

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0039

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Monday, 22 April 2013
9 (The hearing starts in open session at 9.08 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome Prosecution team, legal representatives of victims, Maître
20 Zarambaud, you are most welcome, Defence team, Mr Jean-Pierre Bemba Gombo.
21 Good morning to our interpreters, to our court reporters.
22 Good morning, Mr Rojas.
23 THE COURT OFFICER (Redacted): (Interpretation) Good morning, Madam President.
24 PRESIDING JUDGE STEINER: We will start today with the presentation of
25 evidence by Witness CAR-D04-PPPP-0039. In accordance with the Chamber's

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1 decision of 12 April 2013, that is decision 2580, the testimony of Witness D-39 will be
2 heard by means of video technology.

3 Before we commence with the testimony of the witness, the Chamber needs to issue a
4 couple of oral decisions.

5 The first oral decision is on the application to question Witness D04-39 by the legal
6 representative of victims.

7 On 28 March 2013, the Chamber received an application from Maître Zarambaud on
8 behalf of the victims that he represents to question Witness D04-39, filing 2568-Conf.

9 The application contains a list of 28 sets of questions.

10 Having considered the reasons given by Maître Zarambaud as to why the personal
11 interests of the victims he represents are affected, the Chamber allows to legal
12 representative's application to question Witness D04-39 and authorises Maître
13 Zarambaud to ask all questions as set out in his aforementioned application.

14 The Chamber has an oral decision on protective measures for Witness D04-39. In
15 order to issue the decision I ask, please, court officer to go into private session.

16 *(Private session at 9.12 a.m.) Reclassified as Open session

17 THE COURT OFFICER: We are in private session, Madam President.

18 PRESIDING JUDGE STEINER: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 I now ask, please, Mr Rojas to bring the witness into the location of the video link.

3 WITNESS: CAR-D04-PPPP-0039

4 (The witness speaks French)

5 (The witness gives evidence via video link)

6 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

7 THE WITNESS: (Interpretation) Good morning.

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

10 (Open session at 9.21 a.m.)

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

12 PRESIDING JUDGE STEINER: Good morning again, Mr Witness, and thank you
13 very much for being with us.

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

15 PRESIDING JUDGE STEINER: Mr Witness, I hope that somewhere in front of you
16 there is a card on which is printed a solemn undertaking. Could you please read out
17 the words on the card.

18 THE WITNESS: (Interpretation) "I solemnly declare that I shall speak the truth, the
19 whole truth and nothing but the truth."

20 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can I
21 confirm that you understand what the oath means?

22 THE WITNESS: (Interpretation) Yes, Madam President.

23 PRESIDING JUDGE STEINER: Can I confirm that you understand it to mean that
24 you must give answers to questions asked of you that are true and accurate to the best
25 of your knowledge and belief?

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1 THE WITNESS: (Interpretation) Yes, Madam President.

2 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by

3 Victims and Witnesses Unit during the familiarisation process, you will be questioned

4 first by Defence, then by the Prosecution, then by legal representatives -- the legal

5 representative of victims, who was authorised to participate in the trial proceedings.

6 After that, the Defence has the right to question you once more.

7 As you know, Mr Witness, the Chamber has put in place measures to protect your

8 identity from the public and you will therefore be referred to during your testimony

9 as "Mr Witness." Your voice and your image that are broadcast outside the

10 courtroom are being distorted so that you cannot be identified by the public. You

11 can be seen only by the persons that are present here in this courtroom.

12 Mr Witness, in order to help us in keeping your identity protected, it is important that

13 when we are in open or public session, as we are now, you do not mention any

14 information that could lead to your identification. For instance, you should avoid

15 mentioning your name, the position you occupy today, the position you occupied at

16 the time of the events, the names of close friends or family members, the names of

17 your immediate superiors, or your boss. You should also avoid mentioning events

18 at which you were present with a limited number of other persons, for instance that

19 you were in a meeting with person A or person B, because that could lead to your

20 identification.

21 If you need to mention this kind of information, you let us know and then we go into

22 private session. In private session, Mr Witness, you can feel free to say whatever

23 you want because there is no broadcast outside the courtroom. Nobody can hear to

24 what you say, so please do not hesitate in asking the Chamber to go into private

25 session if you need to release any information that in your view could lead to your

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1 identification.

2 Do you understand, Mr Witness, the protective measures?

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

4 PRESIDING JUDGE STEINER: Defence and Prosecution and legal representative
5 and the Chamber will also help you in trying to anticipate which kind of questions
6 can lead to answers that should be given only in private session.

7 Finally, Mr Witness, it is important for you to bear in mind that because we speak
8 different languages there is interpretation so that we can understand each other.
9 Because of the interpretation and because your testimony is given by video link
10 technology, it is very important, Mr Witness, that you speak slower than normal, as
11 I'm doing now, in order to allow the interpreters to do their job.

12 It's also very important, Mr Witness, that after a question is put to you that you wait
13 five seconds before you start giving your answer in order to allow the interpreters to
14 finish the interpretation of the question. This is what we call "the five-seconds
15 golden rule."

16 Since all these ground rules may seem unnatural, Mr Witness, it may be that you start
17 speeding up, or that you forget the five-seconds golden rule, and if that happens I will
18 have to interrupt you to remind you that you have to slow down. Please don't take
19 offence. This is purely for practical purposes and should not discourage you from
20 speaking.

21 Do you understand our ground rules, Mr Witness?

22 THE WITNESS: (Interpretation) I have understood, Madam President, yes.

23 PRESIDING JUDGE STEINER: Don't forget the five seconds before you give me an
24 answer. Is that fine with you, sir?

25 THE WITNESS: (Interpretation) I beg your pardon?

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1 PRESIDING JUDGE STEINER: I asked you not to forget the five-seconds golden
2 rule. Wait five seconds before you give me your answer.

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

4 PRESIDING JUDGE STEINER: Mr Witness, if for any reason you need a break
5 before our regular breaks, just let us know and you can have as many breaks as you
6 need.

7 Do you have any questions, sir?

8 THE WITNESS: (Interpretation) None so far, your Honour.

9 PRESIDING JUDGE STEINER: Before I'll give the floor to Defence, Maître Kilolo
10 will start questioning you.

11 Maître Kilolo, you have the floor.

12 MR KILOLO: (Interpretation) Good morning, your Honours.

13 QUESTIONED BY MR KILOLO: (Interpretation)

14 Q. Good morning, Witness.

15 A. Good morning, sir.

16 Q. I think you'll remember that we did meet in the past, and I'll just introduce
17 myself to you once again. I am Mr Aimé Kilolo, one of Mr Bemba's defence
18 attorneys, and I am the one who will be putting a series of questions to you on behalf
19 of the Defence team. Do you understand?

20 A. Yes, I do, Counsel.

21 MR KILOLO: (Interpretation) Could we please go into private session?

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

23 *(Private session at 9.33 a.m.) Reclassified as Open session

24 THE COURT OFFICER: We are in private session, Madam President.

25 MR KILOLO: (Interpretation)

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1 Q. Witness, we are in private session. That just means that the questions and
2 answers will not be heard by the general public, so you'll be in a position to express
3 yourself freely. You will not be identified in any way, shape or form. In other
4 words, the people outside of this courtroom will not be able to hear the sound so they
5 won't hear what you're saying. Do you understand?

6 A. Yes, I understand, Counsel.

7 Q. I'd like to ask you a series of questions now and we'll have to remain in private
8 session. These are just the usual questions that we ask at the beginning of the
9 hearing so that the Chamber knows exactly who you are, so first of all could you
10 please give us your name, date of birth and marital status?

11 A. (Redacted)

12 (Redacted)

13 Q. Now, you just said that you were born in (Redacted). Could you explain to the
14 Chamber which province that place is found in within the (Redacted)

15 A. (Redacted)

16 (Redacted)

17 Q. Could you tell us the name of your parents?

18 A. I am the (Redacted)

19 (Redacted)

20 Q. And how many brothers and sisters do you have?

21 A. (Redacted)

22 THE INTERPRETER: Correction from the interpreter: (Redacted)

23 MR KILOLO: (Interpretation)

24 Q. Could you tell us about your schooling, please?

25 A. (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. In practical terms, when you mention your involvement in (Redacted)

14 (Redacted), could you tell us when that occurred, exactly when you were

15 involved in that, and what was the background? What was the situation, in general

16 terms?

17 A. (Redacted) --

18 THE INTERPRETER: Inaudible.

19 THE WITNESS: (Interpretation) -- (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 A. (Redacted)
- 3 (Redacted)
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- 5 Q. (Redacted)
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- 12 Q. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 A. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 THE INTERPRETER: Correction: The interpreter regrets he did not hear the end of
- 21 the witness's reply.
- 22 MR KILOLO: (Interpretation)
- 23 Q. I'd like to focus -- Witness, could you please repeat your last answer?
- 24 Apparently there was a problem with the interpretation into English, if you don't
- 25 mind?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. I'd like us to now focus on the period between 2001 and 2003. Could you tell

7 us (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 Q. At the time, who was the Chief of General Staff within the ALC during that
12 particular time?

