002.

17 "You must on receiving the present message give us a.s.a.p. the
18 following precisions on the enemy. First, its force and arms.
19 Secondly --"

20 Here I don't see well. I don't see clearly --

21 THE INTERPRETER: Says the witness in Lingala.

22 THE WITNESS: (Interpretation) The message isn't clear here.
23 It's not clear --

24 THE INTERPRETER: Repeats the witness in Lingala.

25 THE WITNESS: (Interpretation) (* indiscernible). Provenance -- I

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
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1 haven't seen this either. Its probable intentions. Third.

2 Provenance -- probable provenance of these reinforcements. Internal --

3 here it's not clear to me --

4 THE INTERPRETER: Says the witness again in Lingala.

5 THE WITNESS: (Interpretation) Tactics utilised --

6 MR IVERSON:

7 Q. Sir, I'll just ask you to stop reading. I'm not going to make
8 you strain your eyes to try to read it.

9 MR IVERSON: But I will just ask, could the court officer just
10 display the upper right-hand quadrant.

11 Q. And I just wanted you to look at the end date on the left-hand
12 side of the message, sir, and it's 12 January 2003; is that right?

13 A. Yes, January 2003.

14 MR IVERSON: Could I ask the court officer to display 1706 of the
15 same document, and it's the message in the lower right-hand corner.

16 THE WITNESS: (Interpretation) I don't know if I'm meant to read
17 what's written at the top -- am I meant to read it out aloud?

18 MR IVERSON:

19 Q. Sir, could I have you read just the header, so the from, to, and
20 security sections.

21 A. Extremely urgent -- I'm sorry? I can't hear you very well.

22 Q. Sir, I'm not going to ask you to read the whole message, but just
23 the header -- actually, just the from and to lines would be fine.

24 A. "Extremely urgent from Coordo, operations Bangui to chief of
25 general staff ALC security secret number 011/Coordo Ops/2003."

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

Page 43

1 Q. (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Sir, do you know who sent this message?

7 A. The Ops co-ordinator in Bangui.

8 Q. And who was that?

9 A. I would like to see at the end of this message -- if I could see

10 the end of this message, I would be able to tell you what date it was and

11 (Redacted)

12 Q. Sure. No problem, sir.

13 MR IVERSON: Could I ask the court officer to please display the

14 next page, 1707, and it's the top left quadrant.

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 MR IVERSON:

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Okay. So there's the time and the date. Now, you just viewed

25 two messages, one a request coming from Colonel Amuli and a response

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 provided by the co-ordinator of Ops Bangui. Now, would you agree that
2 the request was sent on the 12th and the response was sent on the 13th of
3 January, 2003?

4 A. (Redacted) if that's the way it's written that's the
5 way it was received.

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. So could the ALC leadership tell the FACA what to do? Did they
18 have a certain power over them?

19 A. Well, I didn't follow, was it the authorities, the ALC
20 authorities, or was it the FACA authorities?

21 Q. Well, you say that the ALC could put pressure on the FACA
22 authorities; in other words, the ALC could tell the FACA authorities to
23 do something. So I'm asking: Were the -- was the ALC leadership able to
24 have power over FACA, over the Central African authorities?

25 A. The orders came from the FACA authorities. That means that when
26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

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1 Colonel Amuli had given orders for people to cross over, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Sir, do you remember back (Redacted)

9 (Redacted)

10 A. I don't remember the date. Well, I've even forgotten the year,
11 the month, but I think it was in (Redacted). Counsel Kilolo called me and he
12 told me that there is (Redacted)

13 (Redacted) And one day

14 he came, he called me. I don't remember the date exactly. We met, he
15 introduced himself. (Redacted) and it was with him
16 that we had exchanges.

17 Q. And you say "we had exchanges." Who else was present when you
18 were talking (Redacted)?

19 A. No, there was nobody else there. In Lingala -- I mean, he and
20 himself, us, "he and I," we were the ones who had these exchanges.

21 Q. Now, was Mr Kilolo present when you met with (Redacted)?

22 A. No, he wasn't there when he called me. I think he was in
23 Belgium. He wasn't present.

24 Q. So you think Mr Kilolo was in Belgium. How was it that you were
25 introduced to (Redacted)? Didn't Mr Kilolo introduce you (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 (Redacted)

2 A. I don't know where he was exactly, but he told me that (Redacted)
3 (Redacted) was going to come and meet me. He told me that he would call me
4 because he had given him my telephone number.

5 Q. So was (Redacted) alone when you met with him? I mean when
6 you initially met, how did he know who you were?

7 A. When he called me the first time, he asked me what my position or
8 location (Redacted) was. I told him that I was (Redacted). And at
9 that time, he was not far from (Redacted)
10 (Redacted) In any event, he gave me the

11 address. I looked for the location and I went to meet him, and I found
12 him. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. So was there any member of the Defence team, Mr Bemba's Defence
18 team, present to introduce you to (Redacted) Or was it you just --
19 you went up (Redacted).

20 A. When I told him that my name was (Redacted)

21 (Redacted) So I don't know whether he is the one

22 you are referring to (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) And that is how we began

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

Page 47

1 to have our discussion.

