

Trial Hearing
Witness: CAR-OTP-PPPP-0044

(Closed Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Monday, 6 February 2012
8 *(The hearing starts in closed session at 9.35 a.m.) Reclassified as Open session
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in closed session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
14 case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
18 Prosecution team, legal representatives of victims. Maître Douzima, welcome back.
19 Mr Haynes, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, court
20 reporters. We will continue today with the questioning of Witness 44, and for that
21 purpose -- before we bring the witness in, I was informed that Ms Kneuer wanted to
22 address the Chamber. You have the floor, Ms Kneuer.
23 MS KNEUER: Good morning, Madam President, your Honours. It's a very short
24 submission: The Prosecution would like to state in the record that we do not oppose
25 the tendering of documents with regards to Witness 45 by the Defence and it relates

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1 to documents 20, 27, 48, 23 and 50 from the list of documents that the Defence had
2 submitted and these were the documents that the Defence had used during their
3 questioning. Thank you.

4 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. It is now on the record. I
5 ask, please, court usher to bring the witness in.

6 (The witness enters the courtroom)

7 WITNESS: CAR-OTP-PPPP-0044 (On former oath)

8 (The witness speaks French)

9 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome back.

10 THE WITNESS: (Interpretation) Good morning, your Honour.

11 PRESIDING JUDGE STEINER: I hope you had the opportunity to take some rest
12 during the weekend and that you are ready to continue giving your testimony?

13 THE WITNESS: (Interpretation) That is correct, your Honour.

14 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to the
15 Prosecution, I need to remind you that you are still under oath. Do you understand
16 that, sir?

17 THE WITNESS: (Interpretation) Yes, I understand, Madam President.

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

19 QUESTIONED BY MS KNEUER: (Continuing)

20 Q. Good morning, sir.

21 A. Good morning, Madam Prosecutor.

22 Q. Sir, I just have a few more questions, most likely less than 15 minutes. The last
23 topic we addressed on Friday was (Redacted)

24 (Redacted). Who was present during that meeting?

25 A. The president of the republic, who was chairing the meeting, as well as all the

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1 members of government.

2 Q. When you stated (Redacted), and I quote from the English transcript 205,

3 page 64, lines 5 to 8 that, (Redacted)

4 (Redacted) how did Mr Bemba react to that?

5 A. His reaction was rather violent because he said he did not understand that

6 people that he had sent to the government should oppose a draft law that would

7 make it possible for the vice-presidents to become senators for life. (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. You just stated that Mr Bemba's reaction was, and I quote, "Rather violent." It's

11 line 17 on page 3. How did that look like, this rather violent reaction?

12 A. He raised his voice in the ministerial council meeting and rigorously attacked

13 the position that (Redacted) had put forward. He -- that is (Redacted)

14 (Redacted)

15 (Redacted), so things got

16 so heated in the council meeting that the president had to suspend the meeting.

17 Q. Sir, was there any other reason, except this (Redacted)

18 A. Let me say that this (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. What was (Redacted) with regards to Mr Bemba running during the

25 presidential elections at that time?

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1 A. During a meeting of the political bureau, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) had already worked on that agreement in Sun City

8 and that would have made it possible for him to become Mr Kabila's prime minister.

9 That proposal was definitely acceptable, but in the course of that discussion he did

10 not react. However, (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Did any other MLC members leave the MLC?

14 A. Yes, many senior officials left. Mr Kamitatu left, Mr Valentin Senga left,

15 Mr Simene left, and quite recently, after Mr Bemba was transferred here to The

16 Hague, Mr François Mwamba left, Mr Denis Sesanga left, Yves Kisombe left. Yes,

17 indeed many people left.

18 Q. Do you know why Mr Kamitatu, Mr Senga and Mr Simene left the MLC at that

19 time?

20 A. I believe that there were differences in approach. Mr Bemba was a rather

21 authoritarian leader, so I believe those people no longer accepted that way of seeing

22 things; that is to the effect that his point of view should have priority over all others.

