

Trial Hearing
Witness: CAR-D04-PPPP-0019

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Monday, 25 February 2013
9 (The hearing starts in open session at 9.07 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning and welcome.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you. Good morning. I welcome the
19 Prosecution team, the legal representatives of victims, Defence team, Mr Jean-Pierre
20 Bemba Gombo. Good morning to our interpreters, court reporters, and good
21 morning to court officer, Mr Rojas, that is conducting from the site, our video link
22 hearing. Good morning, Mr Rojas.
23 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honours.
24 PRESIDING JUDGE STEINER: Before we start, and since I can see new faces, I
25 would ask Prosecution to introduce himself and the members of his team.

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1 MR BADIBANGA: (Interpretation) Good morning, your Honours.

2 The Prosecution team is made up of: Mr Shkelzen Zeneli, Ms Joanna Frivet,

3 Ms Sylvie Vidinha and Horejah Bala-Gaye, as well as myself, Jean-Jacques Badibanga.

4 I will be cross-examining the witness.

5 Thank you.

6 PRESIDING JUDGE STEINER: I welcome Maître Douzima, Maître Zarambaud,

7 accompanied by your case manager.

8 Maître Kilolo, could you please just introduce yourself and your team.

9 MR KILOLO: (Interpretation) Good morning, your Honours. The Defence team
10 is made up of: Mr Peter Haynes, co-counsel; Mr Guenael Mettraux, legal consultant;
11 Ms Kate Gibson, legal assistant; and Jean Jacques Kabongo Mangenda, case manager;
12 as well as myself, Mr Kilolo, lead counsel, and I will be examining the witness on
13 behalf of the Defence.

14 PRESIDING JUDGE STEINER: Thank you very much.

15 Defence today will resume the presentation of its evidence by hearing Witness
16 CAR-D04-PPPP-0019 and in accordance with the Chamber's decision of
17 6 February 2013, Decision 2500, the testimony of Witness D04-19 will be heard by
18 means of video technology.

19 Before we commence with the testimony of the witness, the Chamber has one oral
20 decision to deliver. It's an oral decision on the Defence list of documents to be used
21 during the questioning of Witness 0419. The Chamber recalls its oral decision of
22 22 November 2012, transcript 273, page 1, line 22 to page 2, line 23.

23 In that decision, the Chamber noted that in the context of questioning of witnesses,
24 the parties were using documents which are exact duplicates of other items already
25 admitted into evidence. Therefore, in order to ensure the expeditiousness and the

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1 best management of the proceedings pursuant to Article 64(2) and 64(8)(b) of the
2 Rome Statute, the Chamber ordered the parties and the participants to ensure that in
3 case one item is registered under different ERN numbers, and at least one of them has
4 been admitted into evidence, the document used for their questioning corresponds to
5 the item bearing the number that has already been admitted into evidence.
6 The Chamber notes that in Defence's list of documents to be used during questioning
7 of Witness D04-19, the Defence again has included at least three items which have
8 been already admitted into evidence under a different ERN number; in particular (a),
9 document number 5 of the Defence's list, CAR-DEF-0001-0076, has already -- has been
10 already admitted into evidence under ERN CAR-OTP-0017-0363; (b), document
11 number 6 of the Defence list, CAR-DEF-0001-0078, has been already admitted into
12 evidence, divided under ERN numbers CAR-OTP-0017-0349 and CAR-OTP-0017-0351;
13 and (c), document number 21 of the Defence's list, CAR-DEF-0001-0826, has been
14 admitted into evidence under ERN CAR-OTP-0033-0209.
15 In addition, the Defence has twice included in its list two versions of the same
16 document, document number 61 on its list, CAR-OTP-0098-0027, which is an exact
17 duplicate of the first part of document number 6 on its list referred to above, and
18 document number 74 on its list, CAR-OTP-0032-0196, which is an exact duplicate of
19 document number 78 - seventy-eight - on its list, DRC-OTP-0098-0003, which has
20 already been admitted into evidence.
21 The Chamber therefore orders the parties and participants - and particularly the
22 Defence - to review their lists of documents and amend them, if necessary, in
23 accordance with the Chamber's oral decision of 22 November 2012. In addition, the
24 Chamber orders the parties and participants to refrain from including duplicate items
25 in their list of documents to be used during questioning witnesses.

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1 The Chamber will now go into closed session pursuant to the Chamber's decision of
2 22 February 2013 on in-court protective measures for Witness D04-19, decision
3 2514-Conf.

4 Could, please, court officer please turn into closed session and, Mr Rojas, as soon as
5 we are in closed session please bring the witness into the room.

6 Court officer, please.

7 *(Closed session at 9.16 a.m.) Reclassified as Open session

8 THE COURT OFFICER: We are in closed session, your Honours.

9 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, we are now back in
10 the room.

11 WITNESS: CAR-D04-PPPP-0019

12 (The witness (Redacted))

13 (The witness gives evidence via video link)

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

15 THE WITNESS: (Interpretation) Good morning.

16 PRESIDING JUDGE STEINER: I will now ask the court officer that is at your side to
17 facilitate you taking the oath by reading out the words of the oath on the printed card
18 that must be in front of you.

19 Court officer, please.

20 THE WITNESS: (Interpretation) Do you want me to read it out?

21 PRESIDING JUDGE STEINER: Please, Mr Witness, read it out.

22 THE WITNESS: (Interpretation) "I hereby declare that I shall tell the truth, all the
23 truth and nothing but the truth."

24 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, may
25 I ask you if you understand the oath to mean that you must give answers to questions

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1 asked of you that are true and accurate to the best of your knowledge and belief?

2 THE WITNESS: (Interpretation) Yes, I know. I've come here to tell the truth and I
3 will tell you everything that I know.

4 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by
5 the Victims and Witnesses Unit during the familiarisation process, you will be
6 questioned first by the Defence, then by the Prosecution, then by legal representatives
7 of victims and after that the Defence has the right to question you once more in order
8 to put to you some follow-up questions.

9 As you know, the Chamber has put in place measures to protect your identity from
10 the public. You will be referred to during the trial proceedings as "Witness 19." In
11 addition you will give the entirety of your testimony in closed session, which means
12 that only the people that are with you at the location of the video link and the people
13 here in the courtroom can see you and hear what you have to say. You cannot
14 therefore be identified by the public, or by anybody else.

15 It is important for you, Mr Witness, to have in mind that because we speak different
16 languages there is interpretation so that we can understand each other. Because of
17 the interpretation, Mr Witness, and because of the fact that you are testifying by video
18 link, it is important that you speak slower than normal, as I'm doing now, in order to
19 allow the interpreters to do their job.

20 We have also, Mr Witness, one rule that we call "the five-seconds golden rule." That
21 means that, after a question is put to you, you need to wait five seconds before you
22 start giving your answer in order to allow the interpreters to complete the
23 interpretation of the question.

24 Since this may seem unnatural it may be that you start speeding up, and if that
25 happens, I will have to interrupt you and to ask you to slow down. This is purely

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1 for technical reasons and should not discourage you from speaking.

2 Have you understood our ground rules, Mr Witness?

3 THE WITNESS: (Interpretation) Yes, I have understood.

4 PRESIDING JUDGE STEINER: Mr Witness, (Redacted) you were interviewed
5 by the Office of the Prosecution and we have transcripts of these interviews. Have
6 you been given the opportunity to read, or have read to you, the transcripts of the
7 interviews that you gave to the Office of the Prosecutor?

8 THE WITNESS: (Interpretation) No, I have not had yet the opportunity to read
9 that statement.

10 PRESIDING JUDGE STEINER: Just to make it clear, Mr Witness, it was not a
11 statement. It was just transcripts of interviews that were video-recorded. We don't
12 have statements, only these transcripts. You haven't read the transcripts of those
13 interviews, Mr Witness?

14 THE WITNESS: (Interpretation) I remember that I was asked whether I could hear
15 and see the document and I was told that I had to wait because of security reasons, so
16 that they could send me the document, but up until now I'm still waiting. I haven't
17 received the document in question.

18 PRESIDING JUDGE STEINER: Mr Witness, the Chamber will instruct VWU to
19 provide you with the transcripts of your previous conversations with the Prosecution
20 and we will turn to this issue at a later stage.

21 Mr Witness, the Chamber and the parties and participants in this trial have been
22 informed by the Defence, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 THE WITNESS: (Interpretation) (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 PRESIDING JUDGE STEINER: (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted) Is that clear,
- 24 Mr Witness?
- 25 THE WITNESS: (Interpretation) Yes, I've understood that well.

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1 PRESIDING JUDGE STEINER: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 THE WITNESS: (Interpretation) (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: For your information, this morning we will have two
9 sessions of two hours each, with a break of 30 minutes in between. We will suspend
10 therefore at 11 o'clock and resume at 11.30, (Redacted) If for any
11 reason you need a break, just let us know and a break will be given.

12 Do you have any questions, Mr Witness?

13 THE WITNESS: (Interpretation) For the moment I don't have any questions to put,
14 as the trial hasn't started yet. If there is a moment where I have a question to put,
15 then I will do so.

16 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Before we proceed, the
17 Chamber wants to remind the parties and the participants that unless otherwise
18 decided, the protective measures of the use of pseudonyms that were granted to other
19 witnesses in this case will last for the entirety of the trial proceedings. Therefore, the
20 parties and participants should refrain from mentioning whether or not an individual
21 whose real name is used when questioning the current witness has been a witness in
22 the current proceedings.

23 In addition, when it's necessary to use the testimony of another witness in order to
24 confront the present witness with it, the parties and participants should exclusively
25 use the pseudonym assigned to the previous witness to refer to his or her testimony.

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1 So, please, pay attention and avoid mentioning names and informing that such or
2 such persons gave information or testimony before this Court.

3 Mr Witness, I will now give the floor to Maître Kilolo, the Defence counsel, defence
4 for Mr Jean-Pierre Bemba Gombo.

5 Maître Kilolo, since we are having this testimony by way of video link, you feel at
6 liberty to put your questions while seated or standing. You have the floor.