2 Q. And what did you tell him?

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. What did you tell him about being (Redacted)

14 A. (Redacted)

15 (Redacted)

16 Q. And what questions did he ask in that regard?

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Did you tell him about (Redacted)

24 (Redacted)

25 A. Yea, he put a number of questions to me regarding my duties, my

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

Page 48

1 function.

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. I have told you that he put a number of questions to me and I
10 answered the questions that he asked. He did raise a question with me
11 about (Redacted) I may not recall all the questions,
12 but I do remember that he put a number of questions to me.

13 Q. (Redacted)

14 (Redacted)

15 (Redacted) but he said that (Redacted)

16 (Redacted) Did you tell him that (Redacted)

17 (Redacted)

18 A. I did not tell him that (Redacted) I told him that (Redacted)

19 (Redacted)

20 (Redacted)

21 MR IVERSON: Madam President, I would like to request public
22 session. Oh -- yeah, I'd like to request public session. Sorry.

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

25 (Open session at 1.14 p.m.)

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 THE COURT OFFICER: (Interpretation) Madam President, we are in
2 public session.

3 MR IVERSON:

4 Q. Sir, when did the Defence team for Mr Bemba first contact you?

5 A. I do not remember. I travelled a lot and I have forgotten the
6 exact date, but in any event it was (Redacted) In fact, it was
7 in (Redacted) I believe.

8 Q. And how did -- who on the Defence team first contacted you?

9 A. The very first contact was with Maître Kilolo and I was meeting
10 him for the first time. I do not know how he came about my phone number.
11 I don't know how he got it, but he told me that he would be (Redacted)
12 (Redacted) or that he would be coming (Redacted)
13 (Redacted) he would like to meet me. Then when he arrived (Redacted), he
14 told me that he was (Redacted) and gave me the address of his location.
15 I did not know him at all at that time. (Redacted)
16 (Redacted) He was introduced to me and I met him with another lawyer, a
17 white lady, whose name I forget. But she spoke English.

18 Q. And how long was that first face-to-face meeting?

19 A. Well, we talked at length for quite some time. I told him how
20 the operations unfolded up to the very end. So we talked for about 30 --
21 about three hours, rather.

22 Q. After --

23 A. In fact, three to four hours.

24 Q. Has any other -- have you met with any other member of the
25 Defence team other than Mr Kilolo and the woman that you mentioned?

26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 A. No. Those are the only two members of the Defence team with whom
2 I met. (Redacted)

3 Q. Have you had -- has there been any other telephone contact
4 between you and members of the Defence or any other face-to-face meetings
5 that took place?

6 A. Later on Maître Kilolo called me on the phone and informed me
7 that members of the Office of the Prosecutor were going to come and meet
8 me and ask me some questions. So I cannot hide this from you. I must
9 tell you the truth, but I refused to meet with members of the Office of
10 the Prosecutor.

11 Q. Is there any reason why you refused to meet with members of the
12 Office of the Prosecutor?

13 A. The reason for which I refused is that I felt that my security
14 would not be guaranteed. (Redacted)

15 (Redacted) But after talking with him, I was wondering
16 whether (Redacted) the things that
17 happened in the Central African Republic. Senator Jean-Pierre Bemba is
18 already in detention over there, (Redacted)

19 (Redacted) and that is why
20 I refused to talk to the Office of the Prosecutor.

21 Q. Sir, a few days ago there was a courtroom familiarisation, do you
22 remember that?

23 A. Yes, I do remember.

24 Q. And you refused to essentially just make introductions with the
25 Office of the Prosecutor representatives and the -- the

26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 Legal Representatives of Victims; is that right?

2 A. Yes, that is correct. I had agreed to meet them when everybody
3 would be present in order to answer their questions. You see, (Redacted)
4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Sir, what was the last telephone contact that you had with
8 Mr Kilolo prior to coming here and testifying?

9 A. The last telephone contact I would say was about three weeks ago
10 or maybe even a month ago. (Redacted)
11 (Redacted) The person who often

12 called me was Mr Patrick who is here, but the last telephone contact with
13 Maître Kilolo was about three -- three weeks ago.

14 Q. Sir, were you paid any amount of money to testify in this
15 proceeding?

16 A. No, I have never received any money. Mr Patrick sent me some
17 money for transportation or to cover transportation costs.

18 PRESIDING JUDGE STEINER: Mr Iverson --

19 MR IVERSON: I just have --

20 PRESIDING JUDGE STEINER: -- I don't know whether you are --

21 MR IVERSON: -- one very short question, Madam President.

22 PRESIDING JUDGE STEINER: Okay.

23 MR IVERSON:

24 Q. Did any member of the Defence pay any money for any type of
25 reimbursement for expenses that you incurred as a result of you being a
26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 witness in this case?