23 So it really had to do with his character, which meant that many people left.

24 Mr Bemba did not accept any discussions as such, so that is a character trait of his.

25 Q. Was it possible to have an open debate within the MLC at that time?

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1 A. Yes, there were discussions, but once he had taken a decision everyone had to
2 comply with it. So, in fact, there were discussions, but once he decided it was final.

3 Q. Sir, what motivated you to co-operate with the Court and to testify here before
4 this Bench?

5 A. Considering (Redacted)
6 (Redacted) - it was pointed out to me that the Prosecutor wanted to interview me, so I
7 thought it normal to come and provide information about what I knew.

8 MS KNEUER: Thank you, sir, for your patience, the time and the co-operation with
9 the Prosecution on this matter.

10 Madam President, this concludes the questioning of the Prosecution.

11 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer.

12 Mr Witness, Maître Zarambaud, as legal representative of a number of victims, was
13 authorised by the Chamber to put some questions to you. Therefore, I'll give now
14 the floor to Maître Zarambaud.

15 Maître.

16 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

17 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

18 Q. Good morning, Mr Witness.

19 A. Good morning, Counsel.

20 Q. As I told you during the familiarisation process I am Maître Zarambaud
21 Assingambi and I am a member of the Central African Republic Bar, and as the
22 Presiding Judge has just said I am one of the legal representatives, alongside my
23 colleague Maître Marie-Edith Douzima-Lawson. I know what our legal system is,
24 but here I had to make an application to put a few questions to you and the
25 Chamber has authorised that. I will not ask you all the questions that I had intended

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1 to ask you, given that you have answered some of those questions as put to you by
2 the Prosecutor.

3 Now, regarding reference 0034-0802, page 0839, paragraphs 4 and 5, I will ask you a
4 question. The question was put to you: "Was the deployment of MLC troops in
5 the CAR announced publicly?", and your answer was, "No, no, no. I think several of
6 the officials learnt about it for the first time over RFI."

7 My question to you is as follows: Were there any other leaders who were consulted
8 before that decision was taken?

9 A. I am certain that the military commanders, particularly General Amuli, would
10 have been informed, because I do not see how a certain number of soldiers could be
11 deployed without informing the military commanders. I was referring more to the
12 party leaders who were in South Africa and who, indeed, heard over the RFI radio
13 station, BBC and the Voice of America that troops had been deployed to the Central
14 African Republic, but I believe that the military command had been informed.

15 Q. Thank you, Mr Witness. When you say that the military command had
16 certainly been informed, is this your analysis or is this information that you received?

17 A. In order to deploy soldiers, their commanders have to be informed who is going
18 to go on the mission, who is going to go to the front. There are logistical measures
19 that have to be taken, so I cannot imagine that a battalion or two can be sent to a
20 foreign country without the knowledge of the military command and so obviously
21 the military leaders would have been informed. This is simply the result of a logical
22 analysis.

23 Q. Thank you, Mr Witness. I do understand that this is a logical analysis. I will
24 now refer to CAR-OTP-0034-0843, and it is still page 802. You were talking here
25 about the leadership of the movement, and on page 0844, paragraph 2, you said that,

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1 "The secretary-general of the party answered that he was acting in perfect agreement
2 with Mr Bemba, who could be communicated with, and those who wanted to confirm
3 that this decision had been taken in agreement could contact him."

4 My question here is as follows: To your knowledge, does Mr Bemba continue to be
5 the leader of his party, to manage his party, right to this date?

6 A. Yes. I was talking about the decision that was taken by Mr François Mwamba,
7 who has since left the MLC. During a meeting of the MLC, he published a decision
8 on the distribution of positions amongst the MLC officials. This decision was
9 challenged and Mr Mwamba said, "I did this with the agreement of President
10 Mwamba (sic), and those who doubt that can communicate with him." He was in
11 The Hague and he could be communicated with. This was widely reported in the
12 Congolese media. He had said he was in communication with President Bemba,
13 actually, and I have told you that quite recently after the presidential election and in
14 the course of an initiative started by President Kabila, MLC officials were approached
15 by Mr Kabila's party and they answered that they would only accept an agreement if
16 Mr Bemba approved.

