

Trial Hearing
Witness: CAR-OTP-PPPP-0036

(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 Tuesday, 13 March 2012
9 (The hearing starts in open session at 9.41 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning. Good morning. I welcome
13 Prosecution team, legal representatives of victims. I welcome Defence team,
14 Mr Jean-Pierre Bemba Gombo. Good morning, welcome our interpreters, court
15 reporters. We will start today with the testimony of Witness 36 that will be given in
16 closed session and by way of video link. I would like to say good morning as well to
17 our court officer, Mr Felipe Rojas. Is everything fine with the equipment?
18 THE COURT OFFICER (DRC): (Interpretation) Good morning, your Honour.
19 The equipment is working. Everything has been put in place.
20 PRESIDING JUDGE STEINER: Thank you very much.
21 I was informed that Mr Haynes would like to say some words and Mr Haynes, you
22 have the floor.
23 MR HAYNES: Thank you, your Honour, and good morning and good morning to
24 my colleagues.
25 I crave the Court's indulgence to record publicly before this Trial Chamber that which

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1 I think we all already know privately and has been marked before the Appeals
2 Chamber.

3 On the night of 26 February, after fighting bravely for a year, Maître Richard Nkwebe
4 Liriss finally lost his battle to cancer and with it his life. He was but 59 years of age.
5 He leaves behind a wife and four children.
6 He was an advocate of singular brilliance and no little celebrity and if one had to
7 sum-up in a word what he brought to the courtroom it was flamboyance. More than
8 that he brought to the job of being a lawyer a sense of proportion and a sense of
9 humour. He was our guiding light, the hand on our shoulder and the inspiration
10 behind much of what we do. We miss him today, as we always will. That's all I
11 want to say.

12 PRESIDING JUDGE STEINER: Maître Badibanga, would you like to take the floor?

13 MR BADIBANGA: (Interpretation) Thank you, your Honour. On behalf of the
14 Office of the Prosecutor, and in particular on behalf of the entire team that has been
15 here in this courtroom since the very beginning of the trial, we too wish to pay tribute
16 to the memory of Mr Liriss and offer our deepest condolences to the team and to
17 Mr Liriss' family. We fully subscribe to the remarks made by my learned friend and
18 we were very much impressed by his spirit of -- his spirit of being a fellow lawyer.

19 PRESIDING JUDGE STEINER: I see Maître Zarambaud. You have the floor.

20 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I have very little
21 to add. Mr Liriss was a brilliant lawyer and he had a very keen sense of what it
22 means to be a solicitor. Our proceedings here can be extremely serious in nature and
23 Mr Liriss with his sense of humour was always in a position to lessen the tension and
24 on behalf of the legal representatives I'd like to say that we were adversaries, but in
25 no way enemies. I wish to offer my deepest condolences to the Defence team and to

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1 the family of Mr Liriss. I thank you.

2 PRESIDING JUDGE STEINER: Of course since the beginning the Chamber has
3 expressed its sorrows for the loss of Maître Liriss, a Defence counsel that was
4 recognised by the whole Chamber and the whole Court as an exceptional lawyer and
5 more than that an exceptional human being. The Chamber has already expressed its
6 condolences to the Defence team, to the family of Maître Liriss Nkwebe.

7 A press release was launched by the Court, sharing with the whole legal community
8 the feelings of the Court about such an important loss. So it's for the Chamber right
9 now just to join the Defence words, Mr Haynes' words, and to express again our
10 condolences to the Defence team, to Mr Jean-Pierre Bemba Gombo that we know was
11 a friend -- friends with Maître Liriss for a long time and of course with Maître Liriss
12 Nkwebe's family.

13 Having said that, and before we go to our -- to the -- in closed session to start with the
14 testimony of Witness 36, the Chamber has an oral decision to deliver. It's the oral
15 decision on the applications by legal representatives of victims to question Witness
16 36.

17 On 14 July 2011, the Chamber received an application from Maître Zarambaud on
18 behalf of the victims that he represents to question Witness 36. It's filing 1598-Conf.
19 The application contains a list of 25 sets of questions.

20 In its original version, Maître Zarambaud's application comprised 34 pages and as
21 such exceeded the 20-page limit established in Regulation 37(1) of the Regulations of
22 the Court. Accordingly, by email of 3 October 2011, the Chamber requested Maître
23 Zarambaud to file either a new version of his application that complies with the page
24 limit, or an application under Regulation 37(2) for an extension of the page limit.

25 On 5 October 2011, Maître Zarambaud filed a corrigendum to his application that

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1 complies with the 20-page limit, filing 1598-Conf-Corr.

2 On 29 November 2011, the Chamber received an application from Maître Douzima on
3 behalf of the victims that she represents, filing 1961-Conf. The application contains a
4 list of nine sets of questions.

5 No observations on the legal representatives' applications were filed within the
6 dead-line set by the Chamber in its decision of 9 October 2011, filing 1729.

7 Having considered the reasons given by both Maître Douzima and Maître
8 Zarambaud as to why the personal interests of the victims they represent are affected,
9 the Chamber allows their applications to question Witness 36 as the witness will
10 testify inter alia on the operations of the MLC troops in the Central African Republic,
11 on the alleged mode of liability of the accused and on the crimes allegedly committed
12 by MLC soldiers.

13 Turning to the merits of the applications, the Chamber rules as follows:

14 First, Maître Douzima is allowed to put all her proposed questions to the witness.

15 Second, regarding the questions contained in Maître Zarambaud's application, the
16 majority of the Chamber, Judge Ozaki dissenting, allows all his proposed questions.

17 However, the Chamber emphasises once again that it's not satisfied with the number
18 and length of quotations of statements used by Maître Zarambaud.

19 Judge Ozaki dissents with respect to questions 1.1 and 1.2, which in her view are
20 irrelevant and outside the scope of expertise of the witness; questions 3.3, 3.5, 8.2 and
21 23.2, which in her views are speculative; questions 4.1 and 7.2, which in her views are
22 leading; and question 6.3, which in her views is irrelevant. In addition, Judge Ozaki
23 would reject questions 8.1, 9, 10, 11, 12, 13, 15, 16.1, 16.2, 17.1, 22.1, 23.3 and 24, which
24 in her views merely request the witness to confirm excerpts from his written
25 statements.

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1 In accordance with the Chamber's decision of 2 February 2012, decision 2101-Red2,

2 Witness 36 will testify via video link.

3 Therefore, the Chamber will now go into closed session pursuant to Chamber's 9

4 March 2012 decision on in-court protective measures, it's decision 2160-Conf.

5 Would the court officer please turn into closed session and turn on the video feed.

6 *(Closed session at 09.55 a.m.) Reclassified as Open session

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

8 PRESIDING JUDGE STEINER: I ask, please, Mr Rojas to introduce the witness into
9 the room.

10 (The witness enters the room)

11 WITNESS: CAR-OTP-PPPP-0036

12 (The witness speaks French)

13 (The witness gives evidence via video link)

14 PRESIDING JUDGE STEINER: Mr Witness, good morning.

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

16 PRESIDING JUDGE STEINER: Mr Witness, thank you for being with us. You are
17 going to testify before Trial Chamber III. I am the Presiding Judge, Judge
18 Sylvia Steiner. The Chamber is composed as well by Judge Joyce Aluoch, who is on
19 my right, and Judge Kuniko Ozaki, who is on my left.

20 Before we start with your testimony, Mr Witness, I will ask Prosecution, legal
21 representatives of victims and Defence to introduce themselves and their teams.
22 Prosecution, please.

23 MR BADIBANGA: (Interpretation) Thank you, your Honour. I am Jean-Jacques
24 Badibanga, and I will be conducting the examination of the witness. With me is
25 Laurence Carrier-Desjardins, assistant; and behind me Mr Eric Iverson, who is a trial

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- 1 lawyer; and Sylvie Wakchom -- correction, Sylvie Vidinha is our --
- 2 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Legal
- 3 representatives, would you please introduce yourselves.
- 4 MS DOUZIMA-LAWSON: (Interpretation) Yes, good morning. I am Ms Edith
- 5 Douzima-Lawson and I am one of the legal representatives of the victims in the trial
- 6 of Mr Jean-Pierre Bemba.
- 7 MR ZARAMBAUD: (Interpretation) Good morning, Witness. I am
- 8 Mr Zarambaud and I am one of the legal representatives of the victims in this case.
- 9 PRESIDING JUDGE STEINER: Thank you. Mr Haynes, could you please
- 10 introduce yourself and the Defence team.
- 11 MR HAYNES: Yes, my name's Peter Haynes and in due course I will be asking the
- 12 witness some questions. Next to me is Ms Kate Gibson, behind me is
- 13 Mr Jean-Jacques Mangenda and behind him Mr Bemba.
- 14 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.
- 15 Mr Witness, I believe that the court officer will have given you a card containing the
- 16 words of the oath. Could I ask you, please, to take the oath by reading out the words
- 17 printed in this card?
- 18 THE WITNESS: (Interpretation) Yes, your Honour, I do have this card and I will
- 19 read out the oath. "Solemn undertaking: I hereby declare that I shall tell the truth,
- 20 the entire truth and nothing but the truth."
- 21 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath can I
- 22 confirm that you understand what the oath means?
- 23 THE WITNESS: (Interpretation) Yes, I have understood, your Honour.
- 24 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
- 25 answers to questions asked of you that are true and accurate to the best of your

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1 knowledge and belief?

2 THE WITNESS: (Interpretation) Yes, I have understood, your Honour.

3 PRESIDING JUDGE STEINER: Mr Witness, as it should have been explained to you
4 by the Victims and Witnesses Unit during your familiarisation process, you will be
5 questioned first by the Prosecution, then by legal representatives of victims and lastly
6 by the Defence.

7 As you know, the Chamber has put in place measures to protect your identity from
8 the public and so you will give your testimony - your evidence - in closed session,
9 which means that only people in this courtroom can hear what you have to say. You,
10 therefore, cannot be identified by the public.

11 Mr Witness, because we speak different languages, there is interpretation so that we
12 can all understand each other. Because of this, it is important that you speak slower
13 than normal to allow our interpreters to do their job. Because this may seem
14 unnatural it may be that you start speeding up, at which point I will have to interrupt
15 you in order to remind you to slow down again. This is purely for practical reasons
16 and should not discourage you from speaking.

17 Do you understand that, Mr Witness?

18 THE WITNESS: (Interpretation) Yes, your Honour, I understand that.

19 PRESIDING JUDGE STEINER: Mr Witness, before Prosecution starts questioning
20 you, the Chamber has to put a few questions for you. We need to ask you whether,
21 Mr Witness, have you been given the opportunity to read the statement or statements
22 that you made to the Court?

23 THE WITNESS: (Interpretation) Yes, I have been given the opportunity to read the
24 statements that were made during the investigations and during the different sessions
25 of the investigation.

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- 1 THE INTERPRETER: The interpreter says there was slight dropout on the answer.
- 2 PRESIDING JUDGE STEINER: When you made the statement or statements, did
- 3 you do so voluntarily?
- 4 THE WITNESS: (Interpretation) Yes. Yes, I did it voluntarily. Nevertheless, the
- 5 follow-up to it did seem to me to be -- well, it did seem to have been done in a bit of a
- 6 compulsory way thereafter, if I can put it like that.
- 7 PRESIDING JUDGE STEINER: Can you elaborate a little bit more in what you just
- 8 have said, Mr Witness?
- 9 THE WITNESS: (Interpretation) Yes, because throughout the investigations I said
- 10 that I was going to answer freely and I came myself to answer with completely freely
- 11 and I said to the investigators that this statement was sufficient. I was not available
- 12 for a lot of reasons, and when there was (Redacted)
- 13 after (Redacted) and the -- I was telephoned
- 14 even when (Redacted) to be asked when I thought I was going to be able. Because the
- 15 Court wanted to hear me, they wanted to -- me to speak to them, they wanted to
- 16 know when I was going to go back and they wanted me to (Redacted) as
- 17 soon as possible and they tried to get me to give me a programme, somebody had
- 18 been arrested by the Court and I was (Redacted) at time and I wasn't (Redacted)
- 19 (Redacted) and I had to (Redacted). I had (Redacted) and I didn't have the
- 20 programme (Redacted) before having the video.
- 21 As I had already answered I said that really, I thought that in this manner there was a
- 22 problem with it because I'm meant to be the witness, because right from the start I
- 23 was told that I was free and I could or I could not do so, but at the end I was obliged
- 24 to do so, but I am here and today I am appearing voluntarily.
- 25 That is what I wanted to say, your Honour.

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1 THE INTERPRETER: And the interpreter adds that there has been some dropout on
2 the line which makes it more difficult to interpret.

3 PRESIDING JUDGE STEINER: Mr Witness, in relation to your statement or
4 statements given during the investigations, is the information that you have provided
5 in such statements true and accurate to the best of your knowledge and
6 understanding?