2 A. No, I did not receive any money. No.

3 Q. Sir, I think it's now time for the lunch break, so we will
4 continue this afternoon. Thank you.

5 MR IVERSON: Thank you, Madam President.

6 PRESIDING JUDGE STEINER: Thank you, Mr Iverson.

7 Mr Witness, it's 1.30. It's time for our lunch break, for you to
8 have your lunch, to take some rest. We will suspend now and resume at
9 3.00. The hearing is suspended.

10 THE COURT USHER: All rise.

11 (Recess taken at 1.29 p.m.)

12 (Upon resuming in open session at 3.09 p.m.)

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

14 THE COURT OFFICER: (Interpretation) Madam President, we are in
15 public session.

16 PRESIDING JUDGE STEINER: Thank you very much.

17 Good afternoon, Mr Witness.

18 THE WITNESS: (Interpretation) Good afternoon, Madam President.

19 PRESIDING JUDGE STEINER: Are you feeling well, ready, and
20 willing to continue with your testimony, sir?

21 THE WITNESS: (Interpretation) Yes, I am ready to continue giving
22 my testimony.

23 PRESIDING JUDGE STEINER: Thank you very much, sir.

24 Mr Iverson, you can continue.

25 MR IVERSON: Thank you, Madam President.

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 Q. Sir, since your last telephone contact three weeks ago to a month
2 ago with Mr Kilolo, have you had any contact whatsoever with any member
3 of the Defence of Mr Bemba?

4 A. No, I have not had any other contact with any other person from
5 Mr Bemba's Defence team.

6 Q. Have you had any contact with any person involved with the case,
7 including other witnesses?

8 A. No, I have not had any contacts. I don't have their phone
9 numbers.

10 Q. Has anyone provided or suggested any answers that you should give
11 in your testimony in these proceedings?

12 A. No, no one has said any such thing to me. I am testifying here
13 about things that I saw.

14 MR IVERSON: Madam President, could I please request private
15 session.

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

18 (Private session at 3.13 p.m.) * Reclassified as Open session

19 THE COURT OFFICER: (Interpretation) We are in private session,
20 Madam President.

21 MR IVERSON:

22 Q. (Redacted)
23 (Redacted)

24 A. (Redacted)
25 (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 Q. (Redacted)

2 A. (Redacted)

3 Q. Sir, I'd like to ask you a few questions about the uniforms of
4 the ALC. What -- was there a standard uniform that ALC soldiers wore in
5 the Central African Republic?

6 A. When you say "standard uniform," what do you mean? Could you
7 please clarify.

8 Q. Well, you, for instance, what -- what type of military uniform
9 did you wear? Did you wear a beret? Did you wear military boots, things
10 of that nature? Could you describe the uniform that you wore, you
11 personally?

12 A. The uniform I was given was green in colour, fatigues, with two
13 pockets on both sides. I was also given a cap. Now, if you were to roll
14 up the sleeves of the uniform, then you would have a white colour on the
15 inside of the green uniform.

16 Q. And did you do that, did you roll up your sleeves so that instead
17 of the camouflage showing, it was just the white interior of the -- of
18 the military top part of the uniform?

19 A. Each soldier had his own style of dressing or dressing up. One
20 was free to roll up one's sleeves. You see, if you rolled them up high
21 enough, it then became important to ensure that the white colour was not
22 visible during combat.

23 Q. And did you carry a personal weapon?

24 A. Yes, I had an individual weapon, an AK.

25 Q. And what kind of boots did you wear, if you wore boots -- or what
26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

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1 type of footwear did you wear?

2 A. Yes, we were given some boots. Yes, boots had been distributed
3 to us.

4 Q. Were those black military boots or did they come in different
5 colours?

6 A. The boots were black in colour.

7 Q. Did anybody wear khaki-coloured boots like a desert boot?

8 A. Some people bought some boots for themselves. There was a shop
9 at Camp Béal which sold military equipment and boots. So depending on
10 each individual's resources, people were able to buy their boots, their
11 uniforms, and their caps. These articles were all available at a shop in
12 Camp Béal.

13 PRESIDING JUDGE STEINER: Mr Iverson, for this line of
14 questioning, should we stay in private session?

15 MR IVERSON: Well, my idea, Madam President, was that he may
16 mention something that may provide an individual characteristic about the
17 type of clothing that he wore. And not knowing the answer, I thought
18 private session would be the safest option.

19 Q. Sir, did you wear a black beret?

20 A. No, I did not. Some people bought berets for themselves and wore
21 them.

22 MR IVERSON: Could I ask the court officer to please display
23 CAR-OTP-0046-0217 and that is document number 65 on the Prosecution's
24 list.

25 THE WITNESS: (Interpretation) Yes, I am there.

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

Page 56

1 MR IVERSON:

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 THE INTERPRETER: Interpreter corrects: The witness said (Redacted)

8 (Redacted) Interpreter correction.

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 MR IVERSON: Could I ask the court officer to zoom in on the
13 person -- the shortest person in the photograph, the third from left.

14 Please zoom in as far as possible.

15 Q. (Redacted)

16 A. (Redacted) those were

17 Major Kamisi's bodyguards. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. (Redacted)

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session)
Questioned by Mr Iverson (Continuing)

Page 57

1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 Q. (Redacted)

7 A. (Redacted)

8 MR IVERSON: Could I ask the court officer just to move over to

9 zoom in on the other person in the photograph using or holding

10 communication devices. Yeah.