17 So this was a few weeks ago, and this means that he is still in direct contact with them.
18 It was also said that some of the candidates in the presidential election was
19 requesting an endorsement from him to the effect that he could ask his supporters to
20 vote for such-and-such a candidate. So he is still a moral authority in his party; that
21 is my analysis.

22 Now, regarding the decision on the distribution of positions, as I have said,
23 Mr François Mwamba said he had taken that decision in consultation with Mr Bemba
24 while Mr Bemba was here.

25 Q. Thank you, Mr Witness. My next question relates to the leadership of

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1 operations on the field. My question relates to CAR-OTP-0034-0778, page 792,
2 paragraph 7. The question was put to you as to whether Mr Bemba short-circuited
3 General Amuli, Chief of General Staff. This was your answer, and I quote: "As I
4 told you yesterday, because of his character he probably short-circuited General
5 Amuli and communicated directly with the commanders in charge of field
6 operations." You went on to state at page 0846, paragraph 13, quote, "General Amuli
7 was the boss of the army, but because of the manner in which the organisation
8 functioned he was answerable directly to Bemba. Bemba's modus operandi was
9 such that he gave direct orders, side-stepping General Amuli and acting in that
10 manner." Then my question follows: "Regarding the specific operations in the
11 Central African Republic from October 2002 to 15 March 2003, do you know whether
12 the general or rather Mr Bemba circumvented General Amuli to give orders directly
13 to the field commanders?"

14 A. To my mind, the transcript you have just read was not exactly correct. I didn't
15 say that he certainly circumvented, I said he probably circumvented. Now, if I said
16 he circumvented, it actually means that quite systematically he did not always act
17 through General Amuli. Now, when I said he probably circumvented, it means that
18 it was possible for him probably to communicate directly with the commanders on
19 the field without necessarily going through General Amuli.

20 Now that I have clarified that matter relating to a possible problem in the transcript,
21 let me go on to say that Mr Bemba's method of operating, and his desire to check
22 reports that were submitted to him, it was perfectly possible for him to side-step or
23 circumvent his direct military officers to communicate directly with the commanders
24 on the field. That is the manner in which he operated. He could have gone
25 through the Chief of Staff, General Amuli, or he could have spoken directly with the

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1 commanders on the field and then cross-checked the information that he was
2 receiving from both parties, that is from the field and from General Amuli. That is
3 the manner in which he operated by checking and cross-checking information at his
4 end. That is the manner in which he operated. It was possible for him not to deal
5 directly with General Amuli but to go directly to the commanders on the field. And
6 as I have already testified he was in direct contact with commanders on the field, so it
7 was possible that he may have consulted General Amuli for specific information just
8 like he may have opted not to. That was my testimony.

9 Q. It would seem to me that at the beginning of your testimony you said that all
10 the statements you had made are correct, and I was simply relying what is contained
11 in the statement. However, the question I put to you was not in relation to
12 verification, but rather to the fact that his method of operation was to issue direct
13 orders, so my question was very specific: Did he issue direct orders?

14 A. On Friday I testified, and I don't think that I have changed my testimony, the
15 record should be able to show, on Friday I said that Mr Bemba's mode of operation
16 was such that he was perfectly able to give orders to field commanders directly. He
17 could also have chosen to go through the military chain of command, but it is not
18 obvious that he always did so. That was also part of my testimony.
19 I also testified that he monitored on a daily basis, on an hourly basis, the unfolding of
20 operations on the field or on the ground. I also said that I was convinced that he
21 knew what manner of progress the troops were making on the field, and I also said
22 that I am not convinced that the troops always reported that they were stealing,
23 looting and burning, but I also went on to say that I was convinced that the field
24 commanders obviously told him that they had captured such-and-such a
25 neighbourhood, that they had advanced for a number of kilometres and what have

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1 you, yes, that was the content of my testimony and that has been coherent with what
2 I said on Friday. No contradiction.