7 THE WITNESS: (Interpretation) Yes, your Honour, it is true.

8 PRESIDING JUDGE STEINER: Could the interpreters get the answer?

9 THE INTERPRETER: "Yes, your Honour, it is true and precisely correct."

10 PRESIDING JUDGE STEINER: We are having some problems with the sound so I
11 apologise but sometimes I have to wait until I confirm that the interpreters were able
12 to listen to what you said, Mr Witness.

13 Mr Witness, in case the parties or the Chamber intend to have your statement or
14 statements submitted as evidence in this case, do you have any objection?

15 THE WITNESS: (Interpretation) I didn't understand, your Honour.

16 PRESIDING JUDGE STEINER: The statements - the written statements - that you
17 gave to the Prosecution during the investigations, in case the parties or the Chamber
18 intend to use these statements as evidence in the case, do you have any objection?

19 THE WITNESS: (Interpretation) No, I've got no objection. They can do that.

20 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

21 The Prosecution will now proceed with your questioning. If you have any
22 difficulties with the video link system, or for any reason you need a break, please just
23 let us know. Is that fine with you, Mr Witness?

24 THE WITNESS: (Interpretation) Yes, your Honour, I understand. As I've just
25 said, I'm (Redacted) and sometimes (Redacted), but I've had (Redacted)

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1 (Redacted). I'm still (Redacted) as a result of that and in the coming days I might have
2 to (Redacted), but I am ready at the moment.

3 PRESIDING JUDGE STEINER: Yes, Mr Witness, we will start then with your
4 testimony and, as you have probably been informed by Victims and Witnesses Unit,
5 we cannot provide you with a date or a time when your testimony will be finished.
6 Once you start your testimony, we'll have to go through the Prosecution questioning,
7 the questions to be put by legal representatives and with Defence questioning, but in
8 any case we recognise, we appreciate, that you (Redacted)
9 (Redacted) and if you need a break you just let us know.

10 I will now give the floor to the Prosecution. Maître Badibanga, you can start with
11 your questioning of the witness. Mr Witness, just remember that you have to speak
12 slower than normal in order to allow the interpreters and court reporters to make the
13 interpretation and the transcripts of your words.

14 Maître Badibanga, you have the floor.

15 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

16 QUESTIONED BY MR BADIBANGA: (Interpretation)

17 Q. Good morning, Witness. So as I stated previously, I'm called Jean-Jacques
18 Badibanga and I am a trial attorney here. I'm going to carry out your examination.
19 So before anything else, I would like to thank you. Despite the numerous
20 inconveniences that you have mentioned, I would like to thank you certainly for
21 being present and as you said yourself to be here voluntarily in order to carry out this
22 exercise with us. Every witness is unique and you'll see that your testimony is also
23 in itself has a unique nature to it which explains the importance of your presence here
24 with us. So our examination-in-chief will follow a fairly simple plan.

25 First of all, it is necessary for the Court to know who you are. In order to do that, I'm

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1 going to ask you certain questions with regards to your identity, with regards to your
2 career; and after this introductory part, which is quite short, we shall thereafter go
3 into the events you were a witness to and which are the reason for you being here
4 today.

5 So from a purely practical point of view, in order to see you, in order to follow your
6 testimony, I am currently looking at a screen which forces me to look with my face
7 down, but if I have to look at you, directly at you, if you like, then I have to raise my
8 head towards the camera, but in this case I am no longer able to see you on the screen
9 and that is the reason why I will certainly have my head slightly bowed during our
10 exchanges.

11 Your Honour, you reminded us of the rule, according to which we have to go slowly,
12 and I understand that that also applies to myself, particularly to myself, and we will
13 have to pay attention to that. We shall speak slowly to make it possible for the
14 interpretation to be precise and exact, and also we shall represent the five-second rule
15 before you answer or before I ask a question, and these five seconds will make it
16 easier for the work of the court reporters. And as you stated, your Honour, all of
17 your testimony shall be done in closed session. This means you can speak very
18 freely. People outside the courtroom cannot follow our exchanges.

19 So I would like to start straightaway if you are ready. Of course, at any time please
20 tell me if you wish to have any kind of break. Could you tell us what your name is,
21 if you would be so kind?

22 A. Yes, I'm called (Redacted).

23 Q. Could you tell us what your date of birth is, please?

24 A. I was born on (Redacted).

25 Q. And where were you born?

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1 A. I was born in (Redacted).

2 Q. Could you tell us in which country that is?

3 A. In the Democratic Republic of Congo, (Redacted).

4 Q. Without mentioning the name, could you just tell us what your marital situation
5 is? Are you married?

6 A. Yes, I am married. (Redacted).

7 Q. What language can you understand and speak? What languages can you
8 understand and speak?

9 A. I speak French.

10 Q. We shall take this interview in French. Do you speak other languages than
11 French?

12 A. Yes, I speak Lingala, Swahili, languages of the Congo.

13 Q. And what nationality are you?

14 A. I am of Congolese nationality, Democratic Republic of the Congo.

15 Q. And my last question with regards to the identity, I would ask you just to
16 mention the town and the country, you don't need the precise address, but could you
17 tell us where you are currently living?

18 A. (Redacted).

19 Q. So I'd now like to go into your professional experience. What profession do
20 you currently have?

21 A. I'm a soldier.

22 Q. What rank and what grade do you have?

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. Could you briefly describe your military training? Could you tell us in what
2 year you carried out your training in the military?

3 A. Yes, I joined the army -- I joined the army in (Redacted)
4 (Redacted)

5 (Redacted) and after this military training I carried out other training. I was
6 trained as (Redacted) in (indiscernible). I also carried out (Redacted) training in
7 Kinshasa. I was also in --

8 THE INTERPRETER: The sound is repeatedly being lost.

9 THE WITNESS: (Interpretation) I was also in (Redacted)
10 (Redacted) and that is where I spent more than half
11 of my military career.

12 PRESIDING JUDGE STEINER: Maître Badibanga, we are having some problems.
13 The sound is repeatedly being lost. I ask, please, the court officer to check what can
14 be done in order to at least reduce this problem. In the meantime, Maître Badibanga,
15 you can continue.

16 MR BADIBANGA: (Interpretation) I would like to thank you, your Honour, and I
17 would also like to point out for the English booth that I am also listening to the French
18 version and so if there are any messages which have to be repeated then perhaps we
19 have to ensure that either a member of the French booth can pass the message on in
20 such a way that I can also take up the question again, but my colleagues are very
21 attentive to this aspect.

22 Q. Witness, at the end of this training, or after your training as a soldier, what was
23 your first post and in what year did it take place?

24 A. I went (Redacted) in terms of the (Redacted).
25 (Redacted)

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1 (Redacted).

2 Q. Could you tell us approximately in what period you held (Redacted)

3 (Redacted)

4 A. Yes, when it comes to the dates in terms of precision, I told you during the
5 investigations that I'm not able to remember the dates with precision, but when I
6 finished the training (Redacted), I was in the (Redacted) for a
7 short period. I wanted to go into the (Redacted), but as I had no funding I wasn't
8 able to do that. It was around (Redacted).

9 I was already at the military institute, and at the end of the training I was put in the
10 (Redacted), in (Redacted), so -- and that was when I started
11 holding the different functions that I've mentioned to you in terms of (Redacted)
12 (Redacted). In (Redacted) I was (Redacted) until (Redacted). In the end I
13 was (Redacted).

14 I went through a lot of changes as well during my time in (Redacted)
15 (Redacted) to another and I became -- (Redacted)
16 for a long time until (Redacted) -- no, if I could correct, (Redacted). I was (Redacted)
17 for three months in the (Redacted), and after these
18 three months I was made (Redacted) and I was responsible for --

19 THE INTERPRETER: The interpreter didn't catch the last word.

20 THE WITNESS: (Interpretation) So that included the (Redacted), it
21 was approximately that, and after the (Redacted)
22 (Redacted) with the rebellion and it was in (Redacted)
23 that I joined the MLC rebellion (Redacted).

24 MR BADIBANGA: (Interpretation)

25 Q. Thank you for your efforts you've made. We certainly take from that that you

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1 have had some difficulties in remembering dates, but the most important thing is of
2 course the events that you mentioned and possibly if you can situate them in time.
3 The most important thing is to understand that you started your experience - your
4 career - as a soldier under (Redacted), that's the most important
5 information, and now we shall go into your career within the MLC.

6 You have just stated that you joined the MLC (Redacted). Could you tell the Court
7 what your first assignment or duty within the MLC was?

8 A. Yes. From the very beginning we were in (Redacted). We moved on in that
9 manner without a strong organisation, (Redacted)
10 (Redacted) I served somewhat as (Redacted) until we (Redacted)
11 (Redacted) that

12 President Jean-Pierre Bemba appointed (Redacted)
13 until the time of the signing of the Inter-Congolese agreement, the Sun City
14 agreement, which led to integration in 2003; that is in Kinshasa.

15 Q. I'm sorry, I was just checking to see if your statement was properly translated
16 and I am told that this is being done properly thanks to the worthy interpreters in the
17 English booth. What was your rank at the time you joined the MLC?

18 A. I was (Redacted).

19 Q. You have just stated that when the MLC (Redacted) you were appointed
20 (Redacted) until the time of the signing of the Sun
21 City agreement. Now, at the time of the integration of the various armies, be they of
22 the rebel movements or of the government, were you still (Redacted) at
23 that time, at the time of the integration?

24 A. Yes, I was indeed.

25 Q. Throughout the time you were a member of the MLC, who was your immediate

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1 supervisor?

2 A. (Redacted)

3 (Redacted).

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. Towards the end of the rebellion (Redacted)

8 (Redacted) Mr Jean-Pierre Bemba appointed all the officers of the MLC and it was

9 on that occasion that Jean-Pierre Bemba - President Jean-Pierre Bemba - appointed (Redacted)

10 (Redacted). These were the same ranks that were then proposed for

11 integration into the national army. The ranks were subsequently validated and

12 confirmed by the current president of the republic; namely, the ranks that Jean-Pierre

13 Bemba had proposed to his rebel movement were subsequently validated after the

14 integration (Redacted).

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 Q. Can you tell the Court the date or the period at which this happened? If we

20 start from the time you went to Kinshasa after the rebellion, would this have been one

21 month before, six months before, or several more months before then?

22 A. No, not that far off. It must have been four to five months before.

23 Q. I would now like to look at the MLC organisational structure with you in

24 relation to the period during which you were a member of the MLC. Can you tell us

25 in broad strokes the most significant structures of the MLC?

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1 A. You may want to know that the MLC was first of all a political and military
2 movement. It had a president at its helm. The president was our chief and you
3 want to know that there was a military wing and a political wing. So the president
4 was the commander-in-chief of the military wing, but there was also the civilian or
5 the political wing of the movement which had a secretary-general and national
6 secretaries who were equated to the rank of minister. So for the army we had the
7 major-general and then the G1, G2, G3 and various brigades that were deployed to
8 the territory that we occupied at that time. That was the structure.

9 Q. Thank you. Are you able to tell us what the Political and Military Council was
10 and what its duties were?

11 A. Yes, there was the Political and Military Council which brought together
12 soldiers and politicians. The Political and Military Council was an organ that was
13 convened to meet at the behest of the president to deal with problems within the
14 movement, within the MLC. It was chaired by President Jean-Pierre Bemba, and
15 when the council was convened it would meet to deal with some important points
16 put forward by the president and ultimately the final decisions would be taken by the
17 president in relation to the points that would have been discussed.

18 PRESIDING JUDGE STEINER: Maître Badibanga and Mr Witness, we will just
19 suspend for half-a-minute in order for the system to be reset to see whether we can
20 correct these problems with the sound. So I apologise, but we're going to suspend
21 for 30 seconds.

22 (Pause in proceedings)

23 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

24 THE WITNESS: (Interpretation) Yes, I can hear you.

25 PRESIDING JUDGE STEINER: Maître Badibanga, you can continue please.

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1 MR BADIBANGA: (Interpretation)

2 Q. Mr Witness, the President has already mentioned that we were encountering a
3 number of technical sound problems. We were not able to hear you very clearly.
4 Now, I would like to ask you quite briefly to repeat your answer to the question on
5 the Political and Military Council, because we are losing several bits of that answer.
6 My question, therefore, was what was the Political and Military Council and what
7 were its duties?

8 A. The Political and Military Council was an organ, or a structure, made up of
9 civilians and soldiers. In principle the council was created as a forum for discussing
10 issues critical to the movement and the idea was that it be composed of people who
11 were there at the beginning of the movement, and something I didn't say before is
12 that the membership of the council was then extended to those who came in after the
13 Gbadolite group who were not the initial members of the movement. The council
14 was convened to meet at the behest of the president, and it would then deal with
15 serious matters relating to the movement and such matters would then be
16 subsequently validated by the president himself. Well, you will note later on that
17 this organ or this structure was simply there for symbolic reasons and that is it.