13 A. The Chief of General Staff was the current Major-General Dieudonné Amuli
14 Bahigwa.

15 Q. At that time, was there a Deputy Chief of General Staff within the ALC?

16 A. (Redacted) a Deputy Head of General Staff. In principle -- and you see, it
17 was the G3 who came directly after the Chief of General Staff. If the Chief of General
18 Staff was not present, the G3 would be designated.

19 Q. (Redacted)

20 (Redacted)

21 A. Yes.

22 Q. Could you tell us more about your various duties and responsibilities (Redacted)
23 (Redacted) What did you do?

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MR KILOLO: (Interpretation) Could we go back into open session?

8 PRESIDING JUDGE STEINER: Maître Kilolo, would it be better if we establish a

9 kind of system by which the witness refers (Redacted) or -- I think

10 it's better before we go into open session.

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

12 Q. Witness, in a few moments we are going to be going into open session and that
13 means that the information that is provided during the questions and answers will be
14 heard by the general public, by the -- as you realise, your image will not be shown or
15 broadcast to the public, nor will your voice be public. Your voice will be distorted
16 but, all the same, since we are going to be in open session it will be important for you
17 to realise that you will have to avoid providing information that might identify you.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) Does that suit you, sir?

23 A. I will try, Counsel.

24 MR KILOLO: (Interpretation) Could we please go into open session?

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

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1 (Open session at 9.58 a.m.)

2 THE COURT OFFICER: We are in open session, your Honours.

3 MR KILOLO: (Interpretation)

4 Q. Witness, how was the armed branch of the MLC structured in particular during
5 that time frame; namely the years between 2001 and 2003?

6 A. The armed branch of the MLC, which we called the Congolese Liberation Army,
7 was structured like all modern armies these days in Africa. We had a supreme
8 commander, the President of the Movement; we had a General Staff headquarters; we
9 had various operational sectors; and we had manoeuvring units, brigades, in other
10 words, and within the brigades there were a number of battalions.

11 Q. And how was the military command exercised within the ALC during the same
12 period?

13 A. The command was organised in the following way: The supreme
14 commander -- you had the political organ, so the supreme organ which was at the top
15 was a political organ and the armed wing and it represented the President of the
16 Movement, who gave directives which came under the Chief of General Staff, and the
17 Chief of Staff -- Chief of General Staff discussed with his Chief of General Staff with
18 regards to the sectors which could deal with certain issues, provide opinions, and
19 from these opinions there was an operational network which was sent to the
20 operational sector, or the brigades.

21 THE INTERPRETER: The English interpreter would like to point out hum on the
22 line, which is quite disturbing.

23 MR KILOLO: (Interpretation)

24 Q. Very well, Witness. I would now like to understand what you're saying at the
25 time. Now, you first spoke about the supreme commander, who issued directives

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1 and these were transmitted to the Chief of General Staff, who took operational orders
2 and those were transmitted to the sector. Could you explain to us exactly what the
3 difference is between a directive and an operational order?

4 A. In the army, you have a directive and you can say that it's the intention or the
5 wish of the chief, what the chief wants, and that could be expressed in a text, or in a
6 phrase, or in a word. This will or intention of the chief has to be translated into an
7 order. It has to be distributed in the form of a text, operational order --

8 THE INTERPRETER: The sound quality is really too poor to continue interpreting.
9 I'm sorry.

10 THE WITNESS: (Interpretation) Subordinates --

11 THE INTERPRETER: Inaudible.

12 THE WITNESS: (Interpretation) -- why. How can I distinguish a directive? The
13 intention of the chief, an operational order.

14 MR KILOLO: (Interpretation) Your Honour, I notice that we have a serious
15 problem because the colleagues in the English booth are not able to follow. Even in
16 French it's very difficult to hear distinctly what's being said by the witness.

17 PRESIDING JUDGE STEINER: I see that Ms Toumaj is already in contact with
18 Mr Rojas to see what is going on.

19 (Pause in proceedings)

20 THE COURT OFFICER (Redacted): (Interpretation) We're going to try now to see if
21 there is any improvement.

22 PRESIDING JUDGE STEINER: Mr Rojas. Mr Rojas --

23 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour.

24 PRESIDING JUDGE STEINER: -- were you about to say something?

25 THE COURT OFFICER (Redacted): (Interpretation) I think that now it could work.

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1 I don't know if it was because of the noise - the background noise - that there was.

2 Everything seems to work well here. We can continue because we can hear you very

3 well. There's not much that can be done. I think we can try without this

4 background noise that there was a moment ago to see if we can better hear the words

5 being said from here.

6 PRESIDING JUDGE STEINER: So let's try and we'll wait for our interpreters to give

7 us the red light or the green light.

8 I think it will be better if you repeat your last question and give the witness the

9 opportunity to answer again, Mr Kilolo.

10 MR KILOLO: (Interpretation)

11 Q. Witness, we had difficulty in hearing you clearly a moment ago and so I'm

12 going to repeat myself, but first of all, who was the Supreme Commander of the ALC

13 at the time between 2001 and 2003?

14 A. I would say that the supreme commander of our armed wing was the President

15 of the Movement, Mr Jean-Pierre Bemba.

16 Q. And what were the functions of Mr Jean-Pierre Bemba as the Supreme

17 Commander of the ALC?

18 A. He was the moral authority and political authority of our armed wing.

19 Q. So you said a moment ago that he took directives. These directives were

20 transmitted to the Chief of General Staff of the ALC. Could you tell us exactly what

21 exactly is such a directive?

22 A. Well, a directive could be defined as a will, an intention, what he wants to do,

23 his wish, the way in which he sees things. It's this wish, this intention, with regards

24 to what the army should do at that time. That's what I would call a directive, and

25 this will or wish was given to the Chief of General Staff and that person then

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1 translated into an operational mode; that is to say the way in which the army would
2 work in order to carry out the will of the supreme commander.

3 Q. For us who don't know, could you help us to understand -- well, if you could
4 give us some elements of distinction to distinguish between a directive, on the one
5 hand, which at the time that came from the Supreme Commander of the ALC, and an
6 operational order, on the other hand, which was taken by the Chief of General Staff of
7 the ALC, maybe giving an example if you'd be so kind?

8 A. I'll give you an example of a directive given (Redacted)
9 (Redacted)

10 PRESIDING JUDGE STEINER: Just one moment, Mr Witness.
11 Court officer, please turn into private session.

12 *(Private session at 10.12 a.m.) Reclassified as Open session

13 THE COURT OFFICER: We are in private session, your Honours.

14 PRESIDING JUDGE STEINER: Mr Witness, you should avoid saying in public session
15 that a directive was given (Redacted) Don't worry, it will be redacted and it will
16 not be heard outside the courtroom because I'm ordering -- I forgot explaining to you
17 that we have a half-an-hour delay when we are in open session. The testimony that
18 is broadcast outside the courtroom is broadcast with a half-an-hour delay. That
19 gives us the opportunity to redact from the written transcript and the
20 transmission - the sound transmission - we can redact whenever something is said,
21 something that should not be said, but try to avoid in order for us to continue in open
22 session. (Redacted)

23 (Redacted)

24 (Redacted)

25 Is that fine with you, sir?

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1 THE WITNESS: (Interpretation) Thank you, your Honour, for that reminder. I

2 will make an effort. It's not easy, but I'll make my best efforts to do that.

3 PRESIDING JUDGE STEINER: (Redacted)

4 (Redacted)

5 (Redacted)

6 Court officer, please turn back into open session.

7 (Open session at 10.14 a.m.)

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

9 MR KILOLO: (Interpretation)

10 Q. Witness, we are in open session. You can answer the question, unless you
11 wish that I put it to you once again.

12 A. Please could you ask the question again, Counsel?

13 Q. Witness, you stated to us a moment ago that Mr Jean-Pierre Bemba, as the
14 Supreme Commander of the ALC, took directives while General Amuli, as the Chief
15 of General Staff of the ALC, took operational orders. I would therefore ask you to
16 distinguish between, on the one hand, a directive and an operational order on the
17 other, giving us information which makes it possible to distinguish between the two
18 with a concrete example thereof?

19 A. Counsel, would you allow me to correct something in what I said?

20 Q. Yes, please go ahead.

21 A. Thank you, Counsel. When orders were translated, I can sum-up by stating
22 how it happened with different levels. We had the will of the chef or his intention.
23 There's an operational directive, there's an operational instruction and there's an
24 operational order. Because I said that if it was necessary to divide them up I could
25 say as follows: That the will or the intention or the wish of the chief, the supreme

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1 commander, when he expresses what he wishes, if you go down to the level of the
2 General Staff you can call it an operational directive, and with regards to divisional
3 level we can speak about an operational instruction, and with regard to an
4 operational area or a brigade that can be called an operational order, but operational
5 instruction, that's something that we'll be able to see the difference between a bit later,
6 but according to the different levels if all the different levels are respected then they
7 can be divided up in that way.