3 Q. I will not insist. My question was about direct orders, so I simply note that
4 you have given the answer that you have given which does not relate to the issue of
5 direct orders to field commanders. Let me move on to my next question, reference
6 CAR-0034-0802, page 803, 080 -- 830, rather, paragraph 11, at which you state that
7 maybe, because of his relationship with Patassé, he thought that he was a very
8 important person and so he went on to behave as if he were a Head of State himself.
9 At page 0795, paragraph 9, the first page is 0034-0773, this is what you said, and I
10 quote your testimony, or your statement: "Mr Bemba was not the type of person who
11 would answer the phone in front of other persons when he had to communicate. As
12 far as Mr Patassé's phone calls were concerned, he simply told us 'I received a phone
13 call from Mr Patassé'." Then you went on to say "Mr Patassé owed him one because
14 he had enabled him to stay in power, and so I think he enjoyed the fact that the Head
15 of State was under his influence."

16 My first question is: What do you mean by the Head of State - that is Ange-Félix
17 Patassé at the time - when you say he was under his influence?

18 A. I do not think that I used the expression "under his influence," I simply said that
19 Mr Bemba's ego was such that he must have felt flattered to have an elected a Head of
20 State calling upon him to save his life. So I do not think I used the expression "to be
21 under his influence." If there is a recording of that transcript I would like to listen to it.
22 What I said was that I was aware of Mr Bemba's ego, and that is the word I used,
23 Mr Bemba's "ego," and so he must have been flattered to find an elected Head of State,
24 an elected Head of State calling on him to save his government or his power, so to
25 speak. So I don't think that I ever used the expression "to be under his influence."

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1 If there is a recording of any such statement, please, I would like to listen to it.

2 Q. Thank you, Mr Witness. My quotations are not from your testimony, but
3 rather from the statements that you made to the investigators of the OTP which were
4 given back to you and which you read over before coming here to testify.

5 A. Counsel, I have read through what I said to the statements and I am convinced
6 that you will not find any reference in the transcripts that I said "under his influence."
7 I think he was simply flattered that the Head of State would call on him, and so when
8 you say one is under somebody's influence it would mean that they are totally
9 dependent on him. So I would like to read through the transcript in French, and
10 I would like to say that I read through the document in French in any event.

11 Q. That is why, Mr Witness, we mention these references so that the Court and all
12 parties and participants can determine for themselves whether my quotation is
13 correct or whether there has been a distortion of your answer to the investigators of
14 the OTP. Next question, reference 0034-0778, page 796, paragraph 9 -- paragraph 6,
15 rather, and then page 0834, first paragraph. I am not going to quote, but these pages
16 refer to the aircraft belonging to the MLC and Mr Jean-Pierre Bemba. As far as you
17 know, how many planes were available to the MLC and to Mr Jean-Pierre Bemba?

18 A. I told the investigators of the OTP and this Court that there were three crafts;
19 one large Antonov, one small Antonov and a VIP single-engine craft that was on loan
20 from South Africa. These crafts were available in Gbadolite.

21 Q. The next question, and it relates to the abuses and excesses, reference 0034-0778,
22 page 784, page 11, and then page 785, last paragraph, and we are referring here to the
23 abuses and excesses that were carried over the international media. As far as you
24 know, was Mr Bemba aware of the denouncing of these abuses by the international
25 media?

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1 A. Let me repeat what I said to this Court last Friday: I am convinced that the
2 commanders at the battle-front did not tell Mr Bemba that they were raping, killing,
3 ransacking and what have you on a massive scale. I also said that I did not believe
4 that he was so sadistic in his nature. So talking about specifically what was
5 denounced over the RFI, the BBC and the Voice of America, that is the international
6 media, I think that he must have heard what was being said over those media. That
7 was my testimony -- that is -- that was my statement to the OTP investigators, that is
8 what I testified to before this Court on Friday, and I can confirm all that today.