11 Q. So this person with the green beret, is he holding a Thuraya in

12 his right hand?

13 A. The item of equipment in his right hand is a Thuraya and the item

14 of equipment over his shoulder is a Motorola.

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted) I'm not aware of this. I do not know

23 this photograph. (Redacted)

24 (Redacted)

25 Q. Did anybody else beside Major Kamisi and his bodyguard there have

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

Page 58

1 a Thuraya that you know of?

2 A. There is only one Thuraya. The other device is a Motorola, the
3 one he's holding. So he has a Motorola device slung over his shoulder
4 and he has it on his uniform shoulder, and in his hand he is holding a
5 Thuraya.

6 MR IVERSON: Could I ask the court officer to please display
7 document 66 on the Prosecution list, CAR-OTP-0046-0218. (Redacted)
8 (Redacted) in the
9 background of the photograph. That's good.

10 Q. (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Okay. Sir, now the only Thuraya that you know of is the one
15 being held by Major Kamisi's bodyguard; is that right?

16 A. He is the only person to have had a Thuraya in the entire
17 battalion.

18 MR IVERSON: Okay. Could I ask the court officer to please
19 display CAR-OTP-0046-0199, and it's document 63 on the Prosecution's
20 list.

21 Q. Now, there was no mobile phone coverage in Sibut at that time,
22 was there, sir?

23 A. No, not in Sibut. In fact, in Bangui -- well, I believe that
24 there was none throughout the CAR. Well, in some regions there was no
25 network. I didn't use a cell phone, neither did our leaders or figures

26

Witness: CAR-D04-PPPP-0013 (On former oath (Private Session))
Questioned by Mr Iverson (Continuing)

Page 59

1 of authority, they did not have cell phones either.

2 Q. So is the device that the man leaning against the white pickup is
3 speaking on Major Kamisi's Thuraya?

4 A. It would seem that this is a cell phone. Well, I can't see very
5 well.

6 Q. And I understand it's difficult -- you know, it's difficult to
7 tell what type of device he's talking on, other than he's holding his
8 hand to his ear and he has something in his hand.

9 MR IVERSON: Could I ask the court officer just to zoom in on the
10 person in the middle of the photograph.

11 Q. Is he talking on Major Kamisi's Thuraya there, sir?

12 A. I do not know. I can't affirm something that I am not sure of.

13 (Redacted)

14 (Redacted)

15 Q. Very well.

16 MR IVERSON: Madam President, could I request to go back into
17 open session, please.

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

20 (Open session at 3.42 p.m.)

21 THE COURT OFFICER: (Interpretation) We are in open session,
22 Madam President.

23 MR IVERSON:

24 Q. Sir, how -- how were the Thuraya's -- the Thuraya satellite
25 phones handed out?

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

Page 60

1 A. I do not know how the Thurayas were shared out. What I do know
2 is that it was only those in command who had Thurayas. I do not know
3 what criteria were followed in their distribution or when they were
4 shared out.

5 Q. And were these new Thurayas? Were they out-of-the-box, new
6 Thurayas, if you know?

7 A. They were brand new.

8 Q. Did you see them being taken out of their boxes? How do you know
9 they were new?

10 A. I saw the one that was given to Colonel Mustapha and also that
11 given to Major Kamisi. They were in boxes.

12 Q. Do you know how -- and given your previous answers, you know, I
13 think I know the answer to this, but do you know how the Central African
14 authorities acquired the Thurayas?

15 A. No, I have no idea.

16 Q. Sir, previously, according to you, a number of ALC soldiers
17 crossed from Zongo to Bangui on the 26th of October and then went back to
18 Zongo on the same day. Is that your testimony, sir?

19 A. That is what I stated.

20 Q. And that group included the S2, the intelligence officer
21 Lieutenant Willy Bomengo; right?

22 A. Yes, he was the substantive S2 of the 28th Battalion.

23 MR IVERSON: Could I ask the court officer to please display
24 document 10 on the Prosecution list, and that would be CAR-DEF-0002-0001.
25 And I'd ask that the page 0043 be displayed, and it is a public document.

26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 Q. Sir, this is a statement provided by Lieutenant Willy Bomengo to
2 an investigator investigating him for the theft of a number of items and
3 violating military orders. Could I just have you read silently to
4 yourself the second question beginning with:

5 "Comment se fait-il ..." and read the response by Willy Bomengo
6 until the end. And just, please, look up at me when you're finished
7 reading.

8 A. I have read it.

9 Q. Lieutenant Bomengo's version of the facts differs quite a bit
10 from your version of the facts, doesn't it?

11 A. I said that if you went to find him and if he were to come here
12 to say or to state what he said, you might also go and look for other
13 individuals, individuals beside myself, for them to talk to you about
14 this. If this is what he said, well, then you should check with him.
15 What I said was that on the 26th we had come back and we made the
16 crossing on the 29th.