8 If you would allow me now, I will give an example which I wanted to give you in
9 order to try and shed light on this? There is -- the HCR had asked President
10 Jean-Pierre Bemba at the time to move the soldiers who had left Bangui away from
11 Zongo and put them according to international instructions of the ICR, so 70
12 kilometres away from the border, and Jean-Pierre expressed his wish. He said to the
13 chief, "I want these soldiers to leave that area and I want them to go into the area
14 indicated by the International Red Cross," and this decision was taken and he made a
15 directive and this was -- it was said, "Go to Zongo in order to make all those soldiers
16 leave there." The G3 arrived and he analysed the situation and he looked at the
17 number of troops and the means available to these soldiers who had left after the
18 mutiny at the time. I think that it was between Mr Kolingba and Patassé and all
19 these soldiers crossed over to Zongo at the time and their number was estimated and
20 we saw their capacity to cause harm and we saw that with one company that was in
21 Congo they could bring together forces and they could go to the place indicated by
22 the ICR, or IRC, and the G3 established an operational order which indicated to each
23 troop within that company what they should do, exactly where they should deploy
24 the forces, and what they should do, at what time it should be done and why it
25 should be done. So there were small units that were sent to guard the cross-roads or

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1 roundabouts. There were also other people who were sent to flee from houses and
2 there were also other people who were sent to go to the assembly points of the
3 soldiers.

4 Now, I don't know with these examples if it's any clearer to you now to see the
5 difference between these different elements that I listed?

6 Q. It's clear, Witness, but just to clarify things, a moment ago, previously when you
7 introduced these notions of will, directive, operational directive, instruction,
8 operational order, you every time was making -- every time you made a parallel with
9 the level of command or authority that took these different decisions, but I had the
10 impression that you used terminology that to me did not seem to be the same as what
11 you established previously when you explained the structure of the armed wing of
12 the MLC. And just to remind you, you told us that at the ALC level, firstly you had
13 the supreme commander, then you had the Chief of General Staff and his staff,
14 thereafter you had the sector, thereafter you had the manoeuvre units, you called
15 them brigades, battalions. Have I understood that correctly? Is my understanding
16 thereof correct?

17 A. That is correct, Counsel.

18 Q. If we stay within that framework, with these different four levels of authority,
19 could you tell us each time and for each case what the act was that each -- or what
20 decision it was that each level of authority took in this regard; the four different levels
21 of authority that you identified previously?

22 A. Yes, Counsel. So I would say first of all that these levels don't have a strict
23 division between them quite simply because in principle, and under military
24 procedures, you can go to higher levels as well as lower levels, so you can't consider it
25 as a sort of strict line of demarcation, but if we consider the main points of what is

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1 done, the supreme commander expresses his operational will, what he wants. The
2 Chief of General Staff translates this will into an operational directive. That goes
3 down to the division, or the operational sector. They give an instruction - an
4 operational instruction - and at the brigade level they then give operational orders
5 and as I said the line of demarcation between these four different levels is not totally
6 clear like the -- like the border of a country. Well, that's the reason why you have the
7 supreme commander. The supreme commander is supreme commander and
8 supreme has no limits. Supreme commander. He can go wherever he wants. He
9 can go to a much lower level, or he can go higher. He is the supreme commander.
10 So this categorisation that I've tried to make could be respected. It might not be.
11 And I should also add that as an armed movement, while the ALC was organised as a
12 modern army, it did not have all the means, all the matériel and financial resources in
13 order to function according to the established principles. So what we call
14 operational sector, which could be the equivalent of a division, don't be surprised if it
15 might contain one or two brigades. In reality, a division can contain three
16 manoeuvre brigades and other units, but it could be a battalion, but it's organised as a
17 sector. So it isn't expressed exactly in terms of what we might put on paper in terms
18 of human and matériel resources and logistical resources as well.
19 Thank you.

20 Q. So during the period between 2001 and 2003, who were the members of the
21 Chief of the General Staff of the ALC?

22 A. The ALC, like all other General Staffs of the army, was composed of a Chief of
23 General Staff, the traditional sections, G1, G2, G3, G4. We also had a G5. We had a
24 medical adviser, an artillery adviser. That gives you the composition of the General
25 Staff of the MLC.

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1 Q. Could you tell us who was responsible for each of the offices that you
2 mentioned with regards to the General Staff of the ALC and tell us what their
3 respective functions were?

4 A. Following the advice of the Presiding Judge, please could we go into private
5 session in order to do so?

6 MR KILOLO: (Interpretation) Might we go into private session, please?

7 PRESIDING JUDGE STEINER: Mr Witness, the names of persons that occupied
8 these different positions have already been mentioned in open session. There is no
9 problem at all. You can mention those names without any problem.

10 THE WITNESS: (Interpretation) Whilst we were reorganising the General Staff of
11 the ALC, whilst taking into account the merger of the officers coming from the
12 RCD-K/ML and the MLC, the composition was as follows: The Chief of General
13 Staff was the current Major-General, Mr Amuli Bahigwa Dieudonné; the G1 was the
14 current Colonel Gita (phon) Wabo -- Jean-Pierre Wabo Bitakuya; the G2 was the
15 current Colonel Bokolombe; the G3 was Colonel Kitenge; the G4 was Mr Konzoli,
16 Mbiato Konzoli, the current Colonel Mbiato Konzoli; the G5, I haven't had news from
17 him for ten years now. The G5 -- well, the name will come to me in a moment, but
18 it's a very long time since we parted ways and I haven't heard from him since. We
19 had a G5 and we had a doctor who was a medical adviser. We also had an artillery
20 adviser whose name I cannot recall. It might come to me during the hearing.

21 Q. And could you give us the duties and responsibilities of each individual in
22 charge of the various offices of the General Staff of the ALC, please?

23 A. The G1 was the individual in charge of administration and discipline. The G2
24 was in charge of intelligence and military security. The G3, well, we've talked about
25 him, in charge of operations, organisation and instruction. The G4 was in charge of

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1 logistics of all classes, and the G5 was in charge of all social and ideological matters.

2 The military or the medical adviser was the individual who was in charge of health,

3 and the artillery adviser was of course in charge of artillery.

4 We should say that in the year 2001 and 2003, there were a number of changes at the

5 G4 level. Firstly, it was Colonel N'sau who is no longer amongst us, and he was then

6 replaced by Colonel Mbiato Konzoli.

7 Q. Were there any changes during the period between the years 2001 and 2003 at

8 the level of the second office; that is to say at the G2 level?

9 A. G2 was Colonel Égide and Bokolombe. He was working -- well, it was an

10 office for us when we were conducting operations in the marquee, it was an office for

11 us which was out of our control because -- well, there was Égide and Bokolombe who

12 worked there on a regular basis, but one was maybe out in the field and one might

13 have gone elsewhere, but at the G2 level there was Colonel Égide and Colonel

14 Bokolombe. I do not know whether they were replaced. I do not know whether

15 one was in post and the other was deputy, but they were working on a rota basis.

16 One was there -- would be there at the time and another one would be out in the field.

17 They would be going to and fro, so both of them were in post and were used as G2 by

18 the chief.

19 Q. Was it really that important to have as many offices within the General Staff of

20 the ALC at the time?

21 A. Yes. In view of the organisation and volume of work and in terms of the

22 surface area and the human resources we had, it was very important to divide tasks

23 up. We wanted to organise ourselves as an army to vie with other armies, so it was

24 very important for tasks to be distributed in order for each individual to be able to

25 occupy a specific post or position within the General Staff or army.

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1 Q. And how did the people in charge of these various offices or bureaus work with
2 General Amuli before an operational directive was drafted?

3 A. Well, let us say that the various sections were headed over by the advisers. As
4 I said, G1 was administration, G2 was military security, G3 was operations and
5 instructions, G4 was logistics and the G5 was in charge of the social and military
6 ideology. So the -- this person would work in good collaboration with them and he
7 was the one who would attribute tasks according to the duties of each individual, and
8 either he would work with you on an individual basis or he would give you his
9 advice on what had been said during a meeting of the Chief of General Staff.

10 Q. And to your knowledge, was the chain of military command respected within
11 the ALC at the time?

12 A. Yes, indeed. The chain of command was indeed respected.

13 Q. And what do you mean by that?

14 A. When speaking of the chain of command, I mean that the orders or the wish of
15 the chief was translated into directives by the Chief of General Staff, who would then
16 just transmit them to the various units. And, as I said previously, at each level,
17 according to military principle because we wanted to be an army that respected
18 principles, one might then move to a lower rank and he, that person at a lowered rank,
19 would continue to represent the chain of command. We, as advisers of the Chief of
20 General Staff, each of us had our duties and responsibilities and they would give their
21 advice to the chief, who would know what he could then do with this. He would
22 take our advice into consideration and give it to the supreme commander or to the
23 commanders of the various units. We would then give to the Chief of the MG
24 the -- he would give it to --

25 THE INTERPRETER: Request from the interpreter: Could the witness be please

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1 asked to slow down. It is not possible to follow at such speed.

2 PRESIDING JUDGE STEINER: Mr Witness, as I mentioned in the beginning of this

3 hearing, sometimes I would have to interrupt you and remind you to slow down.