18 Q. What do you mean by the fact that it was an organ that was there only for
19 symbolic reasons?

20 A. What I meant is that the issues brought to the council were issues raised by the
21 president. (Redacted) in reality the
22 idea may simply have been to inform members of what was already going on and so
23 you will see documents stating that the Political and Military Council did
24 such-and-such a thing.

25 MR BADIBANGA: (Interpretation) Madam President, I don't know whether we

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1 can continue these proceedings with this quality of sound, because already I have
2 trouble hearing him in French with the sound quality. I don't know what the
3 English booth is then getting, so I don't know what we can do about this problem,
4 Madam President.

5 PRESIDING JUDGE STEINER: I'm also following in the French and I don't know
6 whether the English interpretation has been complete.

7 MR HAYNES: I can't answer that without having the opportunity of speaking to the
8 French speakers in the team. I think it's fair to say we have similar concerns about
9 the amount that is missing from the French, so that can't be being translated into
10 English.

11 PRESIDING JUDGE STEINER: Maître Badibanga and Mr Witness, we usually go
12 into a break at 11 o'clock, but if it is agreeable for the Prosecution and Defence, legal
13 representatives, I think maybe it would be better if we anticipate the break, we go into
14 the break right now, in order to give opportunity to our technicians to solve the
15 problem. So that means that we are going to suspend right now and we'll be back at
16 a quarter-past-11.

17 Mr Witness, we'll have a break; a half-an-hour break. You can have a coffee, or a cup
18 of tea, and take some rest. At the same time we are going to try to solve technical
19 problems that we are having in listening to what you say, so we'll be back in
20 half-an-hour at a quarter-past-11.

21 This hearing is suspended.

22 THE COURT USHER: All rise.

23 (Recess taken at 10.47 a.m.)

24 *(Upon resuming in closed session at 11.22 a.m.) Reclassified as Open session

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

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1 PRESIDING JUDGE STEINER: Welcome back.

2 Mr Witness, welcome back.

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

4 PRESIDING JUDGE STEINER: I believe that the sound problems we had were
5 solved and so, Maître Badibanga, you have the floor to continue with your
6 questioning.

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

8 Q. Witness, before we go on, I would like to ask you for a clarification just to
9 ensure that the transcript of the proceedings are accurate. Now, in the French
10 version of the transcript, page 20, lines 3 to 7, I was asking you a question. I was
11 asking you (Redacted)

12 (Redacted) and in the French version the answer is, (Redacted)

13 (Redacted)

14 (Redacted) and in the English version, in the English version on the other

15 hand, it is said that there were (Redacted).

16 So I just would like to ask you if you could clear this point up for us so that we are
17 sure that we've understood. (Redacted)

18 (Redacted)

19 A. May I speak?

20 Q. Yes, certainly.

21 A. (Redacted)

22 (Redacted). The others, (Redacted).

23 Q. Thank you, that was what I had understood. Now, we will now move on to
24 the Political Military Council, and once again for clarity's sake could you tell us who
25 was the chair of this Political Military Council?

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1 A. It was the president himself, President Jean-Pierre Bemba. He was the one
2 who was the chairman of that council.

3 Q. Now, just before we suspended, you were saying that you had the impression
4 that this council was merely symbolic. Could you tell us once again what you meant
5 by that?

6 A. Yes. I was saying that there was this Military Political Council, with a
7 president, and normally it was to discuss serious matters that had to do with the
8 movement, the way the movement was going, decisions were taken within this group.

9 (Redacted)

10 (Redacted) in-between meetings the decisions were

11 already known. The discussions were symbolic in nature. The president had

12 already made his decision and really he was just (Redacted).

13 So that's what I said. It really was symbolic. In the documents it might be written

14 that, "The Political Military Council has hereby decided this or that," but really

15 everything was divided (sic) in advance.

16 THE INTERPRETER: Message from the interpreters: Could the witness be asked
17 to slow down?

18 MR BADIBANGA: (Interpretation)

19 Q. Thank you. We can hear you much better and the quality of the sound is very
20 good.

21 THE WITNESS: (Interpretation) May I add?

22 THE INTERPRETER: Overlapping speakers.

23 THE WITNESS: (Interpretation) I said that this Political Military Council was

24 made up of both military people and civilians, so this council was made up of people

25 who had begun the movement and at one point the president decided to expand this

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1 group and then other people joined this Political Military Council at a later date.

2 MR BADIBANGA: (Interpretation)

3 Q. Thank you, and I'll take this opportunity to remind you of the two rules that we
4 must follow: First of all to please slow down a little bit, because you are speaking
5 spontaneously and rather quickly, and we will try to wait a few seconds
6 before -- before I give a question, or you give an answer, just to make sure that
7 everything is heard.

8 Now, after the Political Military Council, could you please tell us if you would about
9 the College of the Founding Fathers? What was the function of that particular
10 group?

11 A. The College of Founding Fathers had no duties, no role. It was just a way of
12 saying (Redacted) the
13 ones who started the movement. It really had no function, that -- that group.

14 Q. Now, another body within the group was the presidency, and I would like to
15 ask you could you please specify what were the titles and duties and responsibilities
16 of Mr Bemba, both politically and militarily?

17 A. Yes. Well, I said at the very beginning he was the president. He was the one
18 who began the movement. He would -- he came from outside the country with his
19 idea and he was the president. At the same time, he was the commander-in-chief of
20 the army and he led both organs of the movement; that is to say the military organ or
21 the military side of things and the political side of things.

22 Q. Were there areas that were specifically for him; areas in which he made the
23 decisions alone?

24 A. I don't know whether other people were in a position to take any decisions. He
25 was the one making the decisions.

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1 Q. You've said several times that there was a military side and a civilian side or a
2 military wing and a civilian wing of the MLC. Could you tell us whether there were
3 any interactions between the two wings? In other words, were the political
4 high-ranking people involved in decision-making having to do with the major
5 military options?

6 A. Not at all, no. If you don't mind, I'll give an example of decision-making. I
7 was saying this earlier. He was the one who made all the decisions. The decision,
8 even for example to provide fuel for someone's jeep, he made the decision. In other
9 words, he made all the decisions, even the most minor decisions.

10 Q. You have just said that the high-ranking political people were not involved in
11 military decision-making, but if we look at the other side of things were the
12 high-ranking military people involved in decisions that had to do with political
13 options taken by the MLC?

14 A. No. The decision-making, no. He was the one making the decisions. All the
15 decisions were taken by him. He was the one who issued the orders.

16 Q. I would now like to focus on the military wing of the movement. Was there a
17 special name for that part of the movement?

18 A. It was the ALC, the Army of Liberation of the Congo.

19 Q. Could you briefly describe the structure of this organisation?

20 A. There was the commander-in-chief. There was the general military
21 headquarters, (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) there were the brigades.

25 At one particular time, behind the front lines -- because you see the brigades were on

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1 the front lines, but for administrative matters behind the lines there were a number of
2 sectors, but they were not above the brigades in terms of having -- of commanding the
3 brigades.

4 Q. Could you tell us approximately how many (Redacted) were within the MLC or,
5 rather, the ALC?

6 A. Well, if you could give me a few moments to think about that. If you ask me
7 just like that I don't have a list of the (Redacted), but if you give me a few moments I
8 can try to draw up a bit of a list in my mind and I will answer.

9 Q. Certainly. Now -- or to help you I could ask my question in a different way.

10 A few moments ago you told us that (Redacted)

11 (Redacted), and you said that

12 (Redacted). Other than that -- that's about

13 (Redacted) people. Other than that, were there other (Redacted) or does that

14 represent all the (Redacted) within the MLC?

15 A. (Redacted), exactly.

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) Okay. I'm sorry, I think I was speaking a bit too

18 fast. (Redacted), indeed. (Redacted). If it was (Redacted) -- if it was -- or

19 (Redacted) I really don't have the exact figure so that's why I asked you if I could

20 draw up a bit of a list. I'm trying to think of who was who, but other than that, other

21 than that there weren't any, there weren't any others.

22 MR BADIBANGA: (Interpretation)

23 Q. Thank you for your offer, Witness, but I'm also taking into account (Redacted)

24 (Redacted) don't want the questioning to go on forever.

25 This really wasn't an essential question so we could perhaps even move on. Really,

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1 the idea was for us to have an idea of the size of the MLC, whether it was (Redacted)
2 (Redacted) or it was more than that, but I think we can move on to something else.
3 However, I would like to know, and this is an important point, how many troops
4 were there within the MLC in all? How many soldiers are we talking about within
5 the entire MLC?

6 A. Approximately 20 to 21,000.

7 Q. Now, these 20 to 21,000 soldiers, did they all join the MLC at the same time, at
8 the time of the rebellion or was it more gradual in nature?

9 A. No, it was really a gradual thing. When the rebellion began, the rebels began,
10 and there was only 43 soldiers --

11 THE INTERPRETER: Correction, 143.

12 THE WITNESS: (Interpretation) -- including the president himself, Jean-Pierre
13 Bemba. And as time went on, and as we moved forward, young people joined the
14 movement. They were trained, and gradually as we moved ahead the army became
15 larger and larger. And then there was also -- there were also defections from the
16 other side. People would defect from the FAC, the government army. Some
17 factions, some soldiers defected individually or in groups and then they would grow,
18 and then they joined the MLC, so that is how the movement grew and finally reached
19 this final figure.

20 MR BADIBANGA: (Interpretation)

21 Q. Although we do know that, well, you did mention that you had some trouble
22 with dates but could you give us some general idea? Approximately when did the
23 MLC reach that maximum number of 20 or 21,000? You said at first it was 143
24 people. Now, when did the MLC reach its peak?

25 A. 2001, approximately, that's when we reached that number. In 2002 there were

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1 not many operations other than a few defections, a few defections that might have
2 occurred from the other side, that is to say, FAC soldiers coming over to us.

3 Q. When the ALC reached that maximum number, somewhere between 20 and
4 21,000 soldiers, how many battalions did it have at that time? How many battalions
5 were there?

6 A. Well, once again, I'd have to think about that. Approximately seven brigades.
7 Each brigade had three battalions, and so we could deduce that we had
8 approximately 21, 21 battalions, and other than the battalions we had some units that
9 reported to headquarters, similar units, and they ensured rear defence. They weren't
10 part of the brigades so I think we could say about 21 battalions, if I remember
11 correctly.

12 Q. Now, did the seven battalions have specific names? Correction, the seven
13 brigades.

14 A. Yes, indeed, but the names changed. There was the first brigade, the second
15 brigade, and so on. Then there was Alpha, Bravo, Echo, Charlie.

16 Q. Among these 21,000 soldiers was there any particular ethnic representation?
17 Could you give us a break-down in ethnic terms of the army?

18 A. No, no. There was no particular ethnic group that dominated but it was quite
19 normal that most were people from Équateur province, particularly since that is
20 where the movement was based, and that is where the movement grew. So it was
21 young people from Équateur province who joined the ALC in -- or the MLC in large
22 numbers.

23 Other than that tribe from Équateur province, there were other people from other
24 tribes of the country. For example, there were people who had defected from the
25 FARC or people who had come from outside the area, so there were not a lot of such

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1 people but a certain number of people from Orientale province. Also people
2 from -- people from Gety, Orientale province. More than half. Somewhere
3 between half and three-quarters of the soldiers were from Équateur province.

4 Q. You said that there was (Redacted) at the military
5 headquarters and you explained their duties. (Redacted)
6 (Redacted) did they remain in those positions
7 for the entire duration or --

8 THE INTERPRETER: Overlapping speakers.

9 THE WITNESS: (Interpretation) There were changes from time to time.

10 MR BADIBANGA: (Interpretation)

11 Q. If you could try to remember the first part of 2002 until the first part of 2003, and
12 I believe that corresponds to the end of the rebellion, so the one-year period before the
13 rebellion ended, do you remember who held the various positions within the
14 headquarters, (Redacted)?

15 A. Yes, I remember. The (Redacted), can I give the name of people?

16 Q. Yes, certainly, you may.

17 A. (Redacted)

18 (Redacted).

19 Q. Who appointed those people within the (Redacted)?

20 A. The president himself. A decision as major as that was made by him.

21 Q. Generally speaking, (Redacted)

22 (Redacted)

23 A. The (Redacted) operated normally. Each person had his duties, as I said
24 earlier, and (Redacted). As is

25 the case usually in any (Redacted)

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1 (Redacted).

2 Q. Let us take an example; the example of engaging in operations on a military
3 front. Would the Chief of Staff make that decision, or how was that kind of decision
4 made?

5 A. All decisions having to do with operations, even if it was a matter of shifting
6 one platoon from one place to another, those decisions were expressly taken by the
7 president himself. Even if it was just moving a platoon to a position one kilometre
8 away, it would be -- he was the one who would make that decision. It would be the
9 president who would make that decision and that was normal. That's typical.
10 Even in all the structures of General Staff, the operations, when you open fire, when
11 you decide to go to war, it's the commander-in-chief who decides on that.