7 MR KILOLO: (Interpretation) Thank you, your Honour, for having given me the
8 floor.

9 QUESTIONED BY MR KILOLO: (Interpretation)

10 Q. Witness, good morning.

11 A. Good morning.

12 Q. I am Counsel Aimé Kilolo, one of the counsel of Jean-Pierre Bemba, and I am the
13 person who will ask you a certain number of questions on behalf of the Defence. Do
14 you understand me?

15 A. Yes, indeed, I understand you very well, Counsel.

16 Q. I'd just like to remind you, when you speak to me, please speak slowly. I will
17 make the same effort with a view to aiding the interpretation of our exchanges. Is
18 that agreeable to you?

19 A. Yes, I've understood you well.

20 Q. Before starting I'd like to ask you to introduce yourself by giving us your name,
21 date of birth, civil status, if you would be so kind.

22 A. (Redacted)

23 (Redacted)

24 Q. What are the names of your parents?

25 A. (Redacted)

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1 (Redacted)

2 Q. Do you have brothers and sisters? If so, how many do you have?

3 A. (Redacted)

4 (Redacted)

5 Q. Do you have a profession?

6 A. Yes. I'm a soldier.

7 Q. Please, would you be so kind to tell us about your professional career,

8 mentioning your functions and grades, in the town you were at the time, and please

9 could you also put that within a specific time frame, since you entered into military

10 service until the present day?

11 A. Could you ask the question again? I didn't understand you well.

12 Q. When did you become a soldier?

13 A. I became a soldier in 1990. I left my town and I under -- I left my civilian life

14 and I underwent training and that was at the time at the time that the war started in

15 (Redacted)

16 (Redacted) and in '96 we went to the Congo with the FDL and I went home

17 to Congo, and then I continued to work with the FDL until 2 August 1998. And then

18 in '98 we landed in Kitona at a time when the RCD had returned against Kabila, and

19 we fought in Kinshasa and we didn't succeed.

20 We went back to Angola, and from Angola we went to Kigali, and from Kigali (Redacted)

21 (Redacted) I joined the MLC, but having

22 joined the MLC to 2003, after the Sun City agreements, and in 2003 I was appointed

23 (Redacted)

24 (Redacted)

25 (Redacted) and I don't know if I've answered the question well which was put to me.

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1 PRESIDING JUDGE STEINER: Maître, if you allow my just for clarity of the
2 transcript, if you could ask the witness what exactly "FDL" and "RCD" mean.

3 MR KILOLO: (Interpretation)

4 Q. Witness, you've understood the question that was put to you. Could you
5 clarify what you mean when you speak about the FDL and thereafter, also, what you
6 are referring to when you speak about the RCD.

7 A. FDL, if I'm not mistaken, this is the Alliance of Forces for the Liberation of
8 Congo. I think that's it. And with regards to the RCD, I didn't work much with the
9 RCD, but I think that's the Rassemblement Congolaise pour la Démocratie, I think.

10 Q. I would like to go back to 1990. Could you tell us about your training in
11 (Redacted) how much time it took and what you learnt there?

12 A. Yes, I can explain that to you. In 1990, before that time, I had worked as a
13 soldier but in the Congo (Redacted). At the time, that Congo
14 was called Zaire. We (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 And in that centre (Redacted) we followed training there, and this training I think
24 was training of three months because it was part of the operations. And there we
25 were also trained for tactics, war tactics, and that's the -- all I can say with regards to

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1 the training that I followed in 1990.

2 Q. At that time, what armed force were you a member of?

3 A. (Redacted)

4 (Redacted)

5 Q. Could you clarify to us, at the time you joined the FDL in '96, what were the
6 functions and ranks that you held?

7 A. (Redacted) I was an NCO and my function was that of a head of
8 platoon in the war. And at the time, we continued with the operations, and having
9 crossed over, everybody was called "commander." There were no ranks. However,
10 we -- or we continued with our functions. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. In what exact year did you join the MLC?

14 A. (Redacted), that was in '98 that I joined the MLC, at the start of '99. From
15 (Redacted) at the time we weren't even in contact with the MLC, but I worked with
16 (indiscernible) because it was (Redacted) and after that all the
17 other battalions left and I remained with 252 persons. The others went to Kisangani,
18 next to the RCD, but -- alongside the RCD, but I didn't want to work with the RCD.
19 And I started to work in the Ugandan forces, and from Yakoma -- I don't remember
20 the month it was, but I do know that it was at the end of '98. At the end of that year,
21 it was at that time that I was able to meet Jean-Pierre Bemba Gombo and that's when
22 we were in the MLC.

23 Q. What motives did you have for joining the MLC at that time?

24 A. Thank you very much for the question. The first reason, or motive, was because
25 at the time when we left (Redacted) in order to join the FDL, all the operations

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1 which had happened in Kinshasa had been carried out by the Bangyamulengue.

2 Well, we were told that it was the Bangyamulengue who had started this war.

3 Now, we started the war, people took advantage of our name and we set up power in

4 Kinshasa, but the Bangyamulengue had not taken advantage of anything, whether it

5 was on the side of the Congolese who were with us or even the Rwandans who they

6 brought with them. All the promises that were made to us were something we

7 didn't manage to take any advantage of, and now when you see what happened

8 between the RCD and the Rwandans, I couldn't prevent the Bangyamulengue from

9 staying with us because everybody was free to do what they want.

10 I went to the MLC, and from (Redacted) from the -- well, we could see from papers it said

11 that the MLC was a new movement which brought together all the Congolese people,

12 and at that time even if I had carried out other operations before, perhaps I could join

13 the movement again and I could also get some -- to get myself known from my part of

14 the Congo, and that was the first reason I had which brought me to work with the

15 MLC.

16 It was because we had worked a lot and we used our -- our name was used, but we

17 hadn't received anything from the people with whom we were working.

18 PRESIDING JUDGE STEINER: Mr Witness, just to remind you please to speak a

19 little bit slower in order to facilitate the work of our interpreters. Thank you very

20 much.

21 MR KILOLO: (Interpretation)

22 Q. I'd like to focus on your career within the MLC. Could you speak to us, year

23 by year if necessary, so we can understand what your career was, the functions that

24 you held, the ranks that you had, if you'd be so kind.

25 A. Well, I just said I joined the MLC in '98, end of 1998, and having met President

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1 Bemba (Redacted)

2 (Redacted) and we went to Gbadolite. And when we arrived in Gbadolite I stayed
3 there for some time, at the time when we were preparing to go to Kisangani, and my
4 (Redacted)

5 (Redacted) but myself I didn't go to the Kisangani meeting. I'd asked to be able
6 to go where my forces were. I had permission to go there and I was still (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 Q. So in total then the (Redacted) Brigade had how many soldiers in it, and if you
20 wouldn't mind also clarifying the area of land that was -- that this brigade was
21 responsible for?

22 A. The (Redacted) Brigade was made up of three battalions, and all these three battalions
23 belonged to the 28th Battalion that was located in the Libenge territory and in Zongo.
24 Now, two of these battalions, Poudrier 1 and 2, these were located in the Congo, their
25 territory in Dongo and Imese areas more specifically.

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1 Now, with regard to the soldiers proper, it's rather difficult to give the precise
2 number of the soldiers, I can't quite recall, but I would say, I don't know, it was -- in a
3 battalion there's 450 to 500 soldiers, and if you divide that up then you have the
4 number of soldiers belonging to a brigade, but this is just an approximation. I don't
5 really know whether there were 450 in the final analysis or 500, but if you multiply
6 rather than divide --

7 THE INTERPRETER: Corrects the (Redacted) interpreter.

8 THE WITNESS: (Interpretation) -- but say between 450 and 500, I would say. I
9 think there were also units that had 600 soldiers belonging to them.

10 MR KILOLO: (Interpretation)

11 Q. Would you mind clarifying the following? When you left the MLC in 2003,
12 you belonged to what armed force?

13 A. I didn't quite understand your question, Counsel.

14 Q. When you left the armed forces of the MLC, subsequent to that did you join
15 another armed unit?

16 A. So I left the MLC in the month of August of the year 2003. Now, after that I
17 joined the FAC located at Kinshasa, so I didn't join any other army.

18 Q. What does "FAC" mean, please?

19 PRESIDING JUDGE STEINER: I notice that the image is frozen.

20 (Pause in proceedings)

21 PRESIDING JUDGE STEINER: I was told that it will take about three minutes, so I
22 beg the patience of the parties and participants.

23 (Pause in proceedings)

24 PRESIDING JUDGE STEINER: Mr Rojas, can you see us and hear us?

25 THE COURT OFFICER (Redacted): (Interpretation) Yes, we can hear you very clearly

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1 and we can see you very clearly.

2 PRESIDING JUDGE STEINER: Maître Kilolo, you can proceed.

3 MR KILOLO: (Interpretation)

4 Q. Yes, Mr Witness. Before the coffee break, I'd just like to establish what you
5 meant by "FAC"?

6 A. The Armed Congolese Forces. Congolese Armed Forces.

7 Q. Mr Witness, when you joined the Congolese Armed Forces, what rank did you
8 hold?

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. And currently, what rank do you hold? Would you mind clarifying that
13 because it strikes me that there are different levels of general, different ranks with
14 general. Would you mind providing greater clarification on that point, please.

15 A. I hold the rank of (Redacted)

16 Q. And who appointed you (Redacted)

17 A. It was the Kinshasa government during the transition which took place in 2003.
18 The president issued a decree, a presidential decree, by which he appointed me
19 (Redacted) So here I'm of course preferring to Joseph Kabila, President
20 Joseph Kabila.

21 Q. I'd just like to refer back to your professional pathway within the MLC. Was
22 there a particular event which may have impacted your military career within the
23 MLC?