4 The last part of your question, you went too fast, making the lives of our interpreters

5 very, very difficult. So please slow down.

6 Thank you.

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

8 MR KILOLO: (Interpretation)

9 Q. Mr Witness, to your knowledge, during the period between 2001 and 2003, did

10 Mr Jean-Pierre Bemba take part in the exercise of military command?

11 A. I thank you for the question, Counsel. I would like to emphasise that between

12 2001 and 2003, well, I would like to provide you with the operational context within

13 which we were functioning in 2001 to 2003, or more precisely the end of 2002 to the

14 beginning of 2003. Well, we were in a ceasefire period, the Lusaka -- subsequent to

15 the signing of the Lusaka agreement in 1999, and in that agreement, a ceasefire

16 agreement stipulated that there would be further meetings and that a national and

17 restructured army would be formed; that is to say that all the armed wings would

18 merge together to form one whole. And of course we were assisted by foreign allies

19 at the time, and that is not news to anybody. So, between 2001 and 2003, this was a

20 period of reorganising the troops into purely Congolese units. We had our General

21 Staff, we had organic units within this army that came into being. However, there

22 were some operations that were led. There were some violations of the ceasefire

23 here and there and this was a period, however, that generally speaking could be

24 described as a ceasefire period.

25 So in response to your question, it would be very difficult for me to respond precisely

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1 with regard to the behaviour of the President, Mr Jean-Pierre Bemba, within
2 operations, apart from some operations that we led together at that time and which
3 were not operations that were specific to the MLC at the time.

4 Q. And to which operation are you referring, Mr Witness?

5 A. In the years 2001 to 2003, well, we know that there were two or three operations
6 with the support or providing support to the troops of the RCD-N, towards the
7 Nia-Nia road, and I believe that there were one or two military operations towards
8 Bangui.

9 Q. So let us take the case of the operation that you mentioned towards Nia-Nia.
10 Now, to your knowledge did Mr Bemba become involved in drawing up the battle
11 plans?

12 A. What do you mean by becoming involved, or immersed in?

13 Q. To your knowledge, was Mr Jean-Pierre Bemba involved in the development or
14 drafting of battle plans or combat plans that were due to unfold out in the field within
15 the context of a given operation?

16 A. Well, I don't want to generalise too much. I'm going to take the examples of
17 those things that I know about more; notably that in the Nia-Nia direction they went
18 towards Isiro and they also went towards Komanda. I do not know whether that's
19 okay with you, Counsel, if I take that example?

20 Q. Yes, please do.

21 A. The President of the MLC at the time had been seized by his colleague of the
22 RCD national, Mr Rogier Lumbala, who was saying just how far the RCD-K/ML
23 troops had come in his territory, whilst it was however a period of ceasefire, and it
24 was very necessary for his territory and for the ceasefire to be observed in this
25 territory. The directive was given for us to be able to provide him with our

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1 assistance and to stop that movement of troops towards the Nia-Nia road in order for
2 him to maintain his territory and I remember that the Chief of General Staff expressed
3 his wish at the time, giving an order to General Widi to go down to Nia-Nia and he
4 was able to co-ordinate the operations out in the field for us to be able to maintain this
5 territory - the RCD-N territory - intact at the time.

6 MR KILOLO: (Interpretation) I would like to ask the court officer to place the
7 document number 18 on the list of documents at the CAR-D04-0002-1572. Could
8 this document please be placed before the witness?

9 THE COURT OFFICER (Redacted): (No interpretation)

10 THE INTERPRETER: Inaudible. Message from the English booth: The interpreter
11 was not able to hear what the court officer just said.

12 MR KILOLO: (Interpretation)

13 Q. If I understood you correctly, Mr Witness, you already have the document
14 before you. Could you please confirm that? Mr Witness, can you hear me?

15 A. Would you please allow me a moment for me to familiarise myself with the
16 document?

17 Q. I would just like to ask you, Mr Witness, you can see the document before you,
18 in order for us to gain some time and for the Chamber to gain some time, this is the
19 ALC log-book and I would like to ask you to familiarise yourself with the message
20 that can be found to the extreme right, top right-hand side of the page. It is a brief
21 message. You can see that it is written, "Flash: From: Chairman. To:
22 Commander of the Nia-Nia road" and as soon as you have been able to read through
23 this and maybe you could read it to us if you are able to?

24 PRESIDING JUDGE STEINER: Maître Kilolo, could you please repeat the number of
25 the page, because the one we have here in the English transcript apparently is not the

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1 same.

2 MR KILOLO: (Interpretation) Well, it is the page that is being displayed before us
3 on the screen. That is the 18th document on the list of Defence documents at page
4 CAR-DEF-- D04-00002-1574.

5 Q. Could you please read out to us this message, read it out loud to us Witness,
6 and if you have any difficulties I might be able to read it out? Would you try to read
7 it to us?

8 A. Yes, can I read it to you? "From: Flash." Here it says on the 6th at 7 a.m.
9 "From: Chairman. To: Commander Nia-Nia road, give me the strength of the
10 enemy and enemy equipment before deciding upon an attack."

11 MR KILOLO: (Interpretation) Very well. We are still reading here from the 18th
12 document of the list of Defence documents and I would like for page
13 CAR-D04-0002-1580 to be displayed to the witness, please. There we are.

14 Q. Now, Mr Witness, I would like to ask you to focus on another message where it
15 is written once again, "From: Chairman to Ngalimo. Do not move ..." -- I can't
16 see -- I don't know whether you can see this message?

17 THE COURT OFFICER (Redacted): (Interpretation) Mr Kilolo, could you wait a
18 second, please?

19 THE WITNESS: (No interpretation)

20 THE COURT OFFICER (Redacted): (No interpretation)

21 THE WITNESS: (No interpretation)

22 MR KILOLO: (Interpretation)

23 Q. Mr Witness, in order not to lose any time, I might read this document out, so I
24 shall be reading for your attention this message. This is a message where we have
25 written, "From: Chairman. To: Ngalimo. Do not move. There is no progress

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1 towards Bafwasende and Banalia. Hold yourself at the ready to move towards
2 Mambasa," end of quote.

3 So, Mr Witness, I would like to put a question to you. You are talking about
4 operations at the Nia-Nia road. Is this what it is all about?

5 A. Could you please repeat the message again? I didn't grasp it in its entirety?

6 Q. Well, the message says as follows: "From: Chairman. To: Ngalimo. Do
7 not move. There is no progress towards Bafwasende and Banalia. Hold yourselves
8 at the ready to move towards Mambasa," end of quote. "Out 7 October 2002 at 7.42
9 Alpha."

10 So, Mr Witness, my question to you is how precisely you understand these two
11 messages?

12 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt Maître Kilolo. We
13 don't have time enough in our tape. We need to go into our break. So I apologise
14 and ask you please to put again the question after the break.

15 Mr Witness, we have half-an-hour break. It's time for you to have a cup of tea, a cup
16 of coffee, take some rest. We will resume at 11.30.

17 The hearing is suspended.

18 THE COURT USHER: All rise.

19 (Recess taken at 11.01 a.m.)

20 (Upon resuming in open session at 11.36 a.m.)

21 THE COURT USHER: All rise.

22 Please be seated.

23 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

24 THE WITNESS: (Interpretation) Your Honour, thank you very much.

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

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1 THE WITNESS: (Interpretation) Yes, your Honour.

2 PRESIDING JUDGE STEINER: Just to remind you that we are in open session, so be
3 careful in not releasing any information that could lead to your identification.

4 Maître Kilolo, you have the floor.

5 MR KILOLO: (Interpretation)

6 Q. Witness, later I'll be harking back to a point that we were discussing before the
7 break, but right now the question is this: Within the system that was in place within
8 the ALC between 2001 and 2003, before a unit would go off and conduct a particular
9 military operation, be it in the Congo or abroad - because you did mention one
10 operation outside of the DRC - would you come to some sort of agreement on the
11 importance of setting up various modes of control and measures to be taken to ensure
12 proper behaviour by this unit?

13 A. In response to your question, Counsel, I would say this: It would depend.
14 The success of an operation would depend on that. If -- you see, we attached
15 considerable importance to control of troops, to the proper subordination; that is to
16 say the chain of command.

17 Q. And why was it that this important challenge within the system within the ALC
18 to set out the proper behaviour of a unit, to set out the chain of command, who was
19 reporting to whom, so on and so forth, that was all very important, wasn't it?

20 A. Well, I would answer by saying this: The success of any operation depends on
21 the control of the unit, the hierarchy within a unit, and that is all part of command.

22 Q. Could you tell us more about this principle of the united -- OF a united
23 command within the ALC?

24 A. The principle of united command within -- or a single command is this: A
25 chain of command has to be set out very clearly and it has to be respected. You see,

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1 within an operation the unit is not always reporting to the initial
2 command -- commander, the initial command structure. Sometimes units in an
3 operation have to work with other units, other military units; units at the same level
4 or at a higher level. At that point, a commander who goes into an area of combat
5 where there are other units has to know what the modes of subordination are so that
6 things can operate properly.