12 Q. With regards to all these prerogatives of the supreme commander, what was
13 therefore the role of the General Staff?

14 A. It was to -- it was to execute the orders, the commander, and there were many
15 ways of doing so, each person in his respective field and reporting to him if his
16 decision had been correctly carried out.

17 Q. Witness, in the ALC was there a system set up so that the military hierarchy
18 would be informed of everything that was happening in the field?

19 A. Yes. How do I put this? There was radio transmission. (Redacted)
20 (Redacted) a transmission centre and all the units had radios. I don't know what
21 term I can use. (Redacted) phonie. Kenwood, for example. I don't know what
22 other type of radio transmitters that they had, but all these different units, particularly
23 the heads of the brigades and even the leaders of the battalions which were also
24 engaged, they were in permanent contact with the hierarchy via this radio system and
25 we had radio operators as well.

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1 Q. We know - and this is a matter of public note - that the MLC was a rebellion
2 movement and there were several fronts, or there were -- well, there was a division of
3 the MLC throughout the territory of the Democratic Republic of the Congo, for
4 example. So I'm not going to make you repeat something that is known publicly but,
5 if we take into account different towns or different localities which were occupied by
6 MLC troops, could you -- are you telling us that for each of these locations there was a
7 means of communication that was set up with radio equipment?

8 A. Yes, I confirm that. At the brigade level there was a brigade commander and
9 that person would have his radio. He was in permanent contact with the other
10 brigades and with the General Staff, the HQ.

11 Q. Very well, let's go back to this issue of radio communication. Do you know if
12 the military intelligence was present in all fields of operations?

13 A. Yes, it was present everywhere.

14 Q. We know that where it concerns the General Staff (Redacted) the G2 who
15 was responsible for intelligence. Now, in terms of the units which were lower, how
16 was this -- what was this person called; the person who was responsible for
17 intelligence?

18 A. All these Gs, G1, G2, G3, G4, they had their corresponding person at brigade
19 level and also at battalion level, and at the brigade level and battalion level they were
20 called S: S1, S2, S3, S4. That's the same thing, these are the same characteristics that
21 they have, so the G2 has a corresponding person who is an S2.

22 Q. Thank you. I would like to see with you in a general way how the supply of
23 the troops was organised. Could you tell us in general within the ALC what the
24 army was responsible for and provided for the soldiers? For example, uniform, et
25 cetera, what was undertaken by the army? What were they responsible for

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1 providing?

2 A. Obviously everything, that's to say food, ammunition, clothing from time to
3 time, because it wasn't regular. Sometimes the troops were half-naked some of the
4 time. The medicines as well, that also was something that was provided. Food,
5 medicines, munitions, clothing, such things.

6 Q. Were the soldiers paid? Did they receive a salary?

7 A. No, not at all. No time, on no occasion.

8 Q. Did they receive any other type of financial compensation, for example a per
9 diem or such like, within the framework of certain operations?

10 A. No, I never saw that. There wasn't anything like that.

11 Q. And for the aspect that was taken into account by the army, or looked after by
12 the army, that's clothing, food, clothing from time to time, munitions, health care,
13 where did the funds come from to finance all these provisions, all this supply?

14 A. Well, I would say that it came from the president himself. It came from the
15 president himself. What -- what I do know with regards to the political side, since
16 there was a national secretary who is responsible for financial matters and so there
17 were taxes which the movement received and it was with that that when there was a
18 need to purchase food, or to authorise a request with the president himself, who
19 studied this request, he could produce it, he could carry out sanctions and he could
20 also order the national secretary responsible for finances to release funds in order to
21 purchase food and make it available to the General Staff, who were responsible to
22 provide it towards the units. So in addition to receiving taxes the president had such
23 means, but I don't know where these means came from. Perhaps there were
24 donations, I don't know, but basically there were requests which were made to him
25 and he was the person who decided on that.

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1 Q. You stated just now that for what was related to the operations or decisions
2 related to military operations it was the president himself who took such decisions,
3 and you said rightly that that's normal in any army, and then you stated at a
4 particular time as well that for the purchase even of ten litres of diesel for example,
5 this is the example that you gave, the decision was taken by the president himself and
6 now you are also taking about expenditure that he authorised. Does this also
7 correspond with the normal functioning of any army that the slightest decision on
8 expenses has to be approved by the commander-in-chief?

9 A. No, normally it's not like that. The army has to have a budget and he can take
10 his decision at ministerial level, or the General Chief of Staff, or even at unit level the
11 brigade has expenditure that it can use. A brigade, for example, they have lots of
12 different means and they manage those means at the level even brigade commander
13 and the General Chief of Staff at his level, at all the different levels. It's not just the
14 president where it comes to normal functioning. That is the case.

15 PRESIDING JUDGE STEINER: Maître, if I may Maître Badibanga, you two or three
16 times referred to what the witness said without giving us the references, so I would
17 like to ask you please to give us the references.

18 MR BADIBANGA: (Interpretation) Certainly, your Honour. This was indeed my
19 intention, but these were basically points that came to mind during the examination.
20 I didn't have time to consult the text and the transcript myself but, yes, I will indeed
21 give you the precise references. Please do excuse me for that.

22 Q. Witness, I would like to examine with you the issue of arms. Who was it who
23 provided munitions, or arms, to the MLC?

24 A. At the beginning, it was the ally. The ally was Uganda, who provided the
25 munitions and some weapons at the beginning because we had the troops of the allies

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1 next to us, but in the meantime throughout, as things progressed, a lot of munitions
2 were recuperated in the field. That's to say because the ALC very often did not have
3 many defeats, that was the luck that it had at the time, so we managed often to
4 recover weapons or munitions which had been abandoned in the field by the troops
5 who they were faced with. It was really a major source of supply that we saw.

6 Q. Could you remind us within the General Staff who was responsible for the
7 management of -- the management of munitions and weapons?

8 A. The logistics was the S4, the G4 who was responsible for munitions, arms, food,
9 fuel, clothing. All of this were logistical matters. It was the G4 who was
10 responsible for this in principle.

11 Q. (Redacted)

12 (Redacted) the management of these resources or munitions? For example an arms
13 dump, (Redacted)?

14 A. (Redacted), but each unit had its arm dumps in different units.

15 At the level of General Staff, the G4 -- well, (Redacted) what was in the shops, what
16 was in the arms dumps.

17 Q. We saw that there were many different fronts, many different military
18 operations. When a unit in the field needed munitions, additional munitions, who
19 was it who took the decision to provide them to meet that demand that there was?

20 A. I've answered this question several times. It was the president. You cannot
21 above all have a cartridge come out of the arms dump without the authorisation of
22 the president. It was the president who gave the orders because he gets the request,
23 perhaps by a message, perhaps by telephone, and that's the person who does give the
24 order that such-and-such munitions can be taken, in what quantity. He even gave
25 the means of transport in order to provide it to the unit in question.

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1 Q. Your answer is very clear but I would like it to appear in a very explicit way in
2 the statement or transcript of the hearing. It wasn't the G4, it was a member of the
3 Chief of Staff responsible for logistics who decided to take the example that you've
4 just mentioned of certain -- some ammunition (Redacted)
5 (Redacted). You say that this decision came from the supreme commander. This
6 decision was the responsibility of the supreme commander?

7 A. Exactly, that is correct.

8 Q. Do you know what happened to the arms of the MLC at the end of the rebellion?
9 I suppose that there were still weapons that were stocked somewhere. What
10 happened to these weapons at the end of the rebellion?

11 A. Normally, at the time of the integration, it was said that we would join the
12 national army, unfortunately the Democratic Republic of Congo, with everything that
13 we had, that is to say, the men as well as the matériels, so i.e. the weapons, but when
14 we joined up, we came -- we joined with the weapons that the men had in their
15 hands.

16 Some weapons, particular large calibre weapons, at a particular time remained at -- in
17 Gbadolite, at the HQ and in Gemena, and during a long period of time, because they
18 were subject to debates with regard to the General Staff of the army in Kinshasa, and
19 even with the superior council for defence, presided over by the president in Kinshasa.
20 That was subject to a lot of discussions because the President Jean-Pierre Bemba, the
21 commander-in-chief of the ALC, he clearly said that these were his arms which
22 belonged to him, his weapons belonged to him, and it was necessary perhaps to give
23 them back or to provide him with money, or I don't know what, so that his weapons
24 would come under the control of the staff of the DRC forces.

25 Well, that -- there were that -- these discussions took place over a long period but I

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1 think ultimately these weapons were recovered by the national army, by the armed
2 forces of the DRC. Now, what happened afterwards I don't know because I was
3 already a member of the armed forces of the Democratic -- forces -- I had already
4 joined up with the arms that we had in our hands.

5 MR BADIBANGA: (Interpretation) Your Honour, where it concerns the reference,
6 I just spoke about the general orders in a General Staff or in an army and here I was
7 referring to the information that the witness had given in the English version, page 35,
8 5 to 13 are the lines thereof. And when I gave the example of the ten litres of diesel
9 which the witness referred to, that's the transcript in English, 29, lines 8 to 12. Page
10 29, lines 8 to 12.

11 Q. Witness, you stated a moment ago that Mr Bemba also took the
12 decision -- please excuse me, I'm not going to say it in this way, otherwise I'm going
13 to have to find that reference, I'm just going to go straight to the question instead.

14 Witness, the MLC, did they have air transport?

15 A. Yes, the MLC did have its planes; in particular, Antonovs, a helicopter. There
16 were other planes as well that came, that were involved from time to time. That's it.

17 Q. How many Antonovs exactly did you see?

18 A. Two Antonovs.

19 Q. In which airport were these aeroplanes based?

20 A. Gbadolite. When we were there that was the HQ, and when we came to join
21 up these Antonovs remained there. They stayed there because the MLC was no
22 longer a political party and these Antonovs went to Kinshasa.

23 Q. Under what circumstances were these aeroplanes used? What were they used
24 for during the period of the rebellion?

25 A. Very often for transport, supplies or troop transport.

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1 Q. I have a limited knowledge in this area, so I carried out some research on the
2 internet and I thought that there were different models of Antonovs. When you say
3 here there were Antonovs, could you tell us what model, what type there are? I
4 think there are different classifications of Antonovs with particular numbers
5 attributed to them.

6 A. Yes. Myself, I don't know that much in the aviation field but I think they are
7 Antonovs -- Antonovs 34s.

8 THE INTERPRETER: 32s, corrects the interpreter.

9 MR BADIBANGA: (Interpretation)

10 Q. Who were the pilots of these aeroplanes, the Antonovs as well as the helicopter
11 and also the small planes?

12 A. The Antonovs and the helicopters, well, these -- there were Ukrainian pilots,
13 that came from the east. Now, when it came to the small craft, there was 804 that
14 came there. There was a pilot who brought them, and there was the president
15 himself who was also flying such planes.

16 Q. This fleet, did it have a particular colour? Were they painted in the same
17 colour? Did they have a logo, some kind of distinctive element to them?

18 A. No. The Antonovs, they were mainly white, blue and white, and I don't know
19 their numbers on them, any registration numbers, any particular sign to show that
20 this Antonov belonged to whoever. I don't know any kind of registration number.
21 Now, when it came to the helicopter, well, they were often a lot more blue.

22 Q. I am not sure that you mentioned -- well, who belonged -- who did this fleet
23 belong to, the planes? Were they MLC planes or were they Mr Bemba's planes?

24 A. It's difficult to say. I think that it was his planes that he made available for the
25 movement or the movement bought them, I don't know with what means. Well,

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1 they were under his responsibility at least. Ultimately, after -- after the joining up,
2 they stayed available to the party. And the Antonovs or the helicopter was in
3 Kinshasa, still is in Kinshasa. I think it was based with him or with -- in Zambiola
4 (phon) to his office.

5 Q. When we speak about planes and means of air transport, we often speak about
6 rotation. Did these have a regular rotation, for example a daily rotation, or use when
7 they transported troops or matériels?

8 A. No, no, there was irregularity. Every time there was a need, they flew to go to
9 such-and-such a place. When there were things that needed to be taken to
10 Basankusu, then these planes took things there. When there was something to be
11 taken anywhere, when the planes were sent, when medicines were bought in Uganda,
12 in Kampala, then the plane would go and take the medicine, and every time they
13 were needed there wasn't any kind of regular schedule - flight schedule - for these
14 planes.

15 Q. Am I mistaken when I say that the G4 responsible for logistics was also
16 responsible for the organisation and the movements of these planes with regards to
17 where they went?

18 A. No, he wasn't. What he could do was to go and load the plane when he got the
19 order. The plane's there, it can be used, but that -- what I'm trying to say is that
20 the -- he was told that the plane was to be loaded with such-and-such matériels and
21 the plane had to leave at such-and-such a time, such-and-such a place, and they
22 would co-ordinate such activities and where it would go. That was it.