24 A. Now, during my career at the MLC, of course it was at the time of rebellion.

25 During the war there were lots of different events, so I have a lot of memories of that

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1 period. Suffice to say that I won't say that there was any particular salient event
2 because I have lots of memories of my periods spent at the MLC.

3 Q. So if we focus on 2002, in that particular year, does this bring up particular
4 memories, a particular event during your spell as a soldier in that period?

5 A. Maybe you want to refer to a particular point or have a particular point in mind,
6 but I can tell you, as I said, there were lots of -- I have lots of memories. I exerted my
7 functions (Redacted) on a daily basis, but if you have a particular question that
8 you wish to touch upon, well, then I can answer such a question.

9 Q. Where were you between 2002 and 2003?

10 A. At that particular time I was at (Redacted) and I stayed there right the way through
11 until the end of 2003 and after that we went to Bangui and at the end of 2002 --

12 THE INTERPRETER: Corrects the Swahili interpreter.

13 THE WITNESS: (Interpretation) -- and then at 2003 we went back, which means that
14 between -- I was there in the Congo in 2002 and then we went to Bangui, where the
15 war was raging, and then in March of the following year we returned to Congo.

16 Q. And why did you go to Bangui?

17 A. Why did we go to Bangui? Well, I received an order to do just that in order to
18 support the president that was being assailed by rebellion, and that was the purpose
19 of my mission.

20 Q. From whom did you receive this order?

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. To the best of your knowledge, what were the responsibilities of Mr Amuli as
2 the General Chief of Staff of the MLC at that time in the Congo?

3 A. General Amuli was the number one in the army of the ALC. He was
4 responsible for everything. Even though there was a supreme commander of that
5 force, he in reality was the number one in the army.

6 Q. Do you have any particular memory, whatever that may be, of how his
7 responsibilities were exerted as the General Chief of Staff of the ALC at that particular
8 time in the Congo?

9 A. (Redacted)

10 (Redacted) It's difficult for me to describe his particular responsibilities by
11 saying whether he did his work properly or whether he found it difficult to do that
12 work. It's difficult to provide testimony in that particular realm.

13 Q. How so?

14 A. Well, I never heard any complaints to say that he had troubles fulfilling his
15 duties. All orders emanated from him. He would visit the various units of the army.
16 I remember when I was at (Redacted), so (Redacted) visited me on a number of
17 occasions at (Redacted) also. And (Redacted) as well, he also visited me on a number
18 of occasions, so I can tell you based on that that he worked well, did a good job.

19 Q. And when he visited you at (Redacted) was he accompanied? Did he come
20 accompanied?

21 A. Yes. He couldn't move around on his own. He was accompanied by other
22 officers from the Chiefs of Staff that accompanied him.

23 Q. Would you mind clarifying when exactly you went to Bangui?

24 A. Yes, I do recall. If my memory serves me well, I believe I went to Bangui on
25 30 October, and it was that particular point in time that I crossed to go to Bangui, but I

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1 do also remember that on the 29th there was a company at Zongo that went off to
2 ready the operations in order to enable the other soldiers to cross. And on the 26th,
3 as soon as the war had begun, there was a small delegation that was sent and that
4 assumed the responsibility of scouts, but this delegation didn't do that for a very long
5 period. So the three dates that I've just cited are, well, correspond to the dates when
6 we ran operations. After that there was a battalion that accompanied us. So there
7 were four groups of us in total on the 26th. There was a scouting group, the second
8 group on the 29th; there was the company that went to Zongo, and on the 30th I
9 myself went with the major groups of military soldiers, and then the 5th Battalion
10 then crossed over. And I don't really know whether I've properly answered your
11 question.

12 Q. Mr Witness, I'd just like to read a document, it's document 46, so I'd like to ask
13 the Registrar to make it available to you. So it's document 46 in the list of the
14 Defence documents on page CAR-D04-0002-1637. No, it's actually document 36 on
15 the Defence list at the indicated page, CAR-D04-0002-1637.

16 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, document 36
17 corresponds to -- well, it's CAR-D04-0002-1514, on page 16.

18 THE INTERPRETER: Inaudible.

19 MR KILOLO: (Interpretation)

20 Q. Witness, I'd like to read out a short excerpt from a message, and I shall read out.
21 This is the message that we see on the left, right at the bottom, and it says, "Extremely
22 urgent." It's the 30th at 1345 Alpha. "From: OPS Command Bangui to Chief
23 AMG/ALC. Info: To the Chairman. Number: 001, Command Headquarters,
24 OPS Bangui 2002. "

25 I shall now read out, "I am honoured to report the following. I have arrived in the

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1 field at 9 a.m. after a co-ordination meeting with the officers. The operation to begin
2 at 1300 Alpha." I'll stop it there. And at the end we see the following: "Message
3 in 30 October 2002 at 1500, 1520 Alpha." I'll spare you the rest of the parts of this
4 particular message for the time being.

5 My question is this: Does this message ring a bell? Do you remember who this
6 message came from?

7 A. Yes, I do remember. (Redacted)

8 PRESIDING JUDGE STEINER: Judge Aluoch wants a clarification.

9 JUDGE ALUOCH: Well, now that the witness has answered, it's probably not
10 necessary. I was going to ask you to -- you know, to ask him whether he recognises
11 the document, but he seems to recognise it and he has answered, so it's okay. Yes.

12 MR KILOLO: (Interpretation)

13 Q. Witness, do you know who the message was for, who it was sent to?

14 A. Could you please repeat your question?

15 Q. Who did (Redacted) send the message to? Who was it intended for?

16 A. Well, this message is clear as I read it here. (Redacted)

17 (Redacted) to the general, General Amuli, Chief of General Staff.

18 He was the one that the message was intended for.

19 Q. At the very beginning of the message, it says, "Extremely urgent." And far to
20 the right we read, "30, 1345 Alpha." What does that correspond to? What does that
21 mean?

22 A. Well, the "30," 30th means the date that we arrived. On the "13" was the time
23 that we arrived at and "45" is the second (Redacted). I repeat:

24 "30" is the date; "13" represents the hour; and "45" is the minute (Redacted)

25 (Redacted)

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1 Q. Now, if we look at this message, can you confirm to us the date, the exact date
2 on which you arrived in Bangui, and the time, if necessary?

3 A. I arrived in Bangui on that date, on the 30th, somewhat earlier, about 10 or 11 in
4 the morning, but (Redacted). So I had arrived slightly
5 earlier than the time here, (Redacted)

6 MR KILOLO: (Interpretation) Very well, Witness.

7 I'd like to ask the court officer if he could show the witness document 45 on the
8 Defence's list of documents at page CAR-DEF-0002-0567.

9 THE COURT OFFICER (Redacted): (Interpretation) 0002-0567 is being shown to the
10 witness.

11 MR KILOLO: (Interpretation)

12 Q. Witness, here you can see a document entitled "Democratic Republic of the
13 Congo, Congolese Liberation Army, Echo Brigade, Command Headquarters, Zongo,
14 4 May 2003. To: His Excellency, the National President of the MLC. Re: Report
15 on military operations led by the ALC (MLC) troops from 29 October 2002 to
16 15 March 2003 in Bangui, CAR, Central African Republic. "

17 MR KILOLO: (Interpretation) I would like to ask the courtroom officer if he could
18 also display the following page to us and show it to the witness; namely,
19 CAR-DEF-0002-0568.

20 THE COURT OFFICER (Redacted): (Interpretation) I have done so.

21 THE INTERPRETER: Overlapping speakers.

22 MR KILOLO: (Interpretation)

23 Q. Mr Witness, do you recognise this document?

24 A. Yes, I do recognise it.

25 Q. Could you look at the bottom of the page and could you tell us what name is

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1 there and who has -- could you tell us who has signed this document?

2 A. (Redacted)

3 Q. On the previous page, CAR-DEF-0002-0568 -- correction, 67, we see "re," that is

4 (Redacted) Could you specify why (Redacted) "Military

5 operations led by the ALC troops by 29 October 2002 to 15 March 2003 in Bangui"?

6 Why from 29 October 2002?

7 A. I think this is a mistake when (Redacted) wrote this document. It was a typing

8 mistake. I recognise it's a mistake. The operations began on the 30th.

9 Q. To your knowledge, what was the date of 29 October 2002 in relation to these
10 operations? What is the significance of that date?

11 A. The 29th, the date of the 29th, corresponds to the crossing of the first company
12 that was in Zongo. I would say this: It's not really a mistake because the first
13 soldiers crossed on the 29th, so they began crossing over on the 29th to prepare for the
14 crossing of the main group. That's what the 29th means; that is the significance of
15 that date.

16 Q. Do you know who was part of the crossing that occurred on the 29th?

17 A. I think that on the 29th there was the company commander, the assistant
18 battalion commander, Captain René, he crossed over with that company.

19 Q. Now, this group that crossed over on the 29th, what did they do? Where did
20 they go exactly on that date?

21 A. They crossed over and they were greeted at the beach in the CAR. Then after
22 that they went to Camp Béal, and that is where they went, that is where they were
23 stationed.

24 Q. Do you know who asked them to go there and be stationed at Camp Béal?

25 A. I don't know who gave them the order to set up operations there at Camp Béal.

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1 Each time we crossed over we were greeted by the commander of the naval forces
2 and his name was Colonel Dandito, I think. He is the one who greeted us and took
3 us -- trucks. There was also Bombayake. They were the ones who took us to Camp
4 Béal. I don't know where they got their orders from. It wasn't up to us to ask them
5 who had told them to take us to that specific place.

6 MR KILOLO: (Interpretation) Court officer, could you please show the
7 document --

8 PRESIDING JUDGE STEINER: I'm sorry to interrupt you, but before we change to
9 another document I would like for the witness once again to confirm that the
10 (Redacted)

11 THE WITNESS: (Interpretation) (Redacted)

12 PRESIDING JUDGE STEINER: (Redacted)

13 THE WITNESS: (Interpretation) (Redacted)

14 PRESIDING JUDGE STEINER: (Redacted)

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE STEINER: Thank you for the clarification. Maître?