7 Q. Before the break you said that you remembered one particular military
8 operation of one ALC unit in Bangui, and do you remember which year that was in?

9 A. I believe twice we had some units that crossed the border with Ubangi-Shari,
10 first in 2001 and then in 2002.

11 Q. I'd like to focus on the 2002 operation. Could you tell us about the
12 decision-making process that led to a unit of the ALC being sent to the Central
13 African Republic?

14 A. Thank you for your question, Counsel. I'd just like to remind you of
15 something, Counsel, with all due respect. You had me read out two messages before
16 the break. Did you want to go back to those messages? Because, you see, just
17 before the break we were talking about the Nia-Nia road and all of that, and I think
18 you were asking me questions about those two messages just before the break.

19 Q. Well, we'll get back to that point but later, if we could now focus on Bangui?

20 A. Thank you for your question, Counsel. Could you be more specific? Are you
21 talking about the decision-making process in general, or within -- or the
22 decision-making process regarding Bangui?

23 Q. I'm particularly interested in Bangui; in other words, the second time when ALC
24 troops went to the CAR, that is, in the year 2002.

25 A. Well, regarding that second time ALC troops went to the CAR in 2002, I'd like to

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1 point out to you that the supreme command of our army at the time and the chief of

2 the movement was -- (Redacted) --

3 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt you.

4 Could, please, court officer turn into private session.

5 *(Private session at 11.46 a.m.) Reclassified as Open session

6 THE COURT OFFICER: We are in private session, Madam President.

7 PRESIDING JUDGE STEINER: Mr Witness, you know why I interrupted you.

8 THE WITNESS: (Interpretation) Your Honour.

9 PRESIDING JUDGE STEINER: Can we continue in open session or you prefer, at
10 least for this answer, to stay in closed session?

11 THE WITNESS: (Interpretation) I think we should stay in private session because
12 I'll have to reveal some identities.

13 PRESIDING JUDGE STEINER: You can continue then.

14 THE WITNESS: (Interpretation) I was saying regarding the second time that ALC
15 troops went to the CAR in 2002. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 At that meeting the chairman himself was in attendance, the Head of General Staff,
4 the G2, the G4, and the deputy G3. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 I don't know whether I've answered your question, Counsel?

9 MR KILOLO: (Interpretation) Could we please go back into open session?

10 PRESIDING JUDGE STEINER: Court officer, please turn back into public session.
11 (Open session at 11.52 a.m.)

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

13 MR KILOLO: (Interpretation)

14 Q. According to the information that you received, why did the ALC go over to the
15 CAR? Why were they sent over there?

16 A. Counsel, it was the same purpose for which we decided to join the MLC
17 movement. *I remind you, the CAR had just had its first experiences with democracy,
18 and the President Ange-Félix Patassé had been duly elected at that time. And, you
19 see, the democracy there was in a vulnerable position and, you see, there were -- there
20 were slogans. We were talking about establishing a democratic structure within a
21 country, and a democracy that is vulnerable right beside us, that justified the decision
22 of the head of the movement. He was able to convince the others at the meeting to
23 support that democracy. The reason I was given was that we were going to go and
24 provide assistance to a democratic movement within the CAR.

25 Q. To your knowledge, were there other objectives more specific to the ALC,

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1 justifying the sending of troops to the Central African Republic?

2 A. If the Presiding Judge were to grant me a few minutes, I can provide you with
3 the background information so that you can understand why, in 2001 and 2003, we
4 did so within our area, within the Équateur region?

5 PRESIDING JUDGE STEINER: Yes, go ahead, Mr Witness.

6 THE WITNESS: (Interpretation) Thank you, your Honour. In 2001, 2003, it was a
7 time of general ceasefires. In Gbadolite we had just had a number of observers from
8 the UN come and visit us. Within our area there was ceasefire. We no longer
9 feared anything. In the year 2002 some very high level contacts were established
10 between the senior leaders of the MLC and the government in Kinshasa. Military
11 officers even. We even took part -- there were even discussions amongst ALC
12 military officers and their counterparts in Kinshasa. So we were awaiting
13 integration. We had no other objectives in Bangui. I didn't see any other objectives
14 that might have led us to go to Bangui.

15 MR KILOLO: (Interpretation)

16 Q. Now, do you know who chose the two battalions that went to the Central
17 African Republic?

18 A. The selection or designation of two battalions who crossed over to the CAR was
19 done during that meeting. I believe that the people who attended the meeting
20 would be in a position to know who truly designated the two battalions, but in terms
21 of their operational positions, I can tell you that it was obvious that the two battalions
22 that were designated, the 28th Battalion, to be precise, and the Poudrier Battalion,
23 they were battalions from the Echo Brigade along the MLC road --

24 THE INTERPRETER: Correction, Imese road.

25 THE WITNESS: (Interpretation) -- which bordered the CAR. So they deployed a

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1 battalion to Zongo some time before the crossing over to Bangui. In relation to
2 proximity, it was obvious that those would be the two battalions, in terms of the
3 organisation of those two units. It was entirely normal for those two battalions to be
4 designated, but the person who was leading the two battalions on a day-to-day basis
5 was the Chief of General Staff. I do believe it must have been a suggestion from the
6 Chief of General Staff.

7 Q. Now, do you know who the commander was of those two battalions that went
8 to the Central African Republic in 2002?

9 A. At the time of the events the two battalions were on the Imese road, led by
10 General Moustapha, so they were not detached from their units within the hierarchy.
11 They were sent with their commander, the current General Moustapha, and it's quite
12 in keeping with military principles. The command of a unit goes with the main part
13 of the unit. A brigade has three manoeuvring battalion and two -- so, you see, two
14 battalions move and it's quite normal that the commander of those battalions would
15 also move with them.

16 Q. Could you tell us about the reputation of the brigade that was led by General
17 Moustapha?

18 A. The reputation was good. We didn't have an incident with the population.
19 The units had followed a normal training course and the officers, most of them who
20 had been attached to that brigade, were officers who had followed a normal officer
21 training course which had been given by our allies in Tudu (phon). So the unit was
22 sufficiently equipped and it had shown its value in different battles, so it had a good
23 reputation at operational level and also a good reputation when it came to cohabiting
24 with the civil population -- civilian population.

25 Q. Witness, with regards to the operational execution of the decisions that were

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1 taken during the meeting at which the decision was taken to send troops to the CAR,
2 do you know who it was who gave the order to cross over to General Moustapha?

3 A. Counsel, I said that I was absent from Gbadolite while this meeting was held
4 and while these orders were being given, but if I go back to the principle, well, the
5 chain of command that I said -- that I set out a moment ago, so once the chairman
6 gave his wish or intention to see the MLC units cross over to Bangui to support the
7 Bangui authorities, and this was discussed and no sufficient reasons were found in
8 order not to send the troops over to Bangui, in principle it was up to the General
9 Chief of Staff to give this order, just as you could appoint somebody in the room
10 among them to transmit that order, but it came under the authority of the General
11 Chief of Staff to transmit that order.

12 Q. Could you speak to us about the operational dependency of ALC units which
13 went to Bangui in 2002 and 2003?

14 A. Counsel, before I answer this question, I would first of all like to make clear the
15 essential activities of the command. In the command, you have five essential
16 activities. There is preventing, organisation, co-ordination -- prevention,
17 organisation, directing and controlling.

18 In the situation at the time of the events where there was war in Bangui, there was an
19 insurrection which aimed at overthrowing the established power in Bangui and the
20 situation was so confused. That's the reason why there were ten officers who left to
21 take up contacts there, but what had been noted was that the President of the CAR
22 was in place. He was there. His Commander of the Republican Guard was also
23 there. Also, the General Chiefs of Staff of the Central African Army.

24 So there was a chain of command existing in Bangui, and that's the reason why the
25 unit was put under the orders of the Bangui authorities. The unit was under the

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1 orders and it should receive orders from that chain of command, which existed at
2 least with regards to major activities. So you had somebody responsible for
3 prevention and organisation, there was the co-ordination carried out by the Chief of
4 General Staff and the MLC also sent the -- also sent people to control the operations.

5 Q. Witness, from the information that you have available to you with regards to
6 the way in which the ALC units were used in the field in the Central African Republic,
7 is it possible to determine the mode of subordination that there was of ALC troops in
8 Bangui? Could you bring up certain facts which would concretely indicate the mode
9 of subordination that there was?

10 A. Counsel, before I indicate the mode of subordination that the MLC units had, if
11 you would allow me first to tell you about the modes of the -- of subordination under
12 which a unit could be placed within a military operation? A unit in a military
13 operation is either under the command -- under command, or under operational
14 command, or under operational control, and a unit which goes into the theatre of
15 operations is either under the operations -- a support unit, or a direct support unit.
16 A unit which is under command answers to its organic command, and a unit -- and at
17 that time the commander has the responsibility and the authority, both
18 operational -- and operational at that time, but a unit can also be detached from its
19 authority to be put into the theatre of operations under the operational command.