23 And according to commanders there, what time the plane would arrive and saying
24 what time it would arrive, all that was done, "You will load such-and-such a person
25 with such-and-such a thing." So the G4, for that, he wasn't really doing much in that

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1 regard when it came to the orders.

2 Q. Now, you've perfectly remembered the five-second rule, so that's going very
3 well, but sometimes you do have a tendency to go too fast when you give your
4 answer so if you could please be so kind as to slow down somewhat. It's not clear
5 who would decide on the aeroplane movements? Who was this -- who
6 was -- decided this? Who decided where the planes could actually go?

7 A. When it came to the aeroplane movements, these were authorised by the
8 president himself. Now, where it concerns the movements in order to go to supply
9 any kind of unit, then I gave the example Basankusu, that was just an example that
10 came to mind, then perhaps they would load food or munitions to go to Basankusu,
11 then the G4 would just receive the order to put in such-and-such a quantity and
12 whatever calibre of weapons. And if there wasn't sufficient tonnage, then they'd also
13 see what the needs in Basankusu. "Had the medicine gone? Well, add medicine to
14 that," and then the G4 would be told, "Also put medicine in," and then when the right
15 tonnage was reached it would be good and then he would give the order to the pilot
16 to go to Basankusu.

17 And on the return it would be the same thing. The commander in Basankusu would
18 receive an order to, "Prepare to receive a loaded plane, and there would be
19 such-and-such things, such-and-such quantity of them which you've asked for, and
20 on the return put these things in it," but when it came to the order, a flight order came
21 from Bemba and the order to supply came from him and the order to take off and at
22 what time to do so all came from him.

23 Q. My last question with regards to this means of transport. Was it essentially
24 used for military operations, or was it also used for civilian or commercial activities,
25 or other activities?

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1 A. No, I think to be precise I don't know if they were used for other such as
2 commercial activities. Very often it was for military or operational activities.

3 Q. I had mentioned to you earlier that we will return to matters of communication
4 and that is what we will be dealing with now. How were the orders of the president
5 of the MLC transmitted?

6 A. To the units it was by radio.

7 Q. Apart from the radio system, did the ALC, that is the ALC units, have any other
8 communication facilities?

9 A. No, I don't think so. It was only the radio system. At that time we did not
10 have the mobile phone systems that are in place today. It was towards the end that
11 Vodacom arrived in Gbadolite, some two or two/three months before the integration
12 exercise. In short, communication was by radio to the units. Let me further add
13 that we had radio operators, who were trained in signalling or transmission skills,
14 and they were attached to all units.

15 Q. When you talk about radio are you referring to what is called the phonie here,
16 or is it something else?

17 A. Yes, that is it. That is correct. We had radio transmission. We had Motorola
18 transmission for short distances between elements of the same unit, or those involved
19 in the same operation 50 metres or 500 metres away from each other. The Motorola
20 system was used in that case, but for long-range transmission it was the phonie
21 system that was used.

22 Q. Let us imagine that someone in Gbadolite wanted to send a message by phonie
23 to a unit some 500 kilometres away from Gbadolite. Can you tell us how such a
24 person would proceed to send that message?

25 A. In principle, when the president gives an order to the Chief of General Staff and

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1 asks him to say the following to a unit in Makanza on the river, which is more than
2 500 kilometres away as you have suggested, the Chief of Staff will write out the
3 message in order to make sure that the president is given a copy to prove that his
4 message was actually transmitted as instructed. The written document is given to
5 the transmitter who uses the system, which has a number of codes which they know,
6 and then transmits the message to the brigade commander in Makanza who then
7 receives the message as transmitted. When the operator in Makanza receives the
8 coded message, he knows how to decode the message according to the system in
9 place. The decoding and coding systems are used in order to ensure that the enemy
10 does not receive the messages, so the operator in Makanza will then pass on the
11 message to his commander as transmitted by the Chief of General Staff; the message
12 coming from the supreme commander.
13 That is how it happened, but otherwise there were messages that were sent directly
14 by the phonie system through the supreme commander's operator, the operator who
15 was next to him, and the supreme commander would ask him to locate such-and-such
16 a commander on the phonie system. Then the operator will call for the operator
17 attached to the other commander, whether it be in Makanza or in some other location.
18 Then such a commander will be asked to come to the phonie system, because he is
19 required to do so by the president promptly. Then the commander will then go to
20 his operator, and the operator will link him up with the president's operator and then
21 the president can then talk and discuss directly with the commander on ground.
22 The president, or the commander-in-chief, did not need to leave his home or his
23 residence. Right next to him, right next to his living room, right next to his chair,
24 was a phonie system which he could use to contact all units from his living room, and
25 once such a contact was established then he would talk to the commander directly,

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1 issuing direct orders to the commander of the brigade he had sought to contact. I
2 don't know if I am clear enough?

3 Q. That was clear enough and in your answer you covered a number of questions
4 which I had intended to put to you. In any event, you have talked about the phonie
5 set that was in the president's living room. Was it possible for him to operate this
6 phonie system by himself? Was he able to operate the phonie system from his living
7 room by himself? Could he do it by himself, or did he need the services of an
8 operator to enable the system to work, if I can put it that way?

9 A. He was able to operate the system himself. With the Motorola, he would call
10 the operator at the central operating system and then he would be in a position to use
11 the phonie system by himself.

12 Q. At page 47, in the French transcript, Madam President, your Honours, you
13 explained to the Court that a coded message could be sent to Makanza and an
14 operator at that end translates it and then forwards it to his commander. Now, is
15 there written evidence of any such message, or order?

16 A. Yes, for those types of messages there is usually a copy that is filed, but when it
17 is a direct conversation over the phonie, with any commander, you don't have any
18 trace. You don't have any evidence of such a conversation.

19 Q. In general terms, when an operation is ongoing at any front whatsoever, are you
20 able to tell us the frequency of communication between that front and the
21 headquarters in Gbadolite?

22 A. No, I really do not know. It is the operators who understand and who know
23 about the frequency of communication. You see, they could change frequencies
24 actually from time to time to avoid being caught on any particular frequency. They
25 could use this frequency today and use another frequency the day after and they

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1 would hop from one frequency to the other. They knew how to do so, so there was
2 not a set frequency on which they would transmit.

3 Q. I'm sorry, I probably used the wrong word "frequency" and that's why you
4 didn't quite understand my question. What I meant was the rhythm, the number of
5 times. Now, let me repeat my question then. When an operation is going, how
6 many times per day, or how often per day or per week or per month, is contact
7 established between the headquarters in Gbadolite and the battle-front; any given
8 battle-front?

9 A. There is no set rhythm, or frequency. Whenever the commander wants to
10 inform the headquarters, he does so directly. If there is information to be forwarded
11 to the headquarters, it is done at any given time. When the president wants to send
12 out instructions, or information, he may call the centre more than ten times per day
13 because he wants to be hands-on, he wants to be informed about the situation and he
14 wants to know what is going on. So he calls directly and is able to talk, but you who
15 are at the headquarters, or who are elsewhere, cannot know the rhythm or the
16 frequency at which such calls are made. Someone may be able to tell you, "Oh, I was
17 on line with the president. He called me at such-and-such a time," but you can't
18 determine the frequency of the communication.

19 Q. I would like you to help us to understand how these things happened and, if
20 you could have an example, it would be very useful. Take the following scenario:
21 An operation is going on, or is ongoing. If Mr Bemba wants to know what is
22 happening, does he or does he not refer or talk to the Chief of General Staff who
23 ordinarily I think should be aware of all the operations? So the question is does
24 Mr Bemba talk to the Chief of Staff, or not?

25 A. From time to time he does communicate with the Chief of Staff, because he

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1 knows that the Chief of Staff is monitoring the situations. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. The reason I put this question to you is because at page 50, lines 5 to 12, you

13 said the following, "As for the president himself, particularly in regard to ongoing

14 operations, he may call. He may call even more than ten times per day, because he

15 wants to be informed on how the situation is evolving. In such cases he calls directly

16 and one is not necessarily aware of the number of times he has called, and then you

17 may find out later that somebody talked to the president at such-and-such a time."

18 Now, what I understand from this is that President Bemba, rather than talking to the

19 Chief of Staff, communicated directly with the commander of the operations; is that

20 correct?

21 A. Yes, that is correct. (Redacted)

22 (Redacted) quite often he was in contact with the commanders leading

23 operations on the field.

24 Q. The direct communication, and messages between Mr Bemba and the

25 commanders, were they recorded anywhere? Is there any archives of such

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1 communication? Is there any written trace of such a communication?

2 A. No, when you have a phonic communication it is direct. There is no evidence.

3 There is no written trace of it. The messages that can be documented were the

4 messages that were written down, handed over to the operator who would transmit

5 them by or signal them by their system and would mention a date and a time, so you

6 can have such a message filed. But when the commander-in-chief calls a field

7 commander, and they have a conversation, there is no trace of such a communication.

8 There is no record of it.

9 Q. You have already mentioned this point, but let me put the question to you

10 anyway, to make sure that your answer clearly appears on the record. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Thank you. You have just referred to notebooks, and you talked about

19 messages that were recorded, or filed, and that was on page 52, lines 1 to 12, to 11

20 rather, in the French version of the transcripts. Now, when you talk about these

21 notebooks or records or log-books, what are you referring to?

22 A. It could be a log-book containing messages or a folder. Now, we had

23 log-books that were used for in messages or as in boxes, that is messages transmitted

24 to the Chief of General Staff, in which cases the operator would write down the

25 messages in the log-book. Then there were other messages from the headquarters

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1 for outward transmission, in which case such messages will be held in the out
2 log-book. Now, if it was a single sheet of paper, then we would have an in folder
3 and an out folder for such messages.

4 Q. Were all messages that were handled by radio operators recorded in those
5 books?

6 A. Yes, all written messages were recorded in those books.

7 Q. For clarification, who is it that recorded those messages in the log-books or
8 folders?

9 A. The radio operators themselves. When they received coded messages, they
10 would decode the messages and record the message properly in the log-books.

11 Q. Once a message is recorded in a log-book, what happens? Is it archived or
12 does it take another course?

13 A. That's an important question, a point which I needed to clarify. Now, once a
14 message from a unit has been recorded, for example, a request coming from a unit, or
15 information as to how a particular battle unfolded, once such a message is recorded in
16 the log-book, the commander has to read it and annotate it accordingly. Then the
17 operator files the log-book.

18 Q. When you say the commander has to read it, who are you referring to?

19 A. I'm referring to the commander-in-chief.

20 Q. How often were these log-books taken to him? You say that the log-books are,
21 or that the commander reads the log-books and annotates them. Was this something
22 that was done from time to time or regularly?

23 A. Immediately the message is received and decoded and recorded in the log-book,
24 the log-book is then taken to him promptly, so he would see it at the time it is
25 received.

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1 Q. Do you know where those log-books were kept? In Gbadolite, for example?

2 A. With the operators, at their transmission centres.

3 Q. It is our understanding, then, that there would also be a radio set or -- at the
4 brigade, at the battle-front, and I'll provide the references shortly. Now, when
5 messages were transmitted according to this system, that is from an operator to an
6 operator, did the operator at the battle-front also keep a record, or a log-book, or a
7 folder?

8 A. Yes, yes, indeed because once the message got to the battle-front, to the brigade
9 operator, he would proceed in the same manner: Record the information in a
10 log-book and then show the commander and the commander would then answer and
11 when such an answer is provided, such as "Received," or "Operation ongoing," the
12 operator then will forward the same message in answer and also proceed to keep the
13 log-book.

14 Q. In summary, therefore, there is a record of in and out messages in Gbadolite,
15 and there is also a register, or a record of messages in Basankusu, for example, to take
16 a location which you mentioned, where there would be a register with in and out
17 messages; is that the case?

18 A. That is correct. That is exactly correct.

19 MR BADIBANGA: (Interpretation) Madam President, I see that maybe we
20 are -- maybe it's about time to break. I don't know whether this is a good time to
21 break? Otherwise, I would have liked to show the witness a document.

22 PRESIDING JUDGE STEINER: You have five minutes.

23 MR BADIBANGA: (Interpretation) Thank you, your Honour. I will tackle that
24 point later on.

25 Q. So, Mr Witness, let us proceed with this issue of communication. You have

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1 talked to us about the radio system and that there was no mobile telephone system in
2 place at that time. My question to you is to find out whether there was no other
3 system, no other telephone system which officials within the MLC could have used to
4 communicate among and between themselves?