19 MR KILOLO: (Interpretation) I would like to ask the court officer to show the
20 witness document 36 on the Defence's list, page CAR-D04-0002-1631.

21 CAR-D04-0002-1631.

22 THE COURT OFFICER (Redacted): (Interpretation) This document --

23 THE INTERPRETER: Inaudible.

24 THE COURT OFFICER (Redacted): (Interpretation) -- 1614, page 1631.

25 THE INTERPRETER: Inaudible.

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1 MR KILOLO: (Interpretation)

2 Q. Witness, I'd like to draw your attention to this document, in particular to the left
3 in the centre, the message to the left in the centre, and I'd like to read out a short
4 passage from this particular document. Here we see:

5 "Urgent: 26, 630 Alpha. From: Sector commander Gemena-Zongo. To: Chief
6 EMGALC. Info: Chairman. Number 001. Command headquarters, South
7 Bangui sector, 2002. I have the honour to forward the following report. Situation
8 of 26 October 2002, calm except for unexpected events. Military situation: A
9 company of 150 soldiers has crossed Bangui east side under the command of Captain
10 René Abongo. The soldiers provided the necessary conditions for a combatant," and
11 at the very bottom we see, "In 26 October 2002, 1027."

12 Witness, I'd like to call upon your knowledge of military matters and ask you what
13 this message is all about?

14 A. This is a message and I see it's the Gemena-Zongo sector commander who has
15 drafted this for the Head of General Staff and he also sent a copy to the Chairman for
16 information purposes, and I can tell you that the commander, Echo, was informed,
17 (Redacted). In the army if you're not informed of something you
18 cannot say anything, (Redacted)
19 (Redacted). I don't -- I remember at that time there was a team that had crossed over
20 to the other side to look at the situation. That team did not spend the whole night there.
21 They came back on the same day. (Redacted), I really have
22 no comment to make on it.

23 Q. To sum-up, what does the date 26 October 2002 correspond to? What is the
24 significance of that date?

25 A. To my knowledge, the team that I mentioned had crossed over and came back

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1 on the same day. That's what it was about. That's the significance of that date, the
2 26th, but (Redacted) I think that they did not wage any battle on
3 that day.

4 Q. Do you know why that team or that squad came back to the Congo on the same
5 day, 26 October 2002?

6 A. Well, there are several reasons. I would say this: The first reason is that the
7 order that they received was to go and come back. That's the first thing. The
8 second reason is that I think if the mission was to go and have a look at the war
9 situation and come back, they were not asked to fight and so they couldn't fight. So I
10 think those are the two reasons that led them to come back.

11 Q. Overall, generally speaking, the various troops - the various soldiers - who went
12 to Bangui, what locality in the DRC did they come from?

13 A. All the troops -- are you referring to all the troops, (Redacted)
14 Which troops are you talking about here?

15 Q. I'd like to focus on the three dates that you have given us: The 26th, the 29th
16 and the 30th. The various soldiers who crossed over to Bangui during that period of
17 time, where did they come from exactly?

18 A. The ones who crossed over the first time, the first group, came from Zongo.
19 That was on the 26th. It was a reconnaissance team. They left Zongo. The second
20 team, on the 29th, that was the company based in Zongo with a number of others who
21 had come from Libenge. On the 30th, the rest of the troops came. They came from
22 Libenge and others came from Imese.

23 Q. And what means of transportation did these soldiers use to get to Bangui?

24 A. Some walked from the place where they were and that is why it took a long
25 time. Others took the boat from Imese and then later they took vehicles to get to

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1 Zongo. I think that most of the troops walked.

2 Q. (No interpretation)

3 A. From Libenge to get to Zongo, I think that at the time we soldiers we would
4 walk quite quickly. Normally that's a distance that would take two days, but I
5 believe that it was a distance that you couldn't walk in one day.

6 Q. One last question before the break. Who provided the transportation that
7 allowed soldiers to go from Zongo to Bangui? Who provided the means of
8 transportation to these various troops?

9 A. Most of the troops walked. They did not have any transportation, but there
10 were some vehicles that we had requisitioned. We had bought some fuel, but often
11 we walked. We travelled by foot because we did not have many resources.

12 Q. And how much time does it take to walk from Imese to Zongo?

13 A. From Imese to * Dongo, we took two days to walk that distance. We left Imese.
14 During the day we walked and we got there the next day to * Dongo, and from
15 * Dongo to Libenge we took boats, river boats, and from Libenge to Zongo that is
16 where others took vehicles and those who were tired took vehicles.

17 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

18 Mr Witness, we will have now half-an-hour break. It's here 11 o'clock. We will be
19 back at 11.30.

20 THE COURT USHER: All rise.

21 (Recess taken at 11.01 a.m.)

22 *(Upon resuming in closed session at 11.37 a.m.) Reclassified as Open session

23 THE COURT USHER: All rise.

24 Please be seated.

25 PRESIDING JUDGE STEINER: Welcome back. I'm informed that Maître

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1 Badibanga wants to address the Bench. Maître?

2 MR BADIBANGA: (Interpretation) Thank you, your Honour.

3 A question, a practical question that I had. We have noted that sometimes the
4 picture of the witness, with regard to the zoom, is quite a strong zoom on to the
5 witness himself, and I would say you only see half of the body, so the upper part of
6 his body. We would like to ask the Chamber if the technical team could make a
7 precaution to show us the witness, including his hands or at least part of the table,
8 because what we've seen is that he seems to have some kind of notebook or some
9 kind of book with him, exercise book, and we'd like to observe him during the time of
10 his testimony. We'd like to observe his attitude and if -- because this could be part of
11 his testimony. That's the concern that we have. I don't know if I've been clear and
12 explicit enough in that regard.

13 PRESIDING JUDGE STEINER: If I understood, your request is to keep the image as
14 it is right now, for instance?

15 MR BADIBANGA: (Interpretation) Perfect, your Honour. That would be perfect.
16 Thank you very much.

17 PRESIDING JUDGE STEINER: Just for information, the witness is allowed to take
18 notes, as many of the witnesses did in this courtroom, but the witness is not
19 authorised to take these papers outside the room in which he is testifying. At the
20 end of his -- every day's hearings, these documents will be kept by the court officer
21 and given back to the witness in the following day.

22 Maître Kilolo, you have the floor.

23 MR KILOLO: (Interpretation)

24 Q. Witness, I would now like to focus on Zongo, on that area, and my question is
25 to ask by what means of transport did you go to Bangui, leaving Zongo?

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1 A. (No interpretation)

2 THE INTERPRETER: (Redacted)

3 (Redacted) Could

4 the witness take up his answer once again?

5 MR KILOLO: (Interpretation)

6 Q. Witness, please, could you repeat your answer?

7 A. I've just said that between Zongo and Bangui there is a boat which links the two
8 places, a ferry, so in order to leave Zongo and go to Bangui, we took this ferry.

9 Q. This crossing from Zongo to Bangui, was it secure?

10 A. Yes. When we crossed, there were the Central African forces who were
11 waiting for us with lorries, and it was these Central African forces who escorted us to
12 Camp Béal, so the crossing was indeed secure.

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MR KILOLO: (Interpretation) I would like to ask the court officer to show the
20 witness document 102 from the Defence list, page 0027-0731.

21 Q. Witness --

22 THE COURT OFFICER (Redacted): (Interpretation) It's page 0730 that you want the
23 witness to look at?

24 MR KILOLO: (Interpretation) It's the next page, OTP-0027-0731.

25 THE COURT OFFICER (Redacted): (Interpretation) The page is being shown to the

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1 witness.

2 MR KILOLO: (Interpretation)

3 Q. Witness, do you remember having been interviewed by the Office of the
4 Prosecutor on (Redacted)

5 A. Do you want me to answer?

6 Q. If you would be so kind. Do you remember having met the Office of the
7 Prosecutor on (Redacted)

8 A. Yes, I think that I remember. I met the OTP on three occasions.

9 Q. Therefore, I would like to read an extract from the exchange that you had, and
10 this is the -- or these were the questions that were put to you, and I'm going to read
11 the extract in English. This is the question (speaks English): "Did Bemba give (Redacted)
12 additional instructions on (Redacted) operations in the Central African Republic?"
13 (Interpretation) Answer (speaks English): "He told (Redacted) to go with the army.
14 Once I arrived on the other side, it was authorities of the Republic of Central Africa
15 who would tell (Redacted) what to do."

16 (Interpretation) The Prosecutor's question -- you also added something, and here I'll
17 quote you again, (speaks English): "The other instruction/order apart from that
18 wasn't there, apart from the fact that he told (Redacted)
19 Instructions related to operations, he told (Redacted) just to cross and then (Redacted)
20 everything there."

21 (Interpretation) Witness, do you remember this statement that you gave?

22 A. Yes, I remember this statement.

23 Q. What do you mean through this statement that I've just read?

24 A. What I want to say with regards to this statement was with regard to the
25 question which had just been put to me. With regard to the instructions that we had

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1 received, I said to the Prosecutor that (Redacted) take care of (Redacted) soldiers and
2 that (Redacted) other orders once there, and that's what I wanted to say by
3 this statement.

4 Q. Witness, I'd like to go back to 30 October 2002, morning. Could you tell us
5 about your arrival from the other side of the river, following the crossing?

6 A. When we crossed we were welcomed by the host country authorities, and the
7 soldiers embarked into vehicles and were taken to a camp. Once we were at the
8 camp we met the military authorities of Camp Béal. They were Libyans. The
9 military situation was explained to us, the prevailing situation, the way in which the
10 operation was going to take place, what had already been prepared in order to
11 complete the operation. So briefly, that was the first phase of the operation, or the
12 first phase which constituted our contacts with the people whom we met there.

13 Q. Could you clarify who the soldiers were of the Central African Republic who
14 met you at Port Beach in Bangui?

15 A. In Bangui we were received by Colonel Dandito who was the commander in
16 place, that was the commander of the forces navy, and then we also were received by
17 General Mazi, who introduced himself as being the commander of the army and he
18 was the person with whom we were meant to be working within the framework of
19 this operation.