17 Q. But according to Lieutenant Bomengo in this statement, there's no
18 way he could have been driving a motorcycle from Zongo to Libenge on the
19 date that you said he was driving a motorcycle from Zongo to Libenge;
20 isn't that right?

21 A. Well, I've told you that I am stating what I'm aware of. I
22 cannot state what I am not aware of. If this is what he has said, well
23 then find him and ask him or you can ask somebody else who could verify
24 as to who told the truth and who lied.

25 Q. So with that are you saying that Lieutenant Bomengo was lying
26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

Page 62

1 here, that he's lying about being in Bangui from the 26th of October for
2 four days?

3 A. Well, I can't speak for him. I'm telling you what I am aware of,
4 and what I am not aware of or what I do not have any knowledge of I
5 cannot talk about.

6 Q. But I am asking you, not Willy Bomengo, is this version of events
7 that Lieutenant Bomengo gave accurate?

8 A. I am stating what I have knowledge of. I shall not state what I
9 do not have any knowledge of. Since he is stating that that is what he
10 was aware of, well, then you can use all the means that you have, like
11 you did when you found me, you could find somebody else and you could
12 come and compare what he has to say with what I have to say.

13 Q. That motorcycle trip that you say Lieutenant Bomengo took between
14 Zongo and Libenge never actually happened, did it, sir?

15 A. He made that journey on the 26th. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MR IVERSON: Could I ask the court officer to please display
21 CAR-OTP-0013-0082, number 19 on the Prosecution's list and this is a
22 public document.

23 Q. Sir, do you see the paragraph in the middle -- the middle column
24 starting with -- it says "at 13 hours ..."?

25 A. Yes, I can see that paragraph. What's the question?

26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

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1 MR HAYNES: I wonder if Mr Iverson would just be so good as to
2 tell the witness what this document is. That's all.

3 PRESIDING JUDGE STEINER: Fair enough.

4 Mr Iverson.

5 MR IVERSON: Sure. No problem.

6 Q. Sir, this is a publicly published time-line from "Le Citoyen," a
7 newspaper in the Central African Republic. That's what I'm asking you to
8 read from.

9 PRESIDING JUDGE STEINER: Mr Iverson, what exactly do you want
10 the witness to read? The whole thing?

11 MR IVERSON: No, no, Madam President, that would take far too
12 long. I just the want to cover very specific portions of this document.

13 Q. So, sir -- and as a matter of fact, we don't even have to read
14 that portion. But on the 25th of October, at about 1300 hours, the
15 Bozizé rebels entered the capital. Does -- is that right, sir?

16 A. I was at PK12 and it was between 3.00 and 4.00 p.m.

17 Q. Were you at PK12 between 3.00 and 4.00 p.m. on the 25th of
18 October, sir, 2002? Go ahead, sir.

19 A. No, it was not in October. I'm referring to the end of the
20 operations in March, that was before we left Bangui for Zongo. I'm not
21 talking about the month of October. So I don't know whether I understood
22 your question, counsel. I'm not sure that I understood your question.

23 Q. Well, my question's just a simple one: Are you aware that the
24 Bozizé rebels entered Bangui at around 1300 hours on the 25th of October,
25 2002?

26

Witness: CAR-D04-PPPP-0013 (On former oath (Open Session)
Questioned by Mr Iverson (Continuing)

Page 64

1 A. At that time I was in the Congo. I thought you were asking me
2 about the period of March 2003 when they entered the capital.

3 Q. Okay. And is the confusion cleared up now? You know that I'm
4 asking about the 25th of October, 2002?

5 A. On the 25th I was in Zongo. I do not know whether they entered
6 the capital. We were not in contact with them. From our side, I was
7 able to hear shelling and explosions from over there. As you may know,
8 Zongo is not far away from Bangui.

9 MR IVERSON: Could I have the court officer on the same page
10 scroll down to Saturday, the 26th of October.

11 Q. Sir, could I just have you read out loud the first paragraph
12 under the heading "Saturday, the 26th of October." And please just read
13 it out loud so we can have interpretation.

14 A. "Saturday, 26th October, humiliation or treason. From 2.00 to
15 5.00 a.m. in the morning, all of Bangui was talking about the arrival of
16 more than 300 Banyamulenge. The inhabitants of Bangui were afraid mainly
17 because they remembered what had happened in Ouango, Kasai, and Ngaragba.
18 The northern neighbourhoods have begun to empty out. At around
19 9.00 a.m., the stock or the labour stock market. No one is around. The
20 general assembly of all labour unions of the public sector will no longer
21 take place.

22 "1200: Whereas RFI has been announcing that relative calm has
23 returned to Bangui since this morning, explosions of --"

24 Q. Thank you. I just meant you to read the first paragraph. I
25 didn't mean to interrupt. So according to this article, the

26

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1 Central African population were aware of the arrival of -- this article
2 uses the word "Banyamulenge," but aware of the arrival of 300 members of
3 the ALC. Does this ring a bell?