5 A. Well, thank you for the question, which is a reminder, actually. There was
6 another cellular phone system that was used, and it's a satellite phone system known
7 as the Thuraya. It was not available to everybody. Those who had it were brigade
8 commanders, for example, depending on the decision of the commander-in-chief. So
9 the Thuraya system was used from time to time and right at the very beginning the
10 commander-in-chief had a satellite briefcase. From the time the movement was set
11 up in Isala, that Thuraya system was in place and he had the briefcase and then a few
12 commanders also had the Thuraya.

13 Q. (Redacted)

14 A. (Redacted).

15 Q. (Redacted)

16 A. (Redacted)

17 Q. Did the commander-in-chief himself own a Thuraya?

18 A. Yes, he did.

19 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 Q. Did any other officers of the ALC have Thuraya sets?

23 A. Yes, a few, to whom the commander had decided to give a Thuraya, for reasons
24 that were known to him or for reasons, depending on the nature or importance of the
25 operation. So a few officers, not many, a few officers had the Thuraya sets and it

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1 was the commander-in-chief, the president himself, who gave them those Thuraya
2 sets.

3 Q. We will stop after this question on this matter but let me ask you: Do you
4 know what criteria he used to determine who would get a Thuraya set among the
5 officers?

6 A. I think that Thuraya sets were given to the brigade commanders, the people
7 who had responsibility over the conduct of operations, and also in cases where it was
8 necessary to avoid using the radio system or where there were problems using the
9 radio system. Now, with the Thuraya, it was possible to simply locate the satellite
10 signal and then communication would open and that is how those commanders were
11 selected.

12 MR BADIBANGA: (Interpretation) Madam President, I think I will stop here.

13 PRESIDING JUDGE STEINER: Mr Witness, we'll have now our lunch-break. We
14 will suspend and resume at 2.30. We hope you can take some rest during the break.
15 It's quarter-to-1, but in any case, as decided before in terms of scheduling of the
16 hearing, we will resume only at 2.30.

17 This hearing is suspended.

18 THE COURT USHER: All rise.

19 (Recess taken at 12.45 p.m.)

20 *(Upon resuming in closed session at 2.33 p.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

23 Welcome back, Mr Witness.

24 THE WITNESS: (Interpretation) Good afternoon.

25 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

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1 THE WITNESS: (Interpretation) Yes, your Honour, I am ready to resume.

2 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.

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

4 Q. Good afternoon, Witness. We are going to resume from where we were this
5 morning. We were talking about the Thuraya telephones. Now, concerning these
6 Thuraya telephones, could you tell us how the invoices were paid? Who paid for
7 the communications? I believe that for that sort of telephone phone systems, the
8 bills were quite expensive. It's a very expensive form of communication.

9 A. Yes, everything was organised by the president himself. He took care of all
10 those expenses.

11 Q. (Redacted)

12 (Redacted)

13 A. No, not at all. (Redacted). I don't even know where the
14 payments were made.

15 Q. You explained to us that these satellite telephones were allocated to a certain
16 number of officers. Do you know if they were used to talk about military operations,
17 or to talk about other matters? Were these telephones attributed to a particular
18 person for a particular reason?

19 A. (Redacted)

20 (Redacted). The telephones were
21 for operational purposes. (Redacted)
22 (Redacted) family for a minute or two,
23 I don't know, that might have been all right, but really the telephones were for
24 operational purposes.

25 Q. Ever since this morning we've been talking about the general operations of the

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1 MLC and I would suggest that we now move on to the operations in the Central
2 African Republic, or at least in a few moments. So I have some general questions
3 and right now we're not going to focus too narrowly on the CAR. Generally
4 speaking, was there some kind of system to draw up reports about what was going
5 on in the field?

6 A. Yes, from the commanders. This was done properly and this was in light of
7 their administration. The messages would be sent to the General Staff and the
8 General Staff would make a report in turn to the president, or the
9 commander-in-chief. That is how the reports went up the chain of command.

10 Q. Now, you say that the information was going up the organisation, and did
11 officers have to report on incidents that occurred involving the soldiers and members
12 of the civilian population if such a thing were to occur?

13 A. Yes, in the same way. If a commander did not make all the necessary
14 arrangements or take the proper administrative measures to punish someone, to
15 discipline a soldier, well, he would inform the hierarchy using the same system.

16 Q. Speaking generally, before the military operation in Bangui were there cases or
17 incidents of violence, of abuse, involving the local population and MLC troops?

18 A. Yes, there were such events. That did happen from time to time in some units.
19 There were isolated cases in some of the units. Yes, such things did occur.

20 Q. In those particular cases were specific measures taken, or did the soldiers go
21 unpunished?

22 A. Unpunished? No. Quite often if the commander thought that at his level he
23 could deal with the matter he would punish the person at the level of the unit, and if
24 the case was too flagrant and he made a report to the hierarchy, the hierarchy would
25 take a number of measures. Sometimes the soldier would be sent to undergo

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1 punishment at the military headquarters and so he would be arrested. Such things
2 did happen. Once the person served his sentence the hierarchy might decide that
3 the soldier could not go back to his unit and he would be sent elsewhere after serving
4 his sentence, or undergoing his punishment, so that wouldn't create a problem in the
5 place where he had been the victim of misconduct with regard to the local population.
6 That sort of thing happened.

7 Q. Now, this case that you've just mentioned, this had to do with the
8 lower-ranking soldiers, the privates. Now, if an officer was involved in an incident
9 would measures be taken and, if so, how would that be done?

10 A. Same thing. It wasn't just first low-ranking soldiers. It was the same for
11 officers.

12 Q. Did soldiers have some kind of training programme?

13 A. Yes. In the case of the recruits, civilians who decided to join the MLC and
14 become soldiers, they would -- in the case of recruits there were many training
15 centres where the soldier would spend four months undergoing training, sometimes
16 five months, and once the soldier was trained he would join a battalion and there
17 were many centres, training centres, I can tell you about that, and then the person
18 would be deployed.

19 In the case of people who had defected from the FAC, they would be brought
20 together in a group, sent to the rear lines and they would undergo some sort of
21 re-education or awareness raising, so to speak. You see, they were already soldiers.
22 They would be told what the MLC was all about, how the movement began, the goals
23 of the movement, that sort of thing, and sometimes the leaders would be chosen
24 amongst the soldiers. The ones who were very disciplined within the units they
25 would receive training - they would receive leadership training - and after the

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1 training they would go back to the unit to become a commander, the chief of a section,
2 the head of a platoon. It would depend how the person had done during the
3 training, whether he had distinguished himself or not. What's more, intelligence
4 officers were trained as well. So there were many forms of training for the soldiers.

5 Q. Very well. You have covered a number of issues, and I wanted to ask you
6 some questions about that. Now, one specific item: Who were the instructors?

7 A. The instructors were Congolese people or Ugandans as well.

8 Q. Now, this training, both for officers and the rank and file, did this training have
9 a component that dealt with military discipline?

10 A. Absolutely so. That is very basic. That's the first thing, discipline. The
11 soldiers would be trained and a great deal of emphasis would be put on discipline,
12 and we would stress that the army is based on military discipline.

13 Q. Was there some kind of reference, for example a military code, a code of
14 military behaviour, that would set out which kind of behaviour was unacceptable?

15 A. Yes, there was such a reference. There was a document that was given to the
16 commanders, and this was called the Code of Good Conduct, and they were to
17 explain to the soldiers what their duties were. They were to tell the soldiers, and
18 each time there was an opportunity (Redacted)

19 (Redacted)

20 (Redacted). That would be the first item.

21 Q. What do you mean by "causerie morale," in French?

22 A. Well, it would be -- it was, is a discussion that all commanders, all officers
23 would have with the rank and file during the military parade, the drill in the morning,
24 when the soldiers would salute the flag and all that sort of thing. The soldiers
25 would be brought together and the commanders would address the troops. That's

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1 what I mean by a "causerie morale."

2 Q. Were various crimes mentioned in this Code of Good Conduct and were there
3 any forms of punishment provided for in the code?

4 A. Yes, there were various crimes mentioned in that document and, indeed,
5 punishment was provided for. "If you do such-and-such a thing this is the
6 punishment you shall receive."

7 Q. Do you remember which crimes were mentioned in that document and what
8 sort of punishment was provided for?

9 A. Yes, I can give you a specific example, and perhaps it was a bit too severe. It
10 was said in the document that if -- if you killed someone, if you committed murder,
11 you too would be tied to a pole and then shot, for instance. If you raped someone,
12 that is to say -- I'm speaking of rape, a sexual assault, you would be killed as well.
13 You would be tied to a post and you would be executed. That was what was
14 provided for.

15 What's more -- how should I put this? If you deserted, if you fled in the face of the
16 enemy, you would be tied to a pole and executed as well. That was also provided
17 for. Those are just some examples. Those were the most flagrant cases.

18 Q. Thank you. Now, was this code of conduct available right from the very
19 beginning of the rebellion or did it appear later on in the entire process?

20 A. Right from the beginning because, you see, we were with allies and we were
21 influenced by the allies and we did what they did when they were rebelling. So, yes,
22 the code of conduct was there right from the beginning.

23 Q. You said, page 62, (Redacted)

24 (Redacted) Was the

25 code of conduct distributed to all soldiers or just to officers (Redacted)

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1 (Redacted)

2 A. To the people who were in positions of responsibility, the platoon commander,
3 the higher ranks. The ordinary soldiers, no. The wiser people who had an
4 opportunity to speak to the soldiers, they would be given that. They would be given
5 that code of conduct.

6 Q. Now, just to make sure that we've understood properly, did each soldier receive
7 a copy of the code of conduct?

8 A. No, not just -- not each soldier. I said the people in positions of responsibility;
9 commanders, platoon commanders, brigade commanders, the higher-ranking officers
10 but not the corporals or the lower-ranking soldiers, no. You must realise that there
11 were some soldiers who perhaps were barely able to read and write, who could
12 scarcely read and write.

13 Q. Well, this leads me to ask you another question: What language was the code
14 of conduct written in?

15 A. It was in French, and we also looked for documents having to do with military
16 discipline in Lingala and they were produced as well.

17 Q. Now, the officers who received a copy of the code of conduct, was it mandatory
18 for them to take that code of conduct with them when they went off to conduct
19 operations?

20 A. Well, that would depend on each particular commander and his behaviour.
21 Where he was, he had to have it. If he was familiar with it, if he didn't have it, if he
22 knew what to say to the soldiers, so he might have brought it (Redacted) didn't say
23 to the commanders, "Oh, when you go off on operations you must take that
24 document."

25 MR BADIBANGA: (Interpretation) Your Honour, could we have document

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1 CAR-DEF-0001-0161 on the screen. Now, this is a document that was disclosed by
2 the Defence, and it is entitled "ALC Code of Conduct," and this is a public document.
3 CAR-DEF-0001-0161.

4 THE COURT OFFICER: Your Honours, the document can be viewed on "PC1."

5 MR BADIBANGA: (Interpretation)

6 Q. Witness, can you see this document on the screen, this document that I'm
7 talking about?

8 THE INTERPRETER: Inaudible.

9 THE COURT OFFICER (DRC): (Interpretation) This is the court officer speaking.
10 I do have a copy with me that the witness can see on the computer in electronic form.
11 If you allow me, I will show the electronic version to the witness because on the
12 screen we can't see the document right now and no doubt the quality is not sufficient.

13 PRESIDING JUDGE STEINER: Maître Badibanga, do you agree with the
14 suggestion?

15 MR BADIBANGA: (Interpretation) Certainly, and I think this is an opportunity for
16 us to test the electronic capabilities of our systems.

17 PRESIDING JUDGE STEINER: Mr Haynes, any objection?

18 MR HAYNES: Absolutely none, your Honour.

19 PRESIDING JUDGE STEINER: Mr Rojas, you can present the document to the
20 witness in the electronic format.

21 THE COURT OFFICER (DRC): (Interpretation) Very well, I shall show him
22 document number 10 on the list of documents from the OTP. Reference number
23 CAR-DEF-0001-0161.

24 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.

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

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1 Q. Witness, can you see the document on the screen?

2 A. Yes, I can see it.

3 Q. Do you recognise this document?

4 A. Yes. May I speak?

5 Q. Certainly.

6 A. Yes, I do. I am familiar with this document. It is the code of conduct.

7 Q. This is indeed the code of conduct that you've been speaking of for a few
8 minutes now; is that so?

9 A. Yes, that's right.

10 Q. Now, we do know that this code of conduct was in existence, but were you
11 aware of any cases in which this code was actually implemented, put into practice,
12 used to punish people for various behaviours?

13 A. Yes, I do know of some cases. It was applied in some cases.

14 Q. Could you give us an example on the basis of your memory, your recollections?

15 A. Yes, I do remember that in Bumba, for instance, there's this town by the name of
16 Bumba in Équateur province, Mongala, and there was a soldier -- actually, even in
17 Gbadolite there was a case. There was another soldier there who was executed
18 because he had killed someone else. He was put on trial and it was decided that he
19 would be executed and, indeed, he was executed in public.