9 Q. Let me now refer to document 0034-0778, page 0794, paragraphs 13 and 15, and
10 page 0795, paragraph 1, 0801, paragraph 8, and here we are dealing with (Redacted)
11 (Redacted)

12 This is what you said among other points. You said that you believed that (Redacted),
13 (Redacted)
14 (Redacted)
15 (Redacted) end of quote.

16 My question then to you is the following: When (Redacted), and
17 according to you, what was happening in the Central African Republic with the MLC
18 troops?

19 A. Mr Zarambaud, I think there is a true problem with the transcripts, particularly
20 relating to the time-frames. I mentioned that (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted). These are two different time-frames. (Redacted)
- 4 (Redacted)
- 5 (Redacted). That was at a different time.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted). This did not happen when (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 So these are two different time-frames. When (Redacted), the
- 14 Central African Republic problem was not yet at hand. It is during that trip in -- to
- 15 the (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted). So I would like this to be cross-checked.
- 20 I would like the Prosecutor to tell me where there's a contradiction somewhere. It
- 21 would appear to me that there is a problem in the transcripts and we are dealing here
- 22 with two different time-frames. I did not at any time question my own testimony, so
- 23 if you read carefully - if you read carefully - you will see that this is the full thrust of
- 24 my testimony.
- 25 (Redacted) at the

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1 time of the Central African Republic problem. The time at which the Central African
2 problem was on the table (Redacted)

3 (Redacted)

4 Q. Well, thank you, Witness. It would appear, as you say -- well, according to
5 you, there is a transcript problem, but for me I think the problem lies elsewhere.

6 Next question. I would like to say that you were asked what (Redacted)

7 (Redacted) and in your answer you have just stated that it was not in relation to the issue

8 in the Central African Republic. My last question is as follows: Why did you think,

9 as you stated, that, "After (Redacted), Mr Bemba was less satisfied with the success of

10 his operations in, or his -- of the operation of his troops in the Central African

11 Republic," end of quote?

12 A. I also would like to say that, once again, we must bear in mind what the

13 time-frames are. At that time, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) This must be a pointer that things have

17 taken a different dimension. So Mr Bemba must have felt that he needed to pay

18 attention, because the call was coming from significant quarters.

19 MR ZARAMBAUD: (Interpretation) Thank you very much, Mr Witness. I have

20 no further questions for you. Thank you for having answered all my questions.

21 I thank the Court for having given me this opportunity, and that will be all. Thank

22 you.

23 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

24 Before I ask for the last time whether the Defence will proceed to question the witness

25 I have two points that I would like to clarify with the witness, and one is related to a

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1 question that -- a clarification I had put on Friday to the witness and maybe I did not
2 understand quite clearly the answer and so that's why I'm going to put the question
3 again.

4 That relates to the transcript 205, and we go to page 57, line 10, to 58, until line 16, and
5 it's again, Mr Witness, if you allow me to repeat the question, that you mentioned that
6 (Redacted) other negotiators were in South Africa. You mentioned that, and I quote
7 here a quotation that I did at that time, "When there were breaks in the negotiations,
8 and there were actually many breaks, (Redacted) returned to Gbadolite. (Redacted)
9 saw him, Mr Bemba."

10 So my question was on whether it was true that (Redacted) the other negotiators stayed
11 in South Africa from October 2002 'til March 2003, the period of the facts under
12 investigation, and you started your answer on page 58, line 3, by saying, "Your
13 Honour, it's not possible for (Redacted) to have stayed for six months straight in
14 South Africa."

15 So I turn back to my question. During the period of the fights in the Central African
16 Republic, have (Redacted) other members of the negotiation team been in Gbadolite
17 in contact with Mr Bemba, or not?

18 THE WITNESS: (Interpretation) Madam President, I can confirm what I said on
19 Friday. There were several breaks during those negotiations. On Friday I also said
20 that when (Redacted) were in South Africa the negotiations went on in a more or less
21 uninterrupted manner; that is during the period during which the operations in the
22 Central African Republic were taking place. So the negotiations were interrupted in
23 Addis, in Gaborone and Lusaka, but while (Redacted) were in South Africa throughout the
24 period (Redacted) remained in South Africa, although negotiations were not ongoing
25 on a daily basis. However, even if (Redacted) did not have negotiations, (Redacted) remained

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1 in South Africa over that extended period, because at that time (Redacted) also had contacts
2 with South African expats and officials and the facilitator.