4 A. I know nothing of or about that. Maybe I did not read well, but
5 if you can put on the screen Lieutenant Bomengo's screen again, if you
6 can display it again, if you can display that report, I would be very
7 happy because I think what is said in that report is in relation to
8 Sunday, the 26th of October. But here we see Saturday, 26th of October.
9 So maybe if we compared those two documents, we might find out something.
10 Because here I see that reference is made to Saturday, the 26th.

11 Q. Okay. Well, what happened on the 27th of October, then, in
12 Bangui, which would have been Sunday, the next day?

13 A. These things happened many years ago and I cannot remember the
14 exact dates. What I know is that we left on the 26th and we returned on
15 the same day, and there were not 300 of us.

16 MR IVERSON: Could I ask the court officer to go to the next page
17 in the same document, and the last four are 0083.

18 Q. Sir, could I just have you read this short section at 1500 hours
19 to the bolded letters "Le capitaine Gonambri ..." please just read that
20 section out.

21 A. "Captain Gonambri, general director of B2" --

22 Q. I'm just asking you to read from the bolded letters "at 1500
23 hours," and stop right before you get to the words "Le capitaine
24 Gonambri..." thank you.

25 A. "Around 3.00 p.m. the soldiers who answered the call from the
26

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1 general staff to the support regiment and to the military engineering
2 corps were humiliated. They were disarmed, undressed, and were left in
3 their underwear only and were thrown into jail by Jean-Pierre Bemba's
4 troops. Here are some points in question as evidence:

5 "Captain Gonambri ..."

6 Q. So according to this article, on the 26th of October the ALC did
7 not seem to co-operate very well, to say the least, with the
8 Central African military; is that right?

9 A. All I know is that the co-ordination between their side and our
10 side was good, so I don't know who is the author of this article.

11 Q. Were you aware of any fights or conflicts in between the ALC
12 units, members of the ALC units and Central African units?

13 A. No, I did not witness any such thing. The person I am talking
14 about was with us. I was with them until we separated from each other.

15 MR IVERSON: Could I ask the court officer just to show the last
16 portion from this document and it's on the same page. Just please scroll
17 down to Sunday, the 27th of October.

18 Q. And if I could just have you read the small section at 4.00, and
19 you can stop before you get to 5.30. Just read that out loud, please.

20 A. "Sunday, 27th October.

21 "4.00: The rebel chief Jean-Pierre Bemba's troops have taken up
22 position at the École des 36 villas and at Camp Béal. Fighting has
23 resumed and will not last long.

24 "5.30" --

25 Q. Okay. So according to this article, the ALC were still present
26

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1 on the morning of Sunday, the 27th of October. Now, that differs from
2 the testimony that you provided, doesn't it?

3 A. I am testifying to you about things I know. I know nothing of
4 this article. I don't know who wrote it. It is only the author of this
5 article who is in a position to speak to the content of the article. I
6 am here to testify about things that I know about.

7 Q. Sir, are you aware that on the 27th of October a morning sitrep
8 was sent from Ops Bangui to Gbadolite?

9 A. No, I'm not aware of that.

10 Q. Okay. I'd like to ask you a few questions about your progression
11 to PK12 and your progression from PK12. So according to you, what date
12 did the first ALC unit arrive to PK12?

13 A. When it comes to dates, I have told you that given that these
14 things happened many years ago I no longer remember the dates. However,
15 what I know is that when our troops first went to PK12, it must have been
16 on the 31st.

17 Q. Sir, if you're not so good with dates, how is it that you can
18 remember with such specificity dates such as the 26th of October and the
19 29th of October?

20 A. It is because I do remember, that is the reason, because I
21 remember. But you know these things happened many years ago. I went
22 there within the context of an operation. Some dates I may forget, some
23 events and operations I may also forget.

24 Q. In preparation for your testimony, did you review any notes or
25 read anything to remind yourself of dates, what happened when?

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1 A. I do not have any documents. What I'm telling you is simply what
2 I can remember. I have no archives. I did not keep a record of these
3 things. I don't have a document. So all that I'm telling you is from my
4 experience, from the events that I experienced which I do remember.

5 Q. Okay. Well, how long did the ALC units stay at PK12? From the
6 31st of October, according to you, until when?

7 A. I would say about one month. We remained at that location for a
8 long time. I would say one month if not more, if memory doesn't fail me.

9 Q. And when did the Poudrier Battalion arrive in Damara? When did
10 the battle for Damara take place?

11 A. I really do not remember. However, I know that we celebrated
12 Christmas and new year's -- Christmas 2002 and new year's 2003 in Damara.

13 Q. Okay. And can I have you explain your progression from Camp Béal
14 to PK12, what route did you take?

15 A. From PK12 we -- in fact, our progression was done in separate
16 groups because our battalion was divided up into groups. Soldiers were
17 positioned 5 metres away from each other in order to be able to progress
18 in a proper manner. The Central African authorities referred to
19 arrondissement, whereas in our country we talk of avenue. That is how it
20 happened from the 1st arrondissement, one group went to the
21 2nd arrondissement, while another went on another road. I was opposite
22 the parliament, that is, the Central African people's parliament, but
23 there was another group behind that building, and the enemy was on a
24 hill, the hill which was located behind that position. So heavy weaponry
25 was being used, and at that time I was positioned between PK10 and PK12.