20 Q. At page 5, if the courtroom officer could have that displayed on the screen,
21 CAR-DEF-0001-0165 - 0165 are the last four numbers of that reference
22 number - Article 7, this is the provision that interests me because it says the following,
23 "An officer may be stopped by a soldier in the case of murder;" in other words, a mere
24 soldier can take action against an officer.

25 To your knowledge did that ever occur during the rebellion; during the MLC

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1 rebellion?

2 A. What I was saying -- could you please ask the question again?

3 Q. Yes, of course. So this Article 7, it states the following that, "In the case in
4 which the commander of a unit is unable to arrest a suspect, any member of the ALC
5 can carry out the arrest and inform the officer thereof." That's the first paragraph.
6 The second part states, "An officer can be arrested by a soldier in the case of ...", and
7 then we have a list of five different points: Murder, desertion, shooting of a third
8 party and we also have treachery and corruption.

9 Now, I want to see. These measures, where you had a soldier who was confronted
10 with a violation by an officer, was there concrete application of this in the case of the
11 MLC?

12 A. No, I never saw that.

13 Q. Witness, you are confirming that this code of conduct is the one that you saw
14 and knew when you were in the MLC rebellion? That is correct, is it not?

15 A. That is correct. It is.

16 MR BADIBANGA: (Interpretation) Your Honour, we included this document in
17 the list of documents which can be found in our submission.

18 THE INTERPRETER: Bar table motion in English.

19 MR BADIBANGA: (Interpretation) So the list of documents which we would like
20 to have recorded I don't think it's necessary at this stage to go for registration thereof,
21 but I really have to insist that we go over each of the pages with the witness so he can
22 perfectly identify the document, but as far as I'm concerned, unless the Chamber has
23 an objection, I think he has clearly recognised this document. So I can therefore
24 advance but, if the Chamber so wishes, I can also ask further identifying questions
25 should the Chamber so wish, if you consider that to be necessary.

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1 PRESIDING JUDGE STEINER: Defence has any objection that the document is
2 considered as authenticated by the witness?

3 MR HAYNES: Your Honour, no.

4 PRESIDING JUDGE STEINER: You can proceed, Maître.

5 MR BADIBANGA: (Interpretation) I therefore no longer need this document on
6 the screen, your Honour. Thank you very much.

7 Q. Witness, are you aware of a rule which authorises soldiers to take all the goods
8 they can find on the first day of an operation without risk of sanction or punishment?

9 A. A rule that authorises soldiers to take everything they can find? I don't know
10 that.

11 Q. To be precise, would you be aware of a rule which would make it possible
12 during an operation, the taking of a town or village, that everything the soldiers find
13 on the first day they can keep for themselves and it's only from the second day that
14 they could be punished for pillage or theft, but on the first day there was a sort of
15 exemption to that? Were you aware of such a rule within the MLC?

16 A. No, I don't know that.

17 Q. Witness, do you know where Mr Jean-Pierre Bemba was between the month of
18 October 2002 and the month of March 2003?

19 A. The month of October 2002 and March 2003?

20 Q. Yes, correct. The question -- the period from October 2002/March 2003, do you
21 know where Mr Bemba was during that period of time?

22 A. That's difficult. It's difficult for me to remember all the movements at that time,
23 but I know that he was in Gbadolite unless he might have gone somewhere else. But,
24 no, I don't know. He must have been in Gbadolite.

25 Q. You answered my question. Perhaps I didn't ask it very well. I just wanted

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1 to ask if you knew where he was based during that period. (Redacted)

2 (Redacted)

3 A. (Redacted).

4 Q. (Redacted)

5 (Redacted)

6 A. I don't know with regards to the town of Gbadolite how to situate it, but I know

7 that the offices of the president they were on the boulevard, Boulevard Mobutu, and

8 it was opposite the commercial -- Congolese Commercial Bank. At the time, the

9 Zairean Commercial Bank was opposite it. I think it was next to the residence of

10 (Redacted). That's

11 where the office of the president was and (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted).

19 Q. (Redacted)

20 A. (Redacted).

21 Q. Were you in Gbadolite when the decision was taken to put the MLC troops in

22 the Central African Republic?

23 A. Yes, I was in Gbadolite.

24 Q. I'm sorry, do you know what motivated this decision to commit MLC troops to

25 the Central African Republic?

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1 A. I could know the motivation. Well, let's say the widest known motivation for
2 it, according to the commander-in-chief, (Redacted), was to
3 empty -- at the time the events were underway, because we had already signed the
4 Lusaka agreements there. So it was said that there was a ceasefire, there were
5 commitments which had been made with regards to the front line, there were also the
6 withdrawal of foreign troops, et cetera, et cetera, and there was Inter-Congolese
7 dialogue which was being prepared. And (Redacted) it was
8 necessary to send the troops to Bangui to -- in order to make secure the Zairean line,
9 because President Patassé he had difficulties with the president at the time of the
10 Central African Republic, who was a friend of the government of the DRC, and if we
11 managed to take him out of Bangui then we would have difficulties.
12 And once that happened before. Once before the troops, the governmental troops
13 from Kinshasa with their allies, it was from Bangui that they were able to take
14 Gemena and other places in the area, and it was via Bangui that the Kinshasa troops
15 with their allies they defeated us and we had to leave Gemena and withdraw to the
16 other side approximately 150 -- 115 kilometres the other side of the Mongala River.
17 Now, in order to avoid such a situation, he considered that it was important to help
18 President Patassé in order to make secure our hinterland. That was the primary
19 motivation that the supreme commander had given for the decision to send the group
20 there.

21 Q. You said that this is the primary reason. When you started your answer,
22 I think you said "the most known reason." Were there other motivations that you
23 would be aware of which you could share with us; that you could share with the
24 Chamber?

25 A. Yes. I could also add that from what we heard there was also a very close link

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1 between the president, President Patassé, with Jean-Pierre Bemba. He called him his
2 son, so he had to ensure his security, and that's why. Now, in the meantime, another
3 reason is -- well, there was also in Bangui, it was Bangui you were able to be -- get
4 supplies of fuel, for example. Sometimes it was in Bangui that, for example, either
5 himself, his family, they had these privileges to be able to travel abroad, to Europe,
6 elsewhere, and it was in Bangui that they took their planes to be able to go and go to
7 Gbadolite. So these were other reasons as well.

8 Q. I should have started by setting the precise framework for our current
9 exchanges. I'm therefore going to do that now. How many military operations did
10 the MLC carry out in the Central African Republic?

11 A. In fact, it was two. Once -- okay.

12 Q. I just wanted to -- wanted us to be precise in this regard. When you now give
13 the reasons for this intervention, are you referring to the first operation or the second
14 intervention?

15 THE INTERPRETER: "Operation," corrects the interpreter.

16 THE WITNESS: (Interpretation) The reasons that I've given you, all the reasons
17 that I've given you is for the second operation. For myself, it was a major operation.
18 The first, it was just around Bangui. It was a small mutiny, if you like, that had to be
19 contained. At the second, that was the major operation. And the reasons that I've
20 just mentioned to you relate to the second operation.

21 MR BADIBANGA: (Interpretation)

22 Q. And for clarity, what is of interest to the Judges and in this case is the second
23 operation, and that's why we would just like to stay within that framework. I was
24 too quick in assuming that it was clear.

25 So you spoke to us about reasons why the MLC was -- ended up being committed to

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1 the Central African Republic. I also want to say for the transcript, who took the
2 decision to commit MLC troops to the Central African Republic?

3 A. That's a very major decision. It could only be the president, the
4 commander-in-chief.

5 Q. From a military point of view, with regards to the objective that you spoke
6 about, the primary objective which was to make sure the behind part to prevent that
7 there would be attacks, would you say that this objective had been reached from a
8 military perspective or would you say that it was a failure?

9 A. No, I would say that was achieved, that objective. If it was to ensure the back
10 line or the rear, then I would say this was something that was achieved. Our troops,
11 they remained and so ultimately for us our objective had been realised up until the
12 point of the integration, and until the signing of the Sun City agreements,
13 Inter-Congolese dialogue.

14 Q. For reference, when the witness mentions "the objectives," it was a few minutes
15 ago in the French version, page 71, from lines 8, to 72, 3.

16 Witness, when the MLC troops withdrew from Bangui, was there still a danger for
17 the MLC with regards to this objective that we were speaking about an instant ago?

18 A. There was no more. Furthermore, I knew that the objective had been achieved
19 because the troops remained there until the Inter-Congolese dialogue and the Sun
20 City agreements had been signed, so there was no longer such a danger.

21 Q. Would it be correct to understand from what you've just said to us that in
22 addition to helping the regime of President Patassé this operation in the Central
23 African Republic was also -- also had military issues at stake in the strictly Congolese
24 sense, in terms of the clashes between the MLC and the Kinshasa government?

25 A. Yes, that is correct.

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1 Q. Could you tell us who defined this strategy to occupy the territory in Bangui to
2 stop them going through there? So who decided on that strategy?

3 A. (Redacted)

4 it's something that came from the commander-in-chief, the president, (Redacted)
5 he had taken this decision to send troops to Bangui for these reasons. It was never
6 discussed anywhere.

7 Q. (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. I have little knowledge of the military field, as you perhaps know, but I thought
14 I'd understood that often military operations have a code name. Do you know if this
15 operation in the Central African Republic had a code name, and if so what was that
16 code name?

17 A. No, I don't remember.

18 Q. So when the troops entered Central African Republic, did you know if they
19 established bases in Bangui during this period?

20 A. Yes, absolutely. Yes, they went through Zongo to Bangui and they established
21 themselves in Bangui. They set up bases in Bangui and certainly they established
22 bases in Bangui, and it was in Bangui with the General Staff of Bangui that they
23 co-ordinated the follow-up to the operations. That was all done from Bangui.

24 Q. You, from your position, were you able to see what the different bases were or
25 the base, if there was only one, that the MLC had in the capital, Bangui?

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1 A. No, I don't know.

2 Q. Do you know certain localities? Now I'm speaking about other places other
3 than Bangui, certain places in the country where the MLC held positions?

4 A. Yes, I remember Damara. That's one I know very well. I haven't forgotten.

5 Q. Did you follow the deployment of troops in the Central African territory?

6 A. No, not with detail, but what I -- all that I do know is that from Bangui our
7 troops progressed on three lines. I don't know exactly the Central African Republic
8 to mention roads that were involved, but I know there was one road going to the
9 right, to the left, one in the middle, but I know that it was from here towards the
10 north.

11 Q. Do you know which officers from the MLC were on these different roads or
12 who were leading these different troops along these roads?

13 A. I could not tell you that, which officer was where. What I do know is that
14 there was a brigade, there were three battalions that were there, so certainly there was
15 a battalion -- one battalion per road.

16 Q. What was the military chief called who was directing the operations in the CAR,
17 who was directing the troops in the CAR?

18 A. It was General Mustapha, it was his brigade who was there.

19 Q. Do you know what the name of this brigade was?

20 A. It was Echo.

21 Q. You've just said that Mustapha, who is currently a general, what was his
22 military rank at the time?

23 A. He was a commander. He didn't have a grade. Those who had ranks at the
24 time, they were the former soldiers from the FAZ. (Redacted)

25 (Redacted)

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1 (Redacted), those who were recruited in the field in
2 particular, with all the war, the liberation war, since the deceased President
3 Laurent-Désiré, they didn't have ranks thereafter. The officers were
4 those who -- they were just called commander. Mustapha was in that group, he was
5 a commander, and he afterwards when the ranks were given out in Gbadolite that he
6 was appointed as brigade general because he was already commanding a brigade at
7 the officer level and he joined the MLC with a whole battalion from the RCD.

8 Q. I'm at page 77, line 9, you mentioned those who had ranks were ex-FAZ, F-A-Z.
9 I understand from your explanations what you want to say, but could you explain
10 that more clearly for the Court what you want to say by ex-FAZ, F-A-Z?

11 A. Perhaps I wasn't understood, but I said that those who had ranks in the MLC,
12 you could see an officer called major, my captain, colonel, those who were the former
13 FAZ, the soldiers of the former Zaire, second republic, Mobutu's time, (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted) the former Zairean
18 armed forces people, captains, lieutenants, majors kept or retained their ranks.

19 Q. Thank you for that clarification. Now, where it concerns the troops who were
20 sent to the Central African Republic, did they all arrive in one go, all of the troops at
21 once, or were there successive waves or reinforcements who came subsequently?

22 A. No, there were successive waves, bit by bit. It wasn't everybody at the same
23 time.

24 Q. Can you tell us the size of the MLC troops that were involved in the operations
25 in the Central African Republic, if you know?

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1 A. I previously answered that it was a brigade, including three battalions.

2 Q. Sorry to put the question to you that way, but for a non-military novice that
3 I am how many soldiers would that be?