20 I think also that there was the Minister of Transport and another civilian in a suit was
21 also (Redacted) that was the Minister of Transport, and there were other
22 people but I didn't know who they were. My objective wasn't to get to know the
23 identity of all individuals who were among those who came to receive us, or welcome
24 us.

25 Q. To your knowledge, what was the role of the Minister of Transport at that time,

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1 in relation to your arrival in the Central African Republic?

2 A. I think that his role was to ensure all matters relating to transport. I think he
3 was just there to ensure that everything to do with transport worked well.

4 Q. You're speaking about transport. Transport of whom, exactly?

5 A. I think that you asked me the question about the means of transport that we
6 used. I'm not speaking about means of transport of Central African soldiers; I'm
7 talking about the means of transport of our soldiers. So that is what I understood
8 when you asked me the question in relation to our means of transport.

9 Q. So what type of vehicle picked you up from Port Beach in Bangui?

10 A. There were two large lorries. There were also -- there was also a four-by-four,
11 which was made available (Redacted)

12 THE INTERPRETER: "There were four or five lorries," adds the (Redacted) booth.

13 MR KILOLO: (Interpretation)

14 Q. In terms of the vehicles, were they military vehicles or were they civilian
15 vehicles?

16 A. They were soldiers who had these vehicles. What I mean by that, the drivers.
17 And those who were occupying the vehicles were soldiers, but the vehicles in
18 question had no colours of military vehicles, so it's difficult to tell you that they were
19 indeed military vehicles.

20 Q. Do you know to which force the drivers of these vehicles belonged to?

21 A. The drivers, they were Central Africans. I don't know what units they were
22 from but I do know that they weren't Congolese; they were Central Africans.

23 Q. Could you tell us more about your meeting in Camp Béal when you said that
24 you had met Central African soldiers there, who spoke to you about the military
25 situation, and the functioning of the operations, what exactly happened?

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1 A. Would you mind repeating your question, please?

2 Q. Do you remember that earlier on, when answering one of my previous
3 questions, you clarified that once you'd arrived at Camp Béal you met other Central
4 African military personnel, including some Libyans, and they spoke of the prevailing
5 military situation and how the operations were set to unfold? Do you recall
6 providing me with that answer?

7 A. Yes, I do remember and it was exactly as you say. Now, we all met up at
8 Camp Béal and it wasn't that when we arrived that we met these people. Libyans
9 were responsible for protection details there at the General Chief of Staff's office, and
10 that's where we went to meet. It wasn't at the camp where we arrived. No, the
11 forces that we found were just the officers. It wasn't the rank and file and everybody
12 that we met in situ.

13 Q. Now, do you remember what those officers told you when you had that
14 meeting and if you wouldn't mind citing names?

15 A. I think it's going to be very difficult to remember all the names because it's,
16 what, at least ten years since then, but during the meeting we were asked what had
17 happened and we were asked about the -- about the size of uniforms, the abilities, the
18 features of our weapons and the shells that we were using, the cartridges that we
19 were going to use, and we had to identify types of ammunition, the cartridges, and
20 we also had known where these ammunition -- the sources of ammunition came
21 from.

22 Now, with regard to the names of people, I remember Mazi, Colonel Thierry, Major
23 Tutu Kuese, but I don't remember the names of other officers, Libyan officials,
24 because I can't remember their names. Bombayake, I remember him, and others,
25 there were lots of them but I don't recall their names. There was also the General

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1 Chief of Staff, Mbeti-Ti-Bangui. I was asked about the size of the enemy forces and
2 where they came from.

3 THE INTERPRETER: "I was asked about the size of the enemy forces and where
4 they came from," corrects the (Redacted) interpreter.

5 MR KILOLO: (Interpretation)

6 Q. I'd just like to clarify, Mr Witness, the answer you just provided. Now, I know
7 you are talking (Redacted) and interpretation is necessary therefore, but you spoke of
8 the size of the enemy forces. Now, what do you mean? What exactly happened?
9 The Central African officers, did they ask you to give them information about the
10 enemy? Is that what you're telling us?

11 A. No, I didn't say that it was the Central African officer who asked that question
12 to us. He didn't ask that question because we didn't have any dealings with the
13 enemy. We didn't have any contact with the enemy. So this question wasn't put to
14 us. They had been attacked and then we asked them the question to the Central
15 African officers. It didn't come the other way around.

16 Q. And do you remember what the Central African authorities gave you by way of
17 information about that particular point?

18 A. When the question was put about the enemy, they answered that there was one
19 of their generals who wanted to do -- stage a coup d'état and that he was part
20 of -- well, he was supported in this adventure by Chadian troops. We were also told
21 that among the soldiers that had stayed there were others who were trying to reach
22 the general, because the general wanted to stage a coup d'état. With regard to how
23 they were managed, it was at PK5 and it was at PK5 -- well, this is a roundabout
24 actually in the city, but up until there we were about three kilometres away from
25 where the enemy had taken up its position.

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1 Q. All right. So you arrived on 30 October at Bangui. Now, do you know what
2 enemy - what military force - had the control of the airport at Bangui?

3 A. The Bangui airport was under the control of the enemy forces, so the enemy was
4 located at Bangui airport.

5 Q. Very well. Now, I'd like if possible for you to describe to us what the logistics
6 were with regard to the operations set to unfold in Central African Republic?

7 A. Would you mind repeating your question, please, Counsel?

8 Q. Could you clarify to the Court who was supplying the logistics to the MLC
9 military personnel during their stay in Central African Republic?

10 A. In terms of logistics, these were incumbent upon the Central African Republic.
11 Food came from the Central African Republic, the uniforms came from that source,
12 one or two weapons and ammunition, fuel also came from the government, the
13 vehicles that we were using also came from the government, and so generally
14 speaking logistics was the responsibility of the Central African government.

15 Q. Now, the MLC contingent, was it bearing weapons when it left the Democratic
16 Republic of Congo?

17 A. We had individual weapons. Each soldier had his own weapon. We also had
18 smaller weaponry to support the section, but all the artillery that we had received
19 came from the Central African Republic. As far as we were concerned, we were
20 equipped with our individual weapons.

21 Q. To the best of your knowledge, as a veteran soldier, the weapons that you had
22 brought from Congo into Bangui, these weapons were they able to take on the enemy
23 when thinking about the conflict in Central African Republic?

24 A. The type of weapon really -- well, I mean you -- only when you look at what the
25 enemy's using and that tells you what type of weaponry you need. You're not going

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1 to take a tank to fight somebody who's just got a pistol, so the first rule was to
2 understand your enemy.

3 Now, our weapons could help us fight if we were not outgunned by the enemy, but if
4 we were outgunned in relation to the weapons that we crossed the river with, well,
5 then obviously we were entitled to ask to receive other weapons that would enable us
6 to withhold an onslaught from an enemy who initially outgunned us.

7 Q. Do you remember when it was the first time that you received information
8 about the type of weaponry that the enemy had?

9 A. On the first day of the operations there were prisoners of war that we had
10 arrested and they told us about the weaponry that the enemy was using, and there
11 was also an exchange of fire between veteran soldiers and as veteran soldiers you
12 need to be able to and you should be able to identify what weapons are being used
13 against you.

14 Q. So what type of weapons were made at your avail in Central African Republic
15 in the framework of these military operations?

16 A. In Central African Republic, we had artillery supplied to us. We had at least
17 two artillery batteries that we received. There's a campaign battery that we had and
18 we were given two batteries.

19 Q. Can you tell us about the role or the significance of the use of said batteries in
20 the operations that were taking place at that particular time?

21 A. The artillery battery has a mortar 82 and mortar 81. The cannon, which is 5.5,
22 this is heavy artillery, and the 127 cannon. You can also add the 2.5, 12.5, the 14.5,
23 and this is what we mean by artillery. Now, the role of that or the job of that
24 artillery was to bombard in order to un -- to unstable the enemy, because these
25 aren't -- this is a distance which is too far for handheld weapons, or smaller

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1 weaponry.

2 Q. And when the Central African operations were underway, how were the MLC
3 soldiers dressed?

4 A. Now, the Central African soldiers had two different types of uniform. There
5 was one with a camouflage that was quite big and spaced out and there was another
6 one which was quite -- well, it had lots and lots of dense camouflage, and there was
7 another one with khaki-coloured uniforms, and we had that because we shouldn't
8 have different uniforms because we had to appear as one single force and that's why
9 we had to wear the similar uniforms. We had smaller camouflaging and there was
10 another one that didn't have any camouflage motif on it but were just plain khaki. It
11 was green khaki in colour.

12 Q. Now, when you left the Democratic Republic of Congo, did you also bring any
13 vehicles of your own across into Central African Republic?

14 A. No, we didn't use any vehicles to go into Central African Republic.

15 Q. To the best of your knowledge, was the headquarters of the MLC in Gbadolite?
16 Could it decide off its own bat what the Central African -- or how the Central African
17 vehicles should be used by the MLC contingent located at Bangui?

18 A. Would you mind repeating your question because if I've understood, what you
19 want to know is whether the ALC could dictate to us how we should be using the
20 military -- well, the vehicles that were --

21 THE INTERPRETER: Not the military vehicles, corrects the interpreter.

22 THE WITNESS: (Interpretation) -- but the vehicles that were put at our avail.

23 MR KILOLO: (Interpretation)

24 Q. Yes. Whether Jean-Pierre Bemba or the ALC headquarters, did they have any
25 control over the vehicles and the means of transport that the Central African Republic

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1 had put at your disposal at Bangui?

2 A. I don't think that was the case. I didn't receive any -- any order from
3 Jean-Pierre Bemba or from another individual for the use of the vehicles. We didn't
4 own the vehicles. The vehicles belonged to the Central African Republic.

5 Q. When you left the Democratic Republic of Congo, did you bring into Central
6 African Republic any communication devices?