26

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1 That was the first day of combat. In the evening we were ordered to
2 retreat to PK10, and the next day in the morning we progressed all the
3 way to PK12.

4 Q. And did you -- so while you were doing this -- and did you make
5 the 5 interval march along with all the rest of the ALC soldiers?

6 A. I was with them.

7 Q. Okay. Sorry. I meant to say 5-metre interval march, but you got
8 what I was saying.

9 Who at this time was making sure of inter-operability with
10 communications. You're entering a new country with new doctrines, with
11 new radio practices, and according to you the units came together, mixed.
12 How was this accomplished so -- with such efficiency and speed, fixing
13 all the inter-operability issues?

14 A. I did not quite grasp your question, Counsel. Could you please
15 repeat it so that I can understand it better.

16 Q. Well, the ALC had its own radio codes to secure its radio
17 communications and the Central African military forces had their own
18 military radio codes to secure their communications. You speak different
19 languages and there may be one language in common, which is French, but
20 all of these issues would be challenges to operating together. So I'm
21 just asking: How is it that the ALC and the Central African military
22 forces were so capable, it seems, according to you, to work out all of
23 these changes to inter-operability? How did that happen?

24 A. They came and provided us with Racal radios, which we then used
25 during the first operation. There were not enough Motorolas to go around
26

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1 for all the figures of authority. That was the first difficulty we came
2 up against. And then during the operation whenever a message was sent in
3 the French language, when a secret was being passed over, for example, to
4 the Congolese, the authorities transmitting this message in French would
5 transmit the message in French. And if the Racal was in the hands of a
6 Congolese individual, it was handed over to a Central African so that he
7 could listen to the message, listen to the message, understand it, and
8 pass it on to the Congolese.

9 Q. And since the Racal only had a 10-kilometre range, how was this
10 accomplished at longer distances than 10 kilometres?

11 A. Well, that is why I stated previously, and I repeat, I said that
12 at a distance of more than 10 kilometres when we arrived at PK12, we then
13 also handed out Motorolas to all the authorities as well as Kenwood
14 phonic systems for the various units. We also gave Racals out. So we
15 used Racals until PK12. You could get hold of one but you couldn't use
16 it, which meant that if you went to PK10, then you could easily
17 communicate with a person who was located, say, in Camp Béal.

18 Q. Sir, what consequences would there be for not following an
19 "order" from Central African authorities? So if you're an ALC soldier,
20 what consequence would there be for not following orders provided from
21 the Central African authorities?

22 A. Well, the organisation was set up and the ALC and FACA troops
23 were merged, and when this was done military police who were all
24 Central Africans were introduced to us. They were charged or tasked with
25 arresting all individuals who did not comply with orders. They would be
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1 arrested and the military police, as I said, would arrest any individual
2 who did not comply with orders.

3 Q. And could General Mazi relieve Colonel Mustapha from command?
4 Did he have that authority?

5 A. Well, he was in charge. I do not know whether he could relieve
6 him of his duties. I was not in command, so I was not in a position to
7 know that detail.

8 Q. Do you know if Mr Bemba could relieve Colonel Mustapha from
9 command?

10 A. I do not know. The individual who had power within the ALC was
11 General -- Colonel Amuli who was the Chief of Staff. He was the leader
12 of the army, and if you look at all of the documents, all messages were
13 addressed to him. He was the one who would deploy the soldiers. He was
14 the one who was in charge of all things to do with soldiers, and he was
15 the one who gave the orders. All of his troops had a great deal of
16 respect for him.

17 Q. And according to you, what power did Mr Bemba have over the ALC?

18 A. He was called the president of the Movement for the Liberation of
19 Congo. The army was called the Army for the Liberation of the Congo, but
20 he was the president of the Movement for the Liberation of the Congo.
21 And within the MLC he was referred to as the president.

22 Q. Sir, are you aware that the MLC Statute empowered Mr Bemba as the
23 Commander-in-Chief of the Army for the Liberation of Congo?

24 PRESIDING JUDGE STEINER: Court officer, I think the image is
25 frozen.

26

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1 Mr Witness, can you hear me?

2 THE WITNESS: (Interpretation) I can hear you again now. I could
3 no longer hear you previously.

4 PRESIDING JUDGE STEINER: Yes, we had a connection problem.

5 I'll ask the Prosecution to repeat his last question.

6 Mr Iverson, please.

7 MR IVERSON:

8 Q. Sir, Mr Bemba was the Commander-in-Chief of the Army for the
9 Liberation of Congo, the ALC; correct?

10 A. To my knowledge, he was the president of the Movement for the
11 Liberation of Congo. He was the chief -- well, the chief of general
12 staff who was in charge of the army was Colonel Amuli. He was the one
13 who would give orders. He was the one who would allocate the commanders
14 to their various positions and posts. He was the one who did all of
15 that.