20 THE INTERPRETER: The sound is again inaudible.

21 THE WITNESS: (Interpretation) He replies to orders.

22 THE INTERPRETER: Inaudible.

23 THE WITNESS: (No interpretation)

24 MR KILOLO: (No interpretation)

25 (Pause in proceedings)

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

2 THE WITNESS: (Interpretation) Yes, your Honour, I can hear you very well now.

3 PRESIDING JUDGE STEINER: We had a connection problem, so I will ask Maître

4 Kilolo to inform the witness what was the last part of his testimony that was heard in

5 courtroom.

6 MR KILOLO: (Interpretation)

7 Q. Witness, just before the interruption or break, I asked you to considerably slow

8 down in terms of the speed at which you were talking and I fear that a certain number

9 of points in your answer were not put in English. Please could you be so kind as to

10 take up all the part which referred to the different modes of command?

11 You said that a unit could be under command, and you distinguished between the

12 possibility of being under operational command or even being under operational

13 control, and then you continued to speak about -- well, you announced that a unit

14 could be under orders in support, or in direct support. Please could you be so kind

15 as to please tell us about that again. Please speak slowly and -- even if it gives you

16 the impression that you're speaking very slowly and it might seem unnatural to you,

17 in order to enable the interpretation to take place.

18 A. Thank you, Counsel. I was saying that a unit is under command. Well, you

19 have the authority and you have the person responsible and you have the

20 commander of a unit and you can put the unit, either that person's operational

21 command, or under the operational control.

22 The commander who has the unit under his command has the responsibility and the

23 authority to give orders about all the operational aspects and the administrative

24 aspects to this unit. He can deploy it just as he can assign his forces in order to carry

25 out missions. So this is the organic command of that unit. But you can put a unit

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1 under operational command of an authority; that is to say an authority which at the
2 time of operations it is deployed and the forces are reassigned with a view to
3 accomplishing the mission.

4 There are certain restrictions that can be imposed. I said that when a unit is under
5 operational control the commander, in accordance with the instructions received, that
6 person has a part or all of this unit but he can only use this unit as a whole. He
7 cannot use separately different troops from this unit, and there we're speaking about
8 the unit which is under operational control. So the unit itself which comes next, that
9 comes under orders; that is to say the unit which comes will receive all the orders for
10 deployment and for reassignment in view of accomplishing the mission of the unit
11 which is already in the theatre of operations. And a unit is a support when it comes
12 to help another. But before the other unit can call it, the commander in the field has
13 to ask, expressly ask the commander of this unit for support. So the unit doesn't lose
14 its command, it comes in support with all its command, and the unit comes in direct
15 support when the unit which is in the field can ask for direct help from this unit
16 without going through the chain -- the usual chain of command, and this mode of
17 command, or these modes of command are not set out by accident. As you can see,
18 they are made with regard to certain constraints that exist. And just to go back to
19 your question, I was saying that the two battalions of the MLC were put under the
20 orders of the command of the Central African authorities, and I would say that they
21 had authority over these two battalions in order to deploy them and to reassign forces
22 to these two battalions.

23 Q. Thank you, Witness. In addition, could you also, with regard to the
24 information that you have been able to take with regards to the way in which these
25 ALC units were used in the field in the Central African Republic, could you please

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1 highlight certain facts which would indicate the mode of subordination of troops in
2 the MLC in the Central African Republic?

3 A. Counsel, I'm going to mention the first points. I said that the MLC were under
4 orders, the first facts in that regard, firstly. The chain of command of the Central
5 African authorities had given new uniforms to them. They no longer continued with
6 the uniforms that they had left with from the MLC. The information in my
7 possession also leads me to say that the order for deployment in the field of these two
8 units was given by the military authorities of the CAR.

9 The third point of information in my possession is that the soldiers of the Central
10 African Republic had to be integrated or mixed with MLC soldiers, or merged with
11 them. And as a result of these three different aspects, we can really see that
12 even -- well, this is -- I'm coming on to the fourth point here. The fact that General
13 Moustapha, who was commander of these two battalions, was assigned as a
14 commander, a second commander, a deputy commander of these operations, and this
15 shows that there was -- that these people were under the orders of the Central African
16 authority.

17 Q. Witness, why was the ALC contingent, why had it been put under the
18 command -- why had it been put under Central African command?

19 A. The question as to why these units had to be, or were placed under the
20 operational command of the Central African authorities, well, you have to know that,
21 firstly, the chain of command of the Central African authorities exists.
22 Secondly, under the practical conditions of the work, it was difficult, from Gbadolite,
23 to get the necessary information with regards to the battlefield, and in order to -- and
24 to react within a sufficient time frame, to react to the orders within a sufficient time
25 frame. So with regards to the obstacles that there were in the field, that made it very

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1 difficult to supply these units from Gbadolite so -- because of the distance separating
2 Gbadolite and Bangui. And when you look at the information that was gathered
3 from the battlefield, that was complicated for the MLC contingent troops and with
4 regard to the operational messages, it wasn't just the MLC units who went into the
5 field, there were also other units who entered into operational manoeuvres. But it
6 was not known about in Gbadolite, so there couldn't have been exact control thereof.

7 Q. What was the role of General Moustapha in the Central African Republic during
8 this period?

9 A. Counsel, I think General Moustapha is best placed to answer this question, but
10 with regards to the information that I have is that he was the deputy commander of
11 operations in the Central African Republic. He had been appointed deputy
12 commander of operations.

13 Q. According to the information that you have, could you help the Chamber to
14 establish a comparison between the chain of command during normal operations of
15 the ALC in Congolese territory and the chain of command during operations in the
16 Central African Republic in operations in which General Moustapha's brigade took
17 part?

18 A. So if I -- well, in order to make a good comparison of the chain of command, I'm
19 going to go back to the five essential activities of the command. So when you have a
20 chain of command, there has to be an organ in -- for prevention, another one for
21 organisation, co-ordination, direction, leadership, and another one for control. So, in
22 ALC territory, we had the political organ, the supreme commander was there to carry
23 out prevention and organise things. We also had the commander of the operational
24 secteur, who had the role of co-ordinating operations, and we also had the field
25 commander, who was there in order to lead and control the execution of orders that

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1 were given.

2 So in the ALC territory it was totally incumbent upon the MLC authorities, and in the
3 CAR the role of the organs responsible for prevention, organisation and co-ordination
4 existed and we had carried out manoeuvres with regards to the entire operations and
5 the role was to direct and control operations.

6 Q. For this to be entirely clear, Mr Witness, you state that the units who had gone
7 to the Central African Republic with the current General Moustapha were under the
8 command of the Central African authorities, and elsewhere you say that the current
9 General Moustapha -- furthermore you say that the current General Moustapha,
10 within the categorisation of the five duties and responsibilities of commanding, was
11 in charge of leading and controlling. So who was it who led and controlled the MLC
12 operations in the Central African Republic? Was it the authorities of the Central
13 African command, or was it General Moustapha himself?

14 A. I thank you, Counsel, for your question. I did not say that General Moustapha
15 was leading up the operations. There were two battalions from the MLC who went
16 over, they made the crossing to Bangui first of all, and as to the information in my
17 possession General Moustapha was second-in-command. He was the deputy
18 commander of operations in Bangui. He was designated or appointed to that post.
19 His responsibility was -- the commander was in charge. The deputy only provided
20 his assistance.

21 As to how orders were received and how things worked, well, (Redacted)
22 (Redacted) I think that General Moustapha would be in a position to answer this
23 question. I'm talking here about principles of command and how things actually
24 worked. As to how things -- what happened in the Central African Republic,
25 correction, I believe that General Moustapha is in a good position to answer that

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1 question.

2 Q. According to your knowledge, who was in charge of military intelligence in the
3 context of these operations in which the ALC units were involved in the Central
4 African Republic?

5 A. According to the information in my possession, well, at the time - and he is now
6 deceased - we had sent Captain René. He was there. He was an officer; a
7 command officer. We had the Deputy G3, who was assigned to the Ministry of
8 Defence and he was serving as a liaison officer, and we had General Moustapha.
9 So of those three officers from the MLC who made the crossing over, none of them is
10 an officer from the intelligence - none of them is an intelligence officer - and I said that
11 at the level of co-ordination there was no specific intelligence officer as such. The
12 battalion did have intelligence officers, but at a co-ordination level the General Staff
13 did not actually assign an intelligence officer to the operation.

14 Now, to return to your question with regard to intelligence at that level of
15 co-ordination, well, this was managed by the Central African authorities.

16 Q. According to the information in your possession, in the period between 2002
17 and 2003 did the ALC have the capacity to gather and process military intelligence in
18 the context of the operations undergoing -- ongoing, correction, in the Central African
19 Republic?

20 A. Capacity, yes, because we did have officers who were capable and well-trained
21 to gather evidence in the territory, but as to the possibility of doing so in the Central
22 African Republic, no, we did not have officers to co-ordinate this in the CAR. The
23 capacity we did -- we did have, but the possibility was not granted us.

24 THE INTERPRETER: Message from the English booth: Could the witness please
25 be requested to slow down?

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1 MR KILOLO: (Interpretation)

2 Q. According to the information in your possession, who managed or who
3 provided the logistics to the ALC contingent present in the Central African Republic?