3 Therefore, as far as the Central African Republic operations are concerned, during
4 that time (Redacted) were in South Africa. (Redacted) went back to Gbadolite and then went
5 on to continue the negotiations in Kinshasa and in Matadi, but (Redacted) did not stay in
6 Gbadolite as such during the time of the operations in the Central African Republic.

7 PRESIDING JUDGE STEINER: But then when you said that it was not possible for
8 (Redacted) to have stayed for six months straight in South Africa, that means that for a
9 few times (Redacted) other members of the negotiation team left South Africa for other
10 places? This is the point, Mr Witness, that for me it's important to clarify whether
11 (Redacted) stayed for six months straight in South Africa, or whether during this time
12 (Redacted) any other member of the negotiation team left South Africa and went to
13 any other place including Gbadolite?

14 THE WITNESS: (Interpretation) Madam President, I cannot be more specific, but
15 let me tell you that (Redacted) remained in South Africa and that by the way (Redacted) did
16 not have negotiations on a daily basis over the six months' period. There were times when
17 (Redacted) had a break for a number of weeks before negotiations resumed, but just before
18 (Redacted) got to an agreement (Redacted) went back to -- through Gbadolite to Kinshasa
19 and Matadi, and you may want to know that it was in Kinshasa, Matadi, that (Redacted)
20 concluded the negotiations before returning to South Africa for signing the final agreement.

21 PRESIDING JUDGE STEINER: And this was the same (Redacted)
22 (Redacted) the negotiation team? (Redacted) spent Christmas, New Year's, New Year's
23 Eve, holidays, everything, in South Africa? (Redacted) never went back to Gbadolite
24 during this period, only on transit for other places? Is that what you're saying?

25 THE WITNESS: (Interpretation) I no longer have a clear recollection, Madam

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1 President. I am not trying to mislead the Court, or not to tell the truth to the Court. I don't
2 recall whether (Redacted) went back for Christmas or New Year, New Year's, but (Redacted)
3 schedule in South Africa is something that was well-known and can be cross-checked.
4 PRESIDING JUDGE STEINER: Thank you, Mr Witness. My second question
5 relates also to transcript 205. The English version is on page 44, line 24, and in the
6 French transcript page 49 and 50, mainly 50, line 5. When asked, "Why did
7 Mr Bemba send his MLC troops to the Central African Republic?", you answered to
8 Madam Prosecutor that in your view only Mr Bemba could answer this question.
9 Then you said, "What I said is that, because I know him, I think that his ego, he felt
10 somewhat flattered because he has an ego and he must have felt flattered that a Head
11 of State was calling upon him for help and that sort of put him and the Head of State
12 at more or less at the same level.
13 However, unfortunately, because of his ego he made the fatal mistake." In the
14 French version, you mention "cet égo-l'a poussé à commettre la faute fatale."
15 My question is why you qualify the intervention in Central African Republic as a fatal
16 mistake when the "faute fatale"?
17 THE WITNESS: (Interpretation) I would like to confirm what you have just
18 quoted. I did, indeed, give that statement in this Court on Friday. I described it as
19 a fatal error because all the excesses that were perpetrated in the Central African
20 Republic are the cause of Mr Bemba's presence here in this Court today. That is why
21 I described it as a fatal error. I stand by the fact that he was flattered by Mr Patassé
22 calling him to his assistance, and it was not necessary for him to actually answer that
23 call. That is why I mentioned a fatal error because of the various events that
24 happened in the Central African Republic as a result of which he is in this Court
25 today standing trial.

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1 PRESIDING JUDGE STEINER: It's a fatal mistake for Mr Bemba's career or -- I did
2 not understand your point, whether it's a fatal mistake in relation to what happened
3 in Central African Republic, or both, in your view?