16 Q. So would it be fair to say that according to you Mr Bemba had
17 nothing to do with the ALC?

18 A. Well, he did have a role to play, yes, because he was the
19 president of the MLC after all. However -- well, some soldiers don't
20 even know who he is, you know.

21 Q. Sir, is it your testimony that there are some ALC soldiers who
22 didn't know who Mr Bemba was?

23 A. I said that they knew him as the president. They would call him
24 the president of the MLC, but there are some troops who followed their
25 training and went out to work in such and such a position who had never
26

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1 seen him. There were such people.

2 Q. And when Mr Bemba visited the ALC troops at PK12 on or about the
3 2nd of November, 2002, were you present then?

4 A. I did not quite grasp your question, Counsel. Could you please
5 put it again.

6 Q. Were you present when Mr Bemba visited the ALC troops in
7 Central African Republic at PK12?

8 A. I was there and I saw him on one occasion.

9 Q. So the soldiers from the ALC who were present that day certainly
10 must have been aware that Mr Bemba was their Commander-in-Chief; correct?

11 A. I am not challenging that, but I am challenging the title of
12 Commander-in-Chief. What I heard was that everyone called him the
13 president for the Movement for the Liberation of the Congo, but the armed
14 wing was called the ALC. He was there and this title of
15 Commander-in-Chief is a new term for me. This is the first time that
16 I've heard this title of Commander-in-Chief.

17 Q. The soldiers that were present that day at PK12 regarded Mr Bemba
18 as a leader, as their leader; correct?

19 A. Yes, indeed.

20 Q. And when he spoke, they listened; right?

21 A. Might Madam President allow us to move into closed session,
22 please, for me to provide you with more ample explanations in this
23 regard?

24 PRESIDING JUDGE STEINER: Of course, Mr Witness.

25 Court officer, please turn into private session.

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1 (Private session at 4.52 p.m.) * Reclassified as Open session

2 THE COURT OFFICER: (Interpretation) We are in private session,

3 Madam President.

4 PRESIDING JUDGE STEINER: Feel free to talk, Mr Witness.

5 THE WITNESS: (Interpretation) I thank you, Madam President. I
6 wanted to say the following. When President Bemba arrived, not all the
7 troops were there. Those who were out on the Damara-Bossembélé road
8 remained there. There were just a few troops and a few Central African
9 civilians who assembled at that point. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: But did you (Redacted) to see
14 Mr Bemba in that day or not?

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: Are you a Central African, Mr Witness?

22 THE INTERPRETER: Correction from the English booth: I and the
23 Central African remained where I was.

24 THE WITNESS: (Interpretation) I am not a Central African. I am
25 Congolese. I was born (Redacted)

26

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1 PRESIDING JUDGE STEINER: It was just for a correction in the
2 transcript.

3 Judge Aluoch wants to ask you something.

4 JUDGE ALUOCH: Mr Witness, when you say I remained where I was,
5 does this mean you (Redacted) and at the same
6 time you saw Mr Bemba? Can you clarify, please.

7 THE WITNESS: (Interpretation) During the operation, whenever one
8 would arrive at a location, the commander would set up -- set things up,
9 (Redacted)
10 (Redacted)
11 (Redacted)

12 PRESIDING JUDGE STEINER: Court officer, please turn back into
13 public session.

14 (Open session at 4.58 p.m.)

15 THE COURT OFFICER: (Interpretation) We are in open session,
16 Madam President.

17 PRESIDING JUDGE STEINER: Mr Iverson, there's time for one short
18 question that allows for a short answer.

19 MR IVERSON: I got it, Madam President.

20 Q. Sir, on that day when Mr Bemba addressed the ALC troops, they
21 gathered and listened to him because he was a man in position of
22 authority, in power; correct?

23 A. That is correct.

24 Q. Thank you, sir.

25 MR IVERSON: Thank you, Madam President, I have no further

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1 questions.

2 PRESIDING JUDGE STEINER: Thank you very much, Mr Iverson.

3 Mr Witness, the Prosecution conclude with its questioning. That
4 means that tomorrow Legal Representatives of Victims that were authorised
5 to put questions to you will start at 9.00 in the morning. And then if
6 Defence so wishes, there will be opportunity for Defence to re-direct,
7 which means that probably by lunchtime tomorrow we will be able to
8 conclude with your testimony. We are going to adjourn for today. I
9 thank you very much, the Prosecution team, Legal Representatives of
10 Victims, the Defence team, Mr Jean-Pierre Bemba Gombo.

11 As always, I thank very much our interpreters, our court
12 reporters.

13 Thank you very much, Mr Rojas.

14 THE COURT OFFICER (Via video-link): You're welcome,
15 Madam President.

16 PRESIDING JUDGE STEINER: Mr Witness, thank you very much and we
17 wish you have a very, very restful evening and night. We will resume
18 tomorrow morning at 9.00. The hearing is adjourned.

19 THE COURT USHER: All rise.

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

21 (The hearing ends in open session at 5.01 p.m.)

22 RECLASSIFICATION REPORT

23 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
24 ICC-01/05-01/08-3038, the version of the transcript with its redactions
25 becomes Public.