4 A. As I said at an earlier stage, with the means within the MLC, notably our
5 vehicles and the distance separating us from Bangui, it was very difficult for us to
6 supply units from Gbadolite, but at a practical level and with regard to what actually
7 happened I believe that the G4 was the commander out in the field and he would be
8 in a position to answer that question properly, because if I look at the distance and the
9 means at our -- and the number of vehicles we had to provide supplies to our troops
10 from Gbadolite it would have been difficult for us to do this, but in fact the G4,
11 General Moustapha, who was out in the field, would be in a position to tell us
12 precisely how supplies were conveyed.

13 Q. And, according to your knowledge, who managed the design and drafting of
14 operational plans?

15 A. I would like to seek clarification. Are you talking about operational plans or
16 operational orders, because there is a distinction in military terms?

17 THE INTERPRETER: Overlapping of speakers.

18 MR KILOLO: (Interpretation)

19 Q. Could you please clarify and decipher these two aspects for us?

20 THE INTERPRETER: Message from the English interpreter: No overlapping of
21 speakers, please.

22 THE WITNESS: (Interpretation) Thank you, Counsel. To my knowledge, a plan
23 is something that is drafted or drawn up on the basis of a theory, not on actual facts,
24 and when you are still at the hypothetical or theoretical level you talk about
25 operational plans and then when you move on to facts you talk about operational

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1 orders. That's what I was seeking clarification on. Were you talking about
2 operational plans, or operational orders?

3 Q. I would like to know, Mr Witness, from the point of view of the command, who
4 precisely the operational orders came from that were then executed by the ALC
5 contingent out in the theatre of operations in the Central African Republic?

6 A. Yes, indeed, Counsel. When you're talking about operational orders that are
7 generally speaking drafted on the basis of facts, or the real situation out in the field,
8 well, I could say that in order to establish an operational order you have to gather
9 what is referred to as priority intelligence out in the battle-field. I'm talking here of
10 intelligence, not information. So you must be able to master this intelligence in the
11 battle-field. There are a certain number of elements that you must gather in order to
12 establish an operational order, and in the army this is comprised of five paragraphs.
13 You must mention notably the situation; you have to establish the quality and
14 quantity of the enemy and friendly contingent; you must have correct information on
15 the terrain; you must have information on the means at your disposal in terms of
16 arms, weapons and man strength; and with regard -- in real-time.

17 And with regard to your previous question, as I said, there was no intelligence officer
18 at co-ordination level who could gather all of this information together. So it was
19 difficult to establish operational orders and to move these two battalions forward.
20 Unless they were contradicted by the command out in the field, the operational
21 orders were to be established by those authorities who were in charge of the
22 day-to-day management of those battalions; that is to say the authorities in Bangui.

23 Q. Did Mr Jean-Pierre Bemba have control over and command of the ALC
24 contingent in the Central African Republic?

25 A. I believe that somebody present in the courtroom, Charlie Mike, would be able

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1 to answer this, but I do not -- I do not believe that the fact that he was commander of
2 the ALC gave him the right to command outside of the ALC commanded territory.
3 And in order to have control over and command of the MLC, he was under certain
4 constraints. There are some obligations that he had to fulfil. I am not sure whether
5 he did fulfil all these obligations, but I do believe that he delegated his power of
6 command to the Central African Republic who had requested this.

7 Q. And the decision that decided during the meeting in Gbadolite for two
8 battalions, Echo Battalions to be sent to the Central African Republic, or even the
9 order that was given to Colonel Moustapha to make the crossing over to the Central
10 African Republic, was this a military order by which, or under which, the ALC units
11 were deployed in the theatre of operations in the Central African Republic by the
12 headquarters in Gbadolite?

13 A. I don't know whether you might repeat your question, Counsel?

14 Q. You told us at a previous stage that, at a given moment in time, an order must
15 have been given to Colonel Moustapha to make the crossing over with two battalions
16 to go to the Central African Republic. Now, what I would like to know is whether
17 such an order might be distinguished from a deployment order to the theatre of
18 operations, or might one consider that an order requesting Moustapha to go to the
19 Central African Republic is, in fact, a deployment order out to the field of operations
20 in the Central African Republic? Or is there a difference between the two?

21 A. To my knowledge, Counsel, a movement order is different from a deployment
22 order.

23 Q. In other terms and according to your knowledge, who gave the deployment
24 order to the two ALC battalions for them to deploy to the theatre of operations in the
25 Central African Republic, or more simply put, who was it who deployed the ALC

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1 battalions to the Central African territory?

2 A. To my knowledge, the two battalions and General Moustapha received the
3 order to make the crossing to Bangui and to place themselves under the operational
4 orders, or under the operational command, of the Central African Republic. So it
5 was up to the Central African authorities to set objectives and establish missions for
6 them. So the deployment order was given by those who were in control of the
7 situation out in the field and the objectives and missions were assigned to these two
8 units.

9 Q. And which authorities are you referring to here?

10 A. I am talking about the Central African authorities who were in the know, as far
11 as the precise situation out in the field was concerned.

12 Q. According to the information in your possession, Mr Jean-Pierre Bemba, did he
13 have the capacity to withdraw the ALC troops from the battlefield in the Central
14 African Republic?

15 A. With regard to the withdrawal of troops who were engaged, well, this is a
16 military manoeuvre, and intelligence is necessary and precautions should be taken
17 when withdrawing troops who have been engaged with the unit. Well, the ability
18 might have been bestowed on him if he deemed that he had all the information handy
19 in order to send his troops in and allow other unit troops to withdraw.

20 Q. What did you mean when you say he had control over other troops?

21 A. I mean that the MLC units were part of a dispositive out in the theatre of
22 operations. Well, one has to take into account who is going to occupy the territory
23 when withdrawing them. So if one is in command, and if one has the control of the
24 other units out in the field, in order to withdraw a certain unit and not put the whole
25 theatre of operations in difficulty, then one can give these orders, but of course this

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1 depends on the circumstances.

2 THE INTERPRETER: Message from the English booth: Could the witness please
3 be requested to slow down?

4 MR KILOLO: (Interpretation)

5 Q. Mr Witness, I'm being told that you are to make an extra effort in order to slow
6 down. I shall do likewise, and what is more, we should be waiting five seconds
7 before answering a question.

8 Now, Mr Witness, you talked about the other forces present in the theatre of
9 operations and the need to have control over the other friendly forces in order to
10 order the withdrawal of a unit from the battlefield. And according to the
11 information in your possession, who was it who had the control over all of the
12 friendly forces who were out in the battlefield in the Central African Republic?

13 A. It must have been the individual in command of all operations within the
14 theatre of operations. I think I heard that it was the Deputy Chief of General Staff
15 who was in charge of operations in the Central African Republic. He was in charge
16 of the command of operations in the Central African Republic.

17 Q. Do you know who this individual was? Do you know this person by name?

18 A. Well, I wasn't -- I didn't go to Bangui, but there is a name that is often
19 mentioned. I believe it is Jean Lengre (phon) Mazi, or a name like that that was
20 being mentioned, but I believe that the men out in the field who were in contact with
21 him and who were in his presence throughout the operation will know the name only
22 too well. But I believe it was Jean Lengre or something like that, or Jean André.

23 Q. Mr Witness, what relations did the ALC troops entertain with the civilian
24 population in the Congolese territory, generally speaking?

25 A. Generally speaking, they enjoyed good relations with the civilian population.

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1 You know, when you are conducting a revolution or a war of revolution, then of
2 course one of the main weapons of a revolution is to have the support of the
3 population. So it was necessary for us to have the civilian support and it was
4 necessary for us to entertain good relations with the civilian population.

5 Q. And within the ALC, was there a specific policy aimed at attacking the civilian
6 population, whether it be in Congolese territory or during the Bangui operation in the
7 year 2002?

8 A. Attacking the civilian population? I do not see what you are talking about,
9 Counsel.

10 Q. Was there a practice within the ALC consisting in terrorising, raping, looting the
11 civilian population, with the aim quite simply of discouraging it or stopping it from
12 supporting the enemy?

13 A. Well, I'd rather talk to you about my specific experience as an officer. I do not
14 believe that you can obtain the support of the population by coercive means. And
15 let me say with this regard that as far as the MLC is concerned we were in the
16 Équateur region and if really relations had not been good between the ALC troops
17 and the civilian population in Équateur most specifically the result of the vote in 2006
18 would have been in favour of Mr -- would not have been in favour of Mr Jean-Pierre
19 Bemba, but I believe that the results have shown the opposite.

20 Q. And, generally speaking, what was the attitude of the MLC authorities
21 whenever there were any misdeeds, or things involving the MLC troops with regard
22 to the civilian population?

23 A. Well, the policy was to punish the soldiers severely. I insist that there be a trial
24 with the late Colonel Freddy. There was a lack of control over his troops and he was
25 detained, (Redacted) and a colonel, Colonel Makutano, was

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1 arrested. He had been involved in such incidents. (Redacted) a court-martial in
2 Bumba, where a soldier was put on trial. This person had had problems with
3 civilians, and I don't -- I believe that the soldiers in question were punished quite
4 harshly.