7 A. We left with one single communication device. It was a radio device provided
8 by the Echo Brigade and we had that. It was a Kenwood device as well that we
9 brought across, and this device enabled us to maintain contact with the -- well, my
10 brigades that had remained on the DRC side, because we -- because we had to cross
11 with just one single device and then, once reaching the far shore, there was -- the
12 Central African Republic codes were used when using this device because the
13 transmitting centre had been changed within the framework of these military
14 operations.

15 Q. What do you mean by that when you say that the transmitting centre had been
16 changed within the framework of Central African Republic operations?

17 A. What I mean by that is that when we arrived, because we were under the
18 command of Central Africans, we -- we couldn't be independent about what messages
19 we were emitting. We came under the command of the Central Africans, in all
20 realms. Even the operator that I was with, from Congo, he was working with his
21 point person, and this enabled us to contact all the units that were involved in
22 military operations. When I had to ask a question, I could change frequency, in
23 order to contact the units that I had left in my particular sector. I don't know
24 whether I've properly answered your question. What I mean though is that we put
25 all this together so that we could properly monitor messages that were being emitted.

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1 Q. Now, earlier on you spoke about your operator that worked with the CCO
2 operators. Now, what does that mean, the CCO?

3 A. It's the operations centre. It's the command centre for operations.

4 Q. So this centre was located where exactly?

5 A. The centre was near Camp Béal; near, therefore, the Central African Republic
6 HQ.

7 Q. The phonie that you brought with you from the Congo, was it able to be of use
8 in the military operations that you were involved in, in the Central African Republic?

9 A. When we arrived there, we were given other phonies, but this phonie that we
10 brought with us was an old one and that we had used during the rebellion. What
11 we were given wasn't ours, and it wasn't as effective as our previous one, but we
12 were given this, and the microphone didn't work, for example. So what we used
13 were phonies that were given to us when we reached the far shore in Central African
14 Republic.

15 Q. Would you mind just clarifying things, please. You're speaking of a phonie
16 that wasn't effective and that broke down. Now, what phonie are you referring to,
17 therefore?

18 A. Now, the phonie that we brought to Central African Republic worked for a
19 while and then it broke down. It was then that we were given other devices, other
20 emission devices and other broadcasting devices. I don't know whether you've
21 understood what I've said, but I would just like to repeat that the phonie that we
22 brought into Central African Republic broke down. It had worked for a while, and
23 then we worked with the phonies that were given to us when we reached the far
24 shore in the Central African Republic.

25 Q. So just to make things absolutely clear, Mr Witness, the phonie that you brought

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1 with you and that belonged to the Echo Brigade and you brought from Congo into
2 Bangui, now, what use was made of that phonie during the period that it was still
3 operational?

4 A. Now, I think I've already answered this question. The phonie could help me to
5 establish what was going on (Redacted) in the Congo because (Redacted)
6 (Redacted)

7 unit that had remained in Congo. Now, the -- not all unities crossed over -- not only
8 units, rather, crossed over and so this phonie enabled (Redacted) to maintain contact
9 with (Redacted) unit, to see how things were unfolding, but unfortunately, when we
10 arrived on the far shore, the device broke down and so (Redacted)

11 (Redacted)

12 (Redacted) and that's how things went.

13 Q. Now, do you remember the type of communication device that was given
14 (Redacted) once you'd arrived in Central African Republic?

15 A. We were given devices, communication devices, and we received Kodan (phon)
16 devices. We were also given cellular devices when we were -- when we could -- still
17 were within the reception scope, and then we were given Thuraya devices.

18 Q. Why is it that these devices were given to you, and who gave you these devices,
19 exactly?

20 A. These devices were given to us by General Bombayake. I think it came from
21 the president's office. And the reason we were given these devices was the
22 following: We had to contact them. We had to be able to contact them. I don't
23 think there was any other reason. These devices enabled us to contact them.

24 Q. Now, earlier on you spoke of Thuraya. When did you receive the Thuraya?

25 A. When we left the PK12 and when we went off to Damara, and even down the

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1 second artery that takes you down to Boali, the small cellular devices, well, we
2 were -- we couldn't reach the authorities and that's why we were given the Thuraya
3 device.

4 Q. What was the need, or what was the importance for you to maintain contact
5 with the authorities once you'd gone past PK12 and Boali?

6 A. Well, if you want to defeat the enemy, you need to be able to communicate, you
7 need to have contact. So these devices helped us receive orders and report on how
8 the situations were going, without necessarily needing to go from A to B. The
9 goal - the purposes - of these devices was to say how operations were going, report on
10 what was happening and to receive orders in relation to said operations.

11 Q. To be more specific, you were supposed to receive instructions, but from
12 whom?

13 A. General Mazi, he was the one who gave us his instructions. There was also
14 General Bombayake, who gave us instructions as well. There was the Head
15 of -- Chief of General Staff Mbeti-Ti-Bangui, who handled the sending of such
16 instructions and he wanted to receive information from the troops that were fighting
17 in the field. Those were the authorities who gave us instructions and who received
18 reports from us.

19 Q. Could you describe how the various radio frequencies were used and organised
20 during these operations in the CAR?

21 A. Could you repeat your question, please?

22 Q. Do you know who provided certain radio frequencies or allocated radio
23 frequencies during the operations in the CAR?

24 A. The Central Africans did. It was one unit that was in charge of radio
25 transmissions.

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1 Q. Do you know where this unit worked?

2 A. I wasn't responsible, so I couldn't answer that question. That was not one of
3 my duties. I wasn't supposed to know who was working there at that transmission
4 unit. There was an operator, (Redacted) who handled that. I had other things to do,
5 other tasks, but I do know it was within the headquarters.

6 Q. Which headquarters are you talking about?

7 A. I'm talking about the operations co-ordination centre that was within the FACA
8 headquarters. That is where the transmission centre was located.

9 Q. Do you know how the frequencies were used? For example, the CAR soldiers,
10 the Presidential Guard, the MLC, how were the frequencies used? Were there
11 several different frequencies being used?

12 A. Well, there were some frequencies for the Bangui operations. For instance,
13 (Redacted) to get information about the troops that had remained, the operators
14 could programme the frequencies so that (Redacted) get in touch and give or
15 receive a message. Yes, there was a frequency for the operations in the Central
16 African Republic.

17 Q. Did the MLC contingent have its own operating frequency in Bangui?

18 A. I don't know what you mean by that. We were not independent in relation to
19 the transmission. I said this: When we needed information we had to change, but
20 we didn't have a specific frequency for the MLC.

21 Q. Which military authorities had access to the frequency used by the MLC
22 contingent in the Central African Republic?

23 A. I just told you this: There were battalion commanders. There was one battalion
24 commander who remained behind. I'm talking about the place where (Redacted)
25 brigade was deployed.

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1 Q. Now, the frequency used by the MLC contingent in the CAR, was this
2 frequency different or similar to the frequency used by the FACA or by the
3 Presidential Guard?

4 A. I have the impression you're not following me. You've just asked the same
5 question four, five times, and I've answered. I just said this: Well, what do you
6 want to know? What do you mean by a "frequency"? A frequency is a code that is
7 programmed so that you can be in communication. We had a frequency in Bangui,
8 but to be able to communicate (Redacted) use a code. The MLC did not
9 have its own frequency, since we were not supposed to receive orders from the MLC.
10 That's why it wasn't necessary for us to have a frequency to receive orders from the
11 MLC authorities.

12 Q. Now, (Redacted) operator who went with you to the CAR, did he have a boss or a
13 supervisor in that specific area of radio transmissions in the Central African Republic?

14 A. Yes, there was a team that worked together, and he couldn't command the
15 Central Africans that were there because all the operations were co-ordinated by the
16 Central Africans. So our operator - our Congolese operator - could not be the boss of
17 the Central African Republic operators.

18 Q. Now, in the transmissions between the CAR operators and the Congolese
19 operator, how did that work? Did they work together? Were they equals or was
20 there a hierarchy within this system of transmissions, these transmissions within the
21 CAR?

22 A. Well, if you had listened to me, I said this: Myself, I came under the command
23 of the Central Africans, so how could (Redacted) operator command Central Africans?
24 When (Redacted) a message in Lingala, (Redacted) operator would interpret it into French,
25 and it would be passed on to the authorities who governed us. So, between the two

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1 operators, they worked together, but the Central Africans were the leaders. They
2 were running the show.

3 Q. Now, the ALC headquarters in Gbadolite, where Mr Jean-Pierre Bemba was, did
4 they have access to the operating frequency and hear the messages as part of the
5 operations that the MLC contingent was conducting in the Central African Republic?

6 A. Perhaps he received messages, but if he was informed it wasn't for him to be
7 giving us orders. As I just told you, we are talking about frequencies here. Perhaps
8 this is the heart of the problem. Some frequencies were not programmed in all the
9 operational units. I can give you an example.

10 If all the phonie, if all the radio equipment was connected to the operation, you would
11 be connected on 1234, 1-2-3-4, that's one example, that is to say, it's a frequency that
12 would be used by all the units. And if there was one unit in the Congo that was
13 tuned into 15-5678 (sic), you could change the frequency and give the information.
14 There was not an instruction from Mr Bemba saying, "We are going to remain on this
15 specific frequency," no. Now, I don't know if that answers your question?

16 Q. To your knowledge, who was responsible - who had the financial
17 responsibility - for the MLC contingent in the CAR? Who was paying for the
18 expenses?

19 A. There was no specific management of our finances. Why? We would receive
20 rations, medication, small amounts which were used for purchases --

21 THE INTERPRETER: The (Redacted) interpreter has just reported to us that the
22 sound was lost.

23 THE WITNESS: (Interpretation) (Continuing) -- cigarettes.

24 Captain René, who was in charge of that, he was the liaison officer (Redacted)

25 He was the one who could go and get them, that was one of his duties, but he did not

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1 receive orders to manage the budget. He managed a small budget for these various
2 expenses, or expenditures, that I've just told you about.