4 THE WITNESS: (Interpretation) The serious acts of violence that were denounced
5 subsequently after those events in Central Africa can be described as a fatal error.

6 PRESIDING JUDGE STEINER: Mr Haynes.

7 MR HAYNES: Would you mind if I just introduce myself to the witnesses, because I
8 didn't get the opportunity to meet him before?

9 PRESIDING JUDGE STEINER: You have the floor for almost 16 hours, if you so
10 wish.

11 MR HAYNES: I won't take that long. Well, good morning, sir. I'm sorry I didn't
12 get the opportunity to meet you before. My name is Peter Haynes and I am one of
13 the counsel who represent Mr Bemba.

14 I would like to thank you for the clear, concise, reasonable and realistic way in which
15 you've answered the questions that have been put to you and by reason of that I do
16 not propose to ask you any questions at all.

17 I would like to say it's been a pleasure listening to your experience of African politics
18 and the Congolese rebellion over the last 14 years. It's been an education to me, and
19 I only offer the profound but probably forlorn hope that one day we might get the
20 opportunity to talk about it together in more convivial circumstances. But that
21 having been said, I wish you God speed home. Thank you very much.

22 THE WITNESS: (Interpretation) Thank you.

23 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. That concludes
24 your evidence before this Court. Before you leave, the Chamber would like, as with
25 all other witnesses of the case, to thank you very much. We need to express, we

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1 want to express, the thanks of the Judges for the time and trouble you had, you have
2 taken to come to The Hague, staying here for so long in order to give your testimony.
3 We are aware of how many obligations you have due to the position you currently
4 hold and for more than one reason then we thank you very much.

5 In order for the Judges to find the truth in this case, it's crucial that witnesses such as
6 yourself are willing and available to come and help us with the relevant issues of the
7 case.

8 As I said, we are aware that this must have been certainly inconvenient for you and
9 that's why you leave us with the thanks of the International Criminal Court.

10 Before you leave, Mr Witness, the Chamber would like to ask whether there is
11 anything you would like to address to the Chamber. If you so wish, this is the
12 opportunity. You have the floor.

13 THE WITNESS: (Interpretation) With your leave, Madam President, I would like
14 instead to address myself to Maître Zarambaud. I would like to tell him that I
15 empathise with all the victims who suffered as a result of our Congolese soldiers, and
16 I say that very sincerely. That is all I wanted to say, Madam President.

17 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I will ask,
18 please, the court usher to accompany the witness outside the courtroom.

19 (The witness is excused)

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

22 (Open session at 10.37 a.m.)

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

24 PRESIDING JUDGE STEINER: Thank you very much. I, first of all, would like for
25 the record to thank to the Registry that in order to provide the Chamber and mainly

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1 Defence with the necessary time to question Witness 44 had hired freelancers,
2 interpreters and court reporters, to ensure that we could have six-hours' hearing
3 today and tomorrow. So the Chamber appreciates the efforts made by Registry in
4 order to solve this problem in advance for the Chamber .
5 Since it was, of course, unexpected that we would not be in Court for the six hours on
6 Monday and six hours on Tuesday the Chamber, for the time being, is not in a
7 position to inform the parties and participants on whether next witness, Witness 15,
8 can start his testimony tomorrow morning. We apologise for that but, as I said, it
9 was unexpected. We need to consult with VWU in order to make it sure that the
10 witness is ready to anticipate in one day the beginning of his testimony.
11 Therefore, the parties will be informed by the end of the day on whether we will
12 resume tomorrow morning, tomorrow afternoon or on Wednesday morning, as it
13 was scheduled before.
14 I thank very much the Prosecution team. I thank very much legal representatives of
15 victims, Mr Haynes, Mr Jean-Pierre Bemba Gombo. I thank very much our
16 interpreters, court reporters. We will adjourn and, as I said, by the end of the day
17 Registry, parties and participants will be informed on the time we are going to
18 resume for starting the evidence with Witness 15.

19 This session is adjourned.

20 THE COURT USHER: All rise.

21 (The hearing ends in open session at 10.40 a.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 becomes Public.