5 Q. Did you hear anything about crimes involving ALC soldiers in the Central
6 African Republic?

7 A. Shortly after the withdrawal of MLC troops, a few rumours were going about;
8 some rumours to the effect -- and usually it was the LFI. The LFI that -- correction,
9 RFI, began to talk about crimes that had been allegedly committed, but reports of a
10 soldier doing this, or that, or the other thing to a particular civilian, I did not hear any
11 such thing. RFI did make mention of such alleged events, and I believe -- I suppose
12 the authorities must have looked into it. I really don't know. I'm not part of those
13 channels.

14 So shortly after the withdrawal of troops, there were rumours.

15 MR KILOLO: (Interpretation) Witness, we have finished with you and I thank you
16 for agreeing to answering questions from the Defence.

17 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

18 Mr Witness, now the Prosecution will start questioning you and today Prosecution is
19 represented by Mr Zeneli.

20 You have the floor, Mr Zeneli.

21 MR ZENELI: Thank you, Madam President.

22 QUESTIONED BY MR ZENELI:

23 Q. Mr Witness, good afternoon.

24 A. Good afternoon, Mr Zeneli.

25 Q. As we briefly spoke in our meeting of the familiarisation, I will be asking you

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1 questions on behalf of the Prosecution. I will, as Madam President has instructed all
2 of the parties and yourself, try to avoid any questions that will ask from you
3 information that might identify you. In case I do forget, or I'm not very careful in
4 doing so, please do not be persuaded but simply ask that we move into a private
5 session yourself, and I repeat I will do my best to be cautious with my questions.
6 Now, I will actually start with a few questions to clarify some points in your
7 testimony today, and those relate to the information that you, as the ambassador, had
8 about the different duties and obligations of the G3, G4, G5, G1 and 2 staff of the
9 MLC.
10 If I noted down correctly the information that you provided, Mr Witness, you stated
11 that part of the duties that G3 had was those dealing with operational orders and, as
12 your testimony went today, that also included deployment of the troops.
13 Now, Mr Witness, we have heard numerous testimony coming from different sources,
14 documentary, witnesses, regardless of whether they were testifying on behalf of the
15 Prosecution or on behalf of the Defence as you yourself are doing today, and I simply
16 wanted to ask you whether the definition provided by one of them is an accurate one
17 with regard to the duties of the G3.
18 And, Madam President, for that I will be referring to transcript 197, confidential
19 English edited transcript version of it, page 43, lines 11 to 17.
20 And this is, Mr Witness, what that particular witness told us, "The operations staff are
21 the ones who deal with things like training of people, operational matter, deployment
22 of troops, conducting operations, coming up with the instructions about a particular
23 operation, or any operations, and oversee all operations that are undertaken in a
24 division. They even have a small team which goes and inspect the troops in the field
25 and see whether the standards are, you know, being followed, or in other words ...",

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1 he says, "... good standards. So these are the key elements of the commanders in all
2 operational matters: planning and deployment of the troops."

3 Now, I know, Mr Witness, that your position was that of the ambassador, so I'm only
4 asking based on the information that you have yourself on the duties of the G3 if this
5 description is a good one, or accurate?

6 A. Thank you, Counsel, for your question. You've made mention of the various
7 tasks and duties, training, instruction, the tasks of the G3. I just want you to
8 understand. You mentioned the commander of operations and the G3. I think
9 there might be a translation problem from English to French, because the doctrine is
10 somewhat different. I did my military training in English and in French. The G3
11 and the commander of operations, it's not the same thing. Sometimes they're
12 referred to as "advisers" - "advisers in relation to" - and so there's a difference between
13 the -- an adviser and a G3, but in functional terms things are somewhat different.
14 Thank you.

15 Q. For the sake of the clarity, Mr Witness, just so that we have your testimony on
16 the point, I'll break it down to you.

17 Is the training of the people an area for which G3 would have certain duties and
18 obligations on?

19 A. Exactly, the G3 is in charge of training.

20 Q. Is the G3 in charge of operational matters?

21 A. Yes, the duties of the G3 include operational matters. They are among the
22 various duties.

23 Q. Would the deployment of troops and conducting of operations be part of the
24 duties of the G3?

25 A. Could you be more specific in your question? What does Counsel mean? Are

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1 you talking about deployment, deployment matters? Are you talking about orders
2 or exactly what does Counsel mean?

3 Q. What is the role of the G3 in terms of the deployment of the troops? As you
4 have noted, I have rephrased my question for you. I hope that helps you.
5 Mr Witness, did you get my question?

6 A. I thought that the Counsel was saying that he was going to rephrase his
7 question.

8 Q. I said I had rephrased my question. So to simplify the issue, I will simply
9 repeat it.

10 What were the G3 duties, if any, in terms of the deployment of the troops?

11 A. Regarding the deployment of troops, the G3 provides advice to the Chief of
12 General Staff regarding the manner in which troops are deployed, but the order to
13 deploy comes from the Chief of General Staff.

14 Q. And would that be the same for let's say the conducting of operations?

15 A. The way in which operations are conducted, the G3 provides a number of
16 assumptions or hypotheses. He may offer the best hypothesis or the best possibility
17 for manoeuvring. He issues a number of suppositions and it's up to the chief to
18 make a decision.

19 Q. Now, if I remember correctly, earlier you stated that the G3 was not present at
20 the beginning of the operations in Central African Republic, and that is the operations
21 of 2002 and 2003. Am I correct?

22 A. Yes, I said that the deputy was president. Correction: The deputy was
23 present.

24 Q. Could you tell us, that is if you have the information, as to when exactly did the
25 G3 return from South Africa?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0039

1 A. Exactly? I know that there was Sun City I and the person was delegated; Sun
2 City II ended in April 2002, and then February until April 2002, so it was around
3 April, towards the end of the operations in Bangui.

4 Q. I heard "April 2002," and my question was from the start of the operations,
5 which is October 2002. So was G3 present in Gbadolite in October 2002?

6 A. The G3 was not in Gbadolite at the beginning of the operations in October 2002.
7 That was the very moment -- at that very moment of the operations, he was not in
8 Gbadolite.

9 Q. So if he was not in Gbadolite, do you know when he went back to Gbadolite;
10 that is, Mr Witness, from that moment on, October 2002?

11 A. Counsel, I know that probably my memory is betraying me when it comes to
12 the exact dates. I do know that when Sun City I ended, the delegates went back
13 home to the various places they had come from, and then they went off again to
14 attend Sun City II. I believe that in November, approximately, (Redacted)
15 (Redacted) gone back to await the second session of Sun City. There were
16 two trips organised to Sun City.

17 MR ZENELI: Madam President, may I suggest that we move into private session?

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

19 *(Private session at 1.24 p.m.) Reclassified as Open session

20 THE COURT OFFICER: We are in private session, Madam President.

21 MR ZENELI:

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0039

1 Now, Mr Witness, you said that you came back late November 2002 to Gbadolite; is
2 that correct?

3 A. Yes, unless my memory betrays me.

4 Q. So we are to understand, Mr Witness, that from the beginning of the CAR or the
5 Central African operations, that is October 2002 and late November 2002, you were
6 not present in Gbadolite, (Redacted)

7 (Redacted) am I correct?

8 A. Yes, Counsel.

9 Q. (Redacted)

10 A. (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. I don't really remember. That was more than ten years ago. I do know it was

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Do you know when the MLC troops withdrew from Central African Republic?

18 A. March 2003.

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 Q. I'm trying to make my questions as direct as possible. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0039

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MR ZENELI: Madam President, it seems like it's time to end this session at this
8 moment, but Mr Witness, I would like to assure you that we will deal with this
9 confusion of dates when we see each other tomorrow.

10 PRESIDING JUDGE STEINER: Thank you, Mr Zeneli.
11 Court officer, please turn into open session.

12 (Open session at 1.29 p.m.)

13 THE COURT OFFICER: We are in open session, your Honours.

14 PRESIDING JUDGE STEINER: Mr Witness, it's time now to adjourn for today.

15 You are entitled to take some rest. We will adjourn and resume tomorrow morning
16 at 9 o'clock.

17 I thank very much the Prosecution team, legal representatives of victims, the
18 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
19 our court reporters. Thank you very much, Mr Rojas.

20 THE COURT OFFICER (Redacted): (Interpretation) Thank you.

21 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. We resume
22 tomorrow morning at 9 o'clock.

23 This hearing is adjourned.

24 THE COURT USHER: All rise.

25 (The hearing ends in open session at 1.31 p.m.)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0039

1 CORRECTION REPORT

2 The Court Interpretation and Translation Section has made the following correction
3 in the transcript:

4 *Page 34 lines 17 and 18

5 "I remind you, the RCA had just had its first experiences with democracy, and the
6 President Ange-Félix Patassé was duly elected at that time." is corrected by, "I remind
7 you, the CAR had just had its first experiences with democracy, and the President
8 Ange-Félix Patassé had been duly elected at that time."

9 RECLASSIFICATION REPORT

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