3 PRESIDING JUDGE STEINER: I think there was part of the answer that was not
4 followed by an interpreter. Maybe it would be better if the witness is asked to
5 repeat?

6 MR KILOLO: (Interpretation)

7 Q. Witness, we just had a technical problem. Could you repeat your last answer?

8 A. Well, I was saying this. We were not in the habit of managing funds. We
9 received fuel from the host state, our rations as well, but there might have been a
10 small budget to buy soap, salt, cigarettes for the soldiers, toiletry items. It was
11 Mr René who handled that, who took care of that, but it's not as if a budget was
12 managed in a very organised way.

13 Q. What can you tell us about the amount of food that was provided to the MLC
14 troops in the CAR?

15 A. Well, I would tell you this: The rations we received on the front were not just
16 for the MLC. They were also for the CAR soldiers who were with us, so there was
17 no difference in terms of the amount or the quality of the food. There was no
18 difference between the two groups. We received beans, Thomson fish, rice, oil,
19 manioc flour -- correction, cassava flour, beef. They would kill cows and bring us
20 some beef. Those were the rations that we received. So it would be difficult for me
21 to tell you exactly how many grams each person received because I didn't handle
22 logistics, but I know that the soldiers ate every day, a morning meal and an evening
23 meal.

24 Q. Do you remember how the food was delivered to the front, what means of
25 transportation was used to deliver the food?

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1 A. The food was brought in using large trucks. The logistics took care of that.

2 Q. Do you know who these large trucks belonged to?

3 A. You asked me which vehicles transported us. Well, to my mind, any vehicle
4 driven by a soldier, even if it's not a military colour, it's a military vehicle all the same,
5 but my job wasn't to ask whether a vehicle had been purchased or requisitioned.

6 That wasn't my job. But I do know that there were some vehicles that were used to
7 transport our rations, and it was the logistics people who provided those vehicles.
8 That was part of our operations.

9 Those same vehicles transported us. We would receive rations on a weekly basis,
10 and these vehicles were made available to us. They had been provided to us by the
11 headquarters.

12 Q. Now, what about soldiers injured at the front? How was first aid provided to
13 these soldiers, or how were injured soldiers -- how were injured MLC soldiers
14 evacuated?

15 A. Well, there were operations. When we began, we were transported once by
16 helicopter. All the other times, soldiers would go to Bangui for secondary care, and
17 then from there they would take boats to Zongo, and from Zongo they received care
18 in our hospitals in Bamonda, and also other hospitals in the DRC. Once we were in
19 Damara and the helicopter came to get a number of injured people, there was one
20 emergency. So those were two ways that people were evacuated or first aid was
21 provided.

22 Q. In the field, was there any means of land transportation? Was there an
23 ambulance in the event an MLC soldier was injured?

24 A. Yes, there was. Each battalion commander had one or two vehicles for
25 evacuation purposes, and we would use these vehicles that had been provided to us,

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1 made available to the commanders.

2 Q. Was there an S4 with you when you came from the DRC and, if so, what was his
3 role in the CAR?

4 A. Yes, (Redacted) an S4 made available (Redacted). This person was handling
5 supplies, bringing in fresh supplies. He was the one who knew how many soldiers
6 we had and the various needs of these soldiers, so he would do his work. That was
7 his main activity.

8 Q. As part of these operations in the CAR, was there any distinction between an S4
9 and a G4?

10 A. Yes, there is a major difference. An S4 is an officer in charge of logistics. He
11 works within a battalion or a brigade. If we're talking about a logistics officer within
12 a sector or a military region, or a division, that person is called a T4, but if the person
13 works within the army headquarters, then he's called a G4. That's the difference.

14 Q. Was there a G4 as part of the operations that you conducted in the Central
15 African Republic?

16 A. There were no G4s from the MLC, but within the operations there were some
17 from the Central African Republic - from the Central African Republic - but there
18 were no G4s from the Gbadolite headquarters in our operations, no.

19 Q. Could you help us understand the operations, or the functioning, of the G4 in
20 relation to the S4 who was with you from the Congo?

21 A. Well, I shall tell you this: Within the command centre, the G4 would work
22 with the Chief of General Staff. He would receive instructions from him. If there
23 was a request of any kind from us to the Head of General Staff, he would give the
24 order to the head of logistics, saying that soldiers on the front-lines needed
25 ammunition, medication, sugar, salt. That was his work, to receive operations from

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1 the Chief of General Staff.

2 After receiving these instructions, or these orders, he would carry out his tasks
3 working with the units, and through the units, well, there were -- within the units,
4 there were some S4s and they too would work to implement his orders. So, you see,
5 there were also Central African S4s within our units. They would receive the T4s,
6 the rations and other things for the supplying of all the units, providing supplies to all
7 the units.

8 Q. Now, specifically in relation to logistics within the Central African Republic,
9 who was the line manager or, rather, the direct boss, so to speak? Was there a
10 supervisor, someone specifically in charge of logistics within the CAR?

11 A. His supervisor was a G4 from the CAR, who worked with the Central African
12 Chief of General Staff, who was also handling operations.

13 MR KILOLO: I'd like to ask the court officer if he could please show the witness
14 document 36 on the Defence's list of documents, at page CAR-D04-0002-1628.

15 THE COURT OFFICER (Redacted): (Interpretation) This document 1514, page 1628 --

16 THE INTERPRETER: Inaudible.

17 MR KILOLO: (Interpretation)

18 Q. Witness, I'd like to ask you a question so that I can understand. If we could
19 just go back in time to that point in time when you left the Zongo to go to Bangui. So
20 here you can see a document, and I'll make reference to the message. At the very top,
21 to the right, there's a message and I'd like to read it out for you, and here we see
22 "Extremely urgent" and the date here, "25th, 1458 Alpha, from Echo Brigade
23 command to Chairman. Information: Chief of the ALC General Staff 203EM-2002.
24 I'm honoured to extend greetings and to inform you, with reference to our discussion,
25 I believe that if the boat could come and get my troops in Imese, the operation will be

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1 pointless. On that note I ask dispatch troops by foot to Dongo. I ask 100 litres
2 gasoline, so that the enemy doesn't take advantage of our absence while the ALC is on
3 maximum alert. Your decision would be -- I would be most grateful for your reply.

4 In 25 October 2002, 1530 Alpha."

5 Mr Witness, do you know who sent this message?

6 A. Yes. (Redacted)

7 Q. Where were you on this date, at the time this message was sent?

8 A. (Redacted)

9 Q. And who is the message sent to?

10 A. The message is clear. (Redacted) and it was addressed to Mr Bemba, and

11 (Redacted) sent the information to the General Chief of Staff.

12 Q. Why did (Redacted) copy for information the Chief of General Staff of the ALC?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 In the army, there's discipline. You answer the person who asked you the question,
23 and in order to do that, you shouldn't leave out the General Chief of Staff. Because I
24 have nothing particular or private between myself and Mr Bemba, so he should be
25 aware of everything that is happening.

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1 Q. Concretely, what was the objective of this message?

2 A. I think that this message is clear. (Redacted) well, Imese was the line of the
3 front for our troops, the ALC troops, and the enemy government was just opposite us,
4 so taking the battle there, to embark the troops there, and that could give the signal to
5 our enemy who were opposite us, and that's the reason why (Redacted)

6 Mr Bemba, or the General Chief of Staff -- well, when we here refer to the discussion,
7 the discussions (Redacted) there were lots of things that were discussed. We didn't
8 want our troops to leave there, to the knowledge of everybody, so that's why
9 (Redacted) that the troops go firstly on foot to Dongo and that they get into boats
10 from Dongo, and the fuel (Redacted), well, that was for troop movements from
11 Dongo to the place where we left from.

12 THE INTERPRETER: The (Redacted) booth is pointing out that the witness is
13 speaking extremely fast.

14 MR KILOLO: (Interpretation)

15 Q. Witness, I'm just going to ask you to slow down, given that the interpreters
16 sometimes have difficulty in following your speed. Do you understand me?

17 A. Yes, I have understood you well. So I'll repeat what I said: As you asked the
18 question with regards to the aim or purpose of this message, this was about keeping
19 our operations secret from the enemy who were opposite us. Imese was our last line
20 on the front, on the area (Redacted) so we had to go on foot from Imese to
21 Dongo, and from Dongo we had to go with 100 litres of fuel, we had to take the boat
22 which had to take us to Libenge. We didn't have a different objective. It was just to
23 protect the confidentiality with regards to our operations. That's normal in military
24 operations. You have to hide all types of information from the enemy.

25 Q. So now, what I'd like to understand, so militarily, at the operational level, who

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1 set up the logistics in order to move the contingent, MLC contingent, from Imese to
2 Dongo and from Dongo to Zongo?

3 PRESIDING JUDGE STEINER: Sorry, Mr Witness. Mr Witness, sorry to interrupt
4 you. Just to clarify, in your answer you said that -- you suggested that you had to go
5 on foot from Imese to Dongo, "and from Dongo we had to go with the boat to
6 Libenge." Now, Maître Kilolo mentioned to go to Zongo. Could you please make it
7 clear for me?

8 MR KILOLO: (Interpretation) You would like me to clarify this, your Honour, or
9 the witness?

10 PRESIDING JUDGE STEINER: Yes, because you mentioned, you put a question to
11 the witness in which you were mentioning Zongo instead of Libenge, and I don't
12 want to have any confusion in your question.

13 MR KILOLO: (Interpretation)

14 Q. Witness, previously, you spoke to me of the itinerary you had, in answer to one
15 of the questions that I put to you here at the hearing, and you said that you had left
16 from Imese to Dongo, from Dongo to Libenge, and from Libenge to Zongo. Have I
17 understood you well?