4 A. About 2,000 troops. A battalion having 600 to 650 troops, so the total would be
5 around 2,000.

6 Q. Do you know the means of transport used by the troops to get to the Central
7 African Republic?

8 A. They crossed the Ubangi River on ferries; ferries that ran between Zongo and
9 Bangui.

10 Q. At the time of the operation in the CAR, were the MLC troops equipped with
11 heavy and light weapons, military equipment?

12 A. Yes, the MLC troops crossed over with their weapons. The brigade crossed
13 over with all its weapons, heavy and light weapons alike.

14 Q. During the time spent in the Central African Republic by the troops, did they
15 receive any supplies in weapons?

16 A. Weapons? No. They crossed over with their own weapons. Any supplies,
17 any supplies in ammunitions, yes.

18 Q. That, in fact, was the thrust of my question. And do you know where the
19 ammunitions came from? Where did they get the supplies from?

20 A. From Gbadolite. The ammunitions were shipped from Bangui -- from
21 Gbadolite, rather, to Bangui.

22 Q. Was that the case throughout the conflict, or did it happen only during the cross
23 over at the beginning of the operations?

24 A. Throughout the conflict, throughout the time when our troops were in the
25 Central African Republic, they received supplies from Gbadolite. Now, maybe

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1 things changed later on. Whether it was old ammunitions or other ammunition that
2 was obtained later or subsequently I really do not know but, if you have any further
3 questions, we might seek some further clarification.

4 Q. Now, what I can say is that if any information - any useful information - comes
5 to your mind please do not hesitate to mention it because it might be useful, and if
6 that were not to be the case I will try to put as many questions as possible to you. So
7 please do not hesitate to provide any information that comes to your mind.

8 Now, regarding the issue before us, I had two aspects I wanted to talk about with you.

9 You said that the MLC troops came from Gbadolite with their ammunitions and that
10 they had their own weapons. Now, what is the origin of those weapons? Let us
11 talk first of all about the weapons. What was the origin of those weapons? We will
12 deal with the ammunitions later.

13 A. Yes, the weapons were their weapons. They crossed over with their weapons,
14 heavy and light weapons alike. Subsequently other weapons were acquired, as well
15 as ammunitions, because I must say that initially they crossed over with their own
16 ammunition as well from Gbado, but then subsequently some weapons and
17 ammunition came in from Libya for the Bangui operation. The said ammunitions
18 and weapons landed in Gbadolite and was then shipped to Bangui.

19 Q. Do you know how those supplies and weapons were negotiated, or arranged,
20 with Libya?

21 A. No, not at all. I have no idea. I do not know how it all began. I have no idea
22 of the negotiations. What happened is that (Redacted) saw aircraft land in Gbado, in
23 Gbadolite, and the commander-in-chief asked (Redacted) to go in, take out the weapons and
24 the ammunition, take stock of the matériel and then put them in the depots.
25 (Redacted) also received some small craft, small reconnaissance planes, which came in spare

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1 parts and which (Redacted) assembled at the Gbadolite airport publicly, everyone (Redacted)
2 that happening, and that is how this matériel was subsequently shipped to Bangui.

3 Q. Do you know who was in charge of these negotiations, or these discussions, for
4 the supplies and ammunition and weapons? Was the G4 involved?

5 A. No, not at all. (Redacted)
6 (Redacted)

7 Q. (Redacted) who conducted the
8 negotiations for those weapons?

9 A. It was the president, the supreme commander, the commander-in-chief.

10 Q. Was co-operation with Libya limited to the supply of weapons, or were there
11 other components of that co-operation with Libya?

12 A. I do not know for sure. Apart from what (Redacted) coming in from Libya, I do
13 not know what other lines of co-operation existed between our movement, the MLC,
14 and Libya. However, I do know that the president, the commander-in-chief, at some
15 point also travelled to Libya.

16 Q. Thank you. I was seeking only to deal specifically with the Central African
17 Republic operation, and so in the context of that co-operation I was simply trying to
18 find out from you whether at the level of the troops there was something or anything
19 else that may have happened?

20 A. Are you talking about the Libyan troops, or the Congolese troops?

21 Q. Yes, all those troops. Did anything happen in that context?

22 A. Yes, the Libyan troops at some point were also involved in the protection of the
23 president in Bangui. See, if I do recall properly, I do not know whether the Libyan
24 troops progressed beyond the limits of Bangui town. What I know is that the Libyan
25 troops were present in Bangui, but they did not remain in Bangui 'til the very end.

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1 At some point they had to withdraw.

2 Q. Let me now return to the supply in weapons.

3 PRESIDING JUDGE STEINER: Maître. I'm sorry to interrupt you, Maître. It's just
4 now in the last answer the witness mentioned that the Libyan troops at some point
5 were also involved in the protection of the president in Bangui. Just for the sake of
6 clarity, which president you are referring to, Mr Witness?

7 THE WITNESS: (Interpretation) Thank you. Thank you. The protection of the
8 president? Well, thank you, Madam President. I'm sorry, in fact I was referring to
9 the protection of President Patassé in Bangui. The Libyan troops were around his
10 building and were deployed in the city for the purpose of protecting the presidential
11 residence and President Patassé. As far as I know, and if I'm not mistaken, those
12 Libyan troops did not operate outside of Bangui town.

13 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

14 Maître Badibanga.

15 MR BADIBANGA: (Interpretation) Thank you, Madam President. I hesitated
16 somewhat, but I think that it is all clarified now. Thank you.

17 Q. Turning to you now, Mr Witness, and referring to the Libyan presence, you
18 have testified that to the best of your recollection the Libyan troops did not stay there
19 'til the end of the operations. How long did the Central African troops remain in
20 Bangui?

21 A. How long? Well, I don't know, but let me say that it was after the signing of
22 the Sun City agreements. So I'm not very sure. Three/four months, maybe.

23 MR BADIBANGA: (Interpretation) With the leave of the Court, I will provide the
24 reference subsequently.

25 Q. Witness, this morning we talked about the general functioning of the MLC, and

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1 at that time you said that some decisions - most of the decisions - were taken by
2 Mr Jean-Pierre Bemba and that even decisions relating to a single bullet were taken
3 by Mr Jean-Pierre Bemba. I believe you remember that.
4 Now that we're talking about the supply of ammunitions, would the situation be the
5 same particularly regarding the supply of ammunitions to troops in the Central
6 African Republic? Would the same system have been applied whereby all decisions
7 were taken by Mr Jean-Pierre Bemba?

8 A. Yes, it was the same principle particularly now that we are talking about
9 ammunition. You see, even a single bullet could not have been taken out of the
10 warehouse for any location without -- or to any location without the authorisation of
11 the commander-in-chief. He is the one who decided.

12 MR BADIBANGA: (Interpretation) Madam President, the reference in the French
13 document is page 39 of the transcripts, line 21 to 28.

14 Q. Witness, what means of transportation was used to supply ammunitions to the
15 troops in the Central African Republic while they were there?

16 A. The Antonov aircraft.

17 Q. From which town in the DRC did those Antonovs take off to supply the troops
18 in the CAR?

19 A. From Gbadolite.

20 Q. Were the supplies, were those supplies managed by the General Staff?

21 A. Yes, it was managed by the G4 who managed all the material that was in the
22 depots. I have already said that the weapons that came from Libya were offloaded,
23 stock was taken thereof, they were kept in the depots and they were managed and
24 dispatched by the G4 as and when necessary.

25 Q. As far as you know, did the Central African Republic authorities provide

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1 military material to the MLC troops?

2 A. As far as I know, no. However, what I can say right away is that at the time the

3 Central African army had more or less nothing. And I can tell you that (Redacted)

4 (Redacted) the Armed Forces of the Central African

5 Republic, (Redacted) did not even have any heavy weaponry, (Redacted) did not

6 have enough weaponry, and he did not have troops since most of them -- most of the

7 troops had defected to the other side and were fighting the regime in power. So

8 they did not have weapons, they did not have ammunitions, they did not have

9 anything that they could supply from the Central African Republic to the MLC troops

10 who were in Bangui.

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Can you give us the name of this Chief of General Staff of the Central African

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1 army (Redacted)?

2 A. Yes. His name is Brigadier-General Gambi.

3 Q. Maybe you will help me to understand. General Gambi, Chief of
4 Staff -- General -- Chief of Staff of the Central African army, has central -- on his
5 territory soldiers from the MLC. Is that the situation?

6 A. Yes. MLC troops had been made available to the Chief of General Staff of the
7 Central African army who was now supposed to be the person in charge of
8 operations who would tell Mustapha "this is the road, this is the access, this is the line
9 which should be followed." And so he was the Chief of General Staff of the Central
10 African army.

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. The troops were available simply to guide the MLC or to guide the soldiers
16 because they knew the terrain, but when it came to orders to move forward, to push
17 forward in the operations, all such orders came from the commander-in-chief, the
18 supreme commander.

19 Q. Are you telling us, then, that for the MLC troops in the Central African Republic
20 to advance it was necessary for a discussion to take place between them and the
21 president of the MLC?

22 A. Yes, you have understood me well. I already told you that, and I said that at
23 the very beginning of my testimony, that it took a clear order from the
24 commander-in-chief for any troops to move, even for a single kilometre.

25 Q. In the second part of our examination this afternoon, and which we will take up

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1 again tomorrow morning, I have a number of questions that I will put to you again.

2 You have made a number of assertions pertaining to the MLC in general, and I want
3 to know whether those assertions apply to the MLC operation in the Central African
4 Republic. That's why I wanted to specify whether the same rules do apply.

5 A. Yes, I can state clearly that the same rules applied.

6 Q. Who provided food for the troops of the MLC during the operations in the
7 Central African Republic?

8 A. It was from Gbadolite, from the General Staff, from the headquarters (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. (Redacted), were you aware of food being shipped from
12 Gbadolite to the Central African Republic?

13 A. Yes, yes, I was, and I knew it.

14 Q. If we look at provision of food, troops, supplies, transportation and what have
15 you, which you already mentioned, all these transactions call for funds, for the use of
16 money. Do you know where the funds for these transactions came from, that is in
17 regard to the operations in the Central African Republic?

18 A. No, I really do not know, but I can imagine that it was the Central African
19 government that did foot the bills. I never was present when any funds were being
20 handed over at any time, but all I know is that the food was taken from Gbadolite and
21 the food was bought normally following an instruction from the commander-in-chief
22 who would ask the finance services to buy food, make it available for distribution
23 using the normal channels. So the same rule applied for the distribution of fuel,
24 medication, clothing and what have you, this being made available to troops both in
25 the Central African Republic and within the Congo.

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1 Q. From your answer, I would like to follow up with this question: (Redacted)

2 (Redacted) What were the

3 sources of funding? How were funds allocated and how was expenditure carried

4 out?

5 A. The military headquarters, the army or the national secretariat for defence,

6 would have had to have a budget to become -- to be aware of these things. You see,

7 all our needs, of all nature, for the troops across the board, were met following a

8 written request - a written request - to the commander-in-chief who would then study

9 the request and either increase or reduce the amounts and then forward his decision

10 to the finance services, so that has been my testimony, and I don't know, I really do

11 not know where the funds came from because the army itself did not have a budget.

12 Q. For the operations in the Central African Republic, did they use the same

13 communication tools, the Thuraya and the phonie, which we talked about earlier?

14 Were these the same tools that were used for the operation in the Central African

15 Republic?

16 A. Yes, absolutely the same communication tools.

17 Q. Was it possible to receive radio signals in Bangui from Gbadolite?

18 A. Yes. Bangui is not too far away from Basankusu, from Gbadolite. It was

19 possible (Redacted) in areas further than Basankusu which was

20 further away than Bangui.

21 Q. Was it possible to contact other areas in the Central African Republic by radio

22 further than Bangui, that is from Gbadolite?

23 A. Yes, absolutely it was possible.

24 Q. (Redacted) communicate with officers or troops in the

25 Central African Republic by radio?

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1 A. Yes, particularly with the commander, General Mustapha.

2 MR BADIBANGA: (Interpretation) Madam President, I think we have come to the
3 end of the session for today and I would like to continue my examination tomorrow.

4 Thank you, Mr Witness.

5 THE WITNESS: (Interpretation) I thank you, too.

6 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. It's almost
7 4 o'clock. It's time for us to adjourn. Tomorrow, since we have -- tomorrow
8 morning, since we have a hearing in this very same courtroom, the Chamber will
9 resume at 1 o'clock. We'll have two sessions of two hours each tomorrow afternoon,
10 starting at 1 p.m.

11 Mr Witness, thank you very much. I thank very much the Prosecution team, the
12 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I
13 thank very much our interpreters, court reporters, the court officer, Mr Rojas, that is
14 in Bangui, accompanying the witness. This hearing is adjourned.

15 THE COURT USHER: All rise.

16 *(The hearing ends in closed session at 4.01 p.m.) Reclassified as Open session

17 RECLASSIFICATION REPORT

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

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