18 A. Well, there were several stages: The first stage was leaving Imese and going to
19 Dongo. That's something we did on foot. It took us two days. From Dongo we
20 got on to a boat, into a boat, a riverboat, in order to go to Libenge, and from Libenge
21 the troops went by foot to Zongo, and others -- well, most of them went on foot, but
22 others got into vehicles, the ones who were tired, and went to Zongo, and the last
23 phase is when we crossed with the ferry from Zongo to Bangui. There were two
24 trips that we carried out by foot, from Imese to Dongo, and from Libenge to Zongo,
25 and the stages that we did by boat, that was from Dongo to Libenge, and from Zongo

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1 to Bangui. I don't know if I managed to explain that clearly.

2 PRESIDING JUDGE STEINER: I think I understood, but I would like to ask you to
3 clarify, when you mention that the enemy was in front of you, or close to you, what
4 enemy you're talking about?

5 THE WITNESS: (Interpretation) I haven't understood the question.

6 PRESIDING JUDGE STEINER: I will repeat for you with the mention to the
7 transcript on page -- it starts on page 59, line 23. In relation to this message that
8 Defence counsel - bless you - Defence counsel read to you, you said, "I think that this
9 message is clear. I said that Imese was the line at the front for our troops, the ALC
10 troops, and the enemy government was just opposite us, so taking the battle there to
11 embark the troops there, and that could give the signal to our enemy who were
12 opposite us, and that's the reason why (Redacted) Mr Bemba, or General Chief of
13 Staff, well, when we were referred to the discussion." So you, twice in this
14 paragraph, you refer to the "enemy." Who were the enemy that was opposite to you
15 at that point?

16 THE WITNESS: (Interpretation) I haven't understood the interpreter, but what I
17 wanted to say was, we had two enemies. The first enemy was the Congolese
18 government, with whom we were fighting. We didn't want them to know what
19 movements we were carrying out, from Imese to go to Zongo, and the second enemy,
20 that was the enemy in the Central African Republic. We couldn't fear that enemy
21 because that was far away.

22 The enemy that I'm talking about here, with regards to the message, that is the enemy
23 that the MLC were fighting. That's the Kinshasa government I'm talking about.

24 PRESIDING JUDGE STEINER: Thank you. This is what I wanted to understand.
25 Thank you very much.

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1 MR KILOLO: (Interpretation)

2 Q. Yes, Witness. My question was related to the message (Redacted) addressed to
3 Mr Jean-Pierre Bemba asking for 100 litres of fuel for (Redacted) movement to the
4 intermediary points, Libenge then Zongo. So, I would say from a military
5 perspective, or an operational perspective, who was it who set up the logistics or
6 implemented the logistics to take the troops from Imese to Libenge and then from
7 Libenge to Zongo?

8 A. It's difficult to know who implemented these logistics, but it's very simple. The
9 MLC had an administration, and its administration was similar to others, to other
10 troops. If there's somebody responsible for administration or logistics, then
11 everybody has a particular role that they have to fulfil. (Redacted)
12 (Redacted)
13 (Redacted) I think
14 that I'm the appropriate person to answer this question. Every organisation must
15 have particular organisation to it. Even here at the Court, you have different
16 departments who are responsible for different tasks, and if the head asks for
17 something, well, the person should receive it from a particular unit.

18 MR KILOLO: (Interpretation) I would like to ask the court officer to show
19 document 37 from the Defence list, and namely, page CAR-D04-0002-1658.

20 Q. Witness, I'd like to focus on the document on the extreme right, if you would
21 allow me to read an extract therefrom, and here I would quote. "Extremely urgent.
22 Twenty-fifth at 1400 hours Alpha from Colonel Mustapha to Chief of General Staff,
23 General ANC, information chairman, reference 024, staff commander Operation
24 Bangui 2002. Greetings, your Honour. Urgent. Operation. We ask for radio
25 phone and a microphone, a Kenwood microphone, in order to help co-ordination

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1 between the different units and hope on the first opportunity that your intervention
2 will help us. 25 December 2002. 1850 Alpha."

3 Witness, who wrote this message? Who sent this message?

4 A. (Redacted) sent it to the General Chief of Staff, Mr Amuli.

5 Q. Where were you at that time?

6 A. At that time I was in Bangui.

7 Q. What was the objective of this message?

8 A. I think that I told you at the start that the phonie with which (Redacted) crossed
9 over, that had broken, the microphone had broken and it didn't work any more. The
10 objective, well, there were two objectives to this message. At the start we
11 transmitted our request to CCO, and when we wrote to the CCO, and we didn't get
12 an immediate answer, then we would go through our authorities. As it was our
13 phonie that had been taken from the DRC, it -- well, it broke and this is the reason
14 why (Redacted) this message, in order to ask for this device to be replaced. So it had
15 two objectives. One: (Redacted) to ask the local authorities to get hold of one
16 (Redacted) and when (Redacted) about the different units, (Redacted) not talking
17 about units in the DRC. Those units were from the Central African Republic. That
18 was the purpose of this message.

19 Q. Did (Redacted) obtain the matériel that (Redacted) requested? Did Gbadolite HQ
20 provide (Redacted) with this matériel?

21 A. No, (Redacted) receive it.

22 MR KILOLO: (Interpretation) I would like to ask the court officer to show document
23 36 on the Defence list, page CAR-D04-0002-1629.

24 Q. Witness, I would like to focus on the top part of the document on the far right,
25 and you can see a title and a list of matériel. So there's a first one, "Matériel Brigade

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1 Echo, ready for operation in Bangui. Mortar, 60mms, one. Mortars 82mms, three.
2 107mm cannon, 1mm." So underneath it says, "The rest for Echo Brigade. Mortar,
3 120mm, one. Cannon, 107mms, bomb, one," and then there's "14" and then it's also
4 written "one," one matériel.

5 So my question here is to know, to find out, what exactly does this word on the
6 subject of the -- or what this means with regards to the matériel which were ready for
7 Bangui.

8 A. Here you can see that it's mentioned that this is matériel for Echo that was ready
9 for the movement. At that time (Redacted) When (Redacted) to send the list of
10 equipment that (Redacted) in my Echo Brigade, those were the pieces of equipment
11 that (Redacted) mentioned, and (Redacted) in the document which ones had to be
12 taken and which ones could stay and, thereafter, we decided that given that there was
13 matériel there, if we brought matériel there and afterwards we were attacked, then we
14 would have the possibility to react, and that's the reason why we kept our matériel.
15 That document that -- or, (Redacted) this to take to Bangui. (Redacted) the different
16 arms, or weapons, which are mentioned on this list.

17 THE INTERPRETER: The interpreter points out that the witness is speaking very
18 fast.

19 PRESIDING JUDGE STEINER: Mr Witness, again the interpreter is asking you
20 please to slow down. You are speaking too fast and he's having difficulties in
21 following you. Thank you.

22 THE WITNESS: (Interpretation) Please excuse me. I wanted to say the following.
23 The list that you can see, this was the proposal that (Redacted)
24 hierarchy in Gbadolite would accept it, that (Redacted) divide up the matériel into
25 different parts. But then they said no. They said that, in Bangui, they had matériel,

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- 1 so you had to keep everything that you had there and the other material which
2 (Redacted) asked for, you would get it in Bangui. So it was just a proposal that (Redacted)
3 Afterwards (Redacted) hierarchy decided that all the equipment would stay in the DRC.
4 MR KILOLO: (Interpretation) Witness, I think it's half-past-1 and we will continue,
5 without doubt, tomorrow. Thank you.
6 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.
7 Mr Witness, we will adjourn for today. We will resume tomorrow morning at
8 9 o'clock. You will be given as ordered --
9 THE WITNESS: (Interpretation) Your Honour, I'm sorry to interrupt you, there's
10 a question.
11 THE INTERPRETER: The interpreter points out that he can't hear very well.
12 PRESIDING JUDGE STEINER: Can you hear me, Mr Witness?
13 THE WITNESS: (Interpretation) Thank you, your Honour. I have a question.
14 Concerning the different documents that you've asked me to leave here, as I was
15 noting things in my agenda, there are other personal things I've written. Can I have
16 permission to take my agenda with me, because when I appeared for the first time, I
17 want to point out that I spoke about my personal life. So I confirm that I won't give
18 the document to anybody, but I would like you to authorise me to take my agenda
19 with me because there's other personal information therein. Could you authorise me
20 to take this agenda with me, which I have written in?
21 PRESIDING JUDGE STEINER: Mr Witness, you should not have been authorised
22 even to bring personal documents to your testimony. This is not acceptable, unless
23 the parties and participants and the Chamber are aware of the content of such
24 documents.
25 I will ask the court officer to see whether it's possible to take away the notes you took

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1 during your testimony, and then give you back your personal agenda. You are
2 allowed to take notes during your testimony, but not to take your notes outside the
3 courtroom or the extension of the courtroom, since you are testifying in full closed
4 session.

5 So we will adjourn. I'll ask court officer, Mr Rojas, to testify whether it's possible to
6 take the pages in which you made notes and then your agenda will be given back to
7 you. Otherwise, until otherwise decided, the Chamber will analyse the other
8 possibilities in order to give you back your agenda. You just be assured that nobody
9 will have access or read the content, the contents of your personal agenda. I hope
10 that is fine with you.

11 I thank you very much the Prosecution team, the legal representatives of victims, the
12 Defence team, Mr Jean-Pierre Bemba. I thank very much our interpreters, court
13 reporters.

14 We need to adjourn, taking into account that the tape is going to an end.

15 Any problems related to the use of your agenda will be discussed at a later stage with
16 court officer. We have to adjourn, Mr Witness.

17 This hearing is now adjourned.

18 THE COURT USHER: All rise.

19 *(The hearing ends in closed session at 1.33 p.m.) Reclassified as Open session

20 CORRECTIONS REPORT

21 The Court Interpretation and Translation Section has made the following corrections
22 in the transcript:

23 *Page 17 line 21

24 "A. (Redacted) is

25 corrected by

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- 1 "A. (Redacted)
- 2 *Page 26 lines 13-14-15:
- 3 "Zongo" is corrected by "Dongo".
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 6 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.