

Trial Hearing
Witness: CAR-OTP-PPPP-0009

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Tuesday, 10 May 2011

8 (The hearing starts in open session at 9.35 a.m.)

9 THE COURT USHER: All rise. The International Criminal Court is now in session.

10 Please be seated.

11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
12 open session.

13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
14 case.

15 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
16 Republic, in the case of The Prosecutor v Jean-Pierre Bemba Gombo, case reference
17 ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
19 Prosecution team, the legal representatives of victims, the Defence team, Mr Jean-Pierre
20 Bemba Gombo. Good morning to our interpreters and court reporters.
21 We will continue today with the questioning by the Defence of Witness 09, but before we
22 bring the witness in, the Chamber has a short oral decision to be issued. It's an oral
23 decision on protective measures for Witness 63.

24 On 18 February 2011 the Prosecution filed an application for protective measures for
25 Witness 63. It's filing 1262, confidential. In its application the Prosecution requested

1 that the Chamber assign and authorise the continued in-court use of a pseudonym, image
2 and voice distortion and authorised the use of limited private session for parts of the
3 testimony where the witness provides information that would tend to disclose his identity.

4 The Defence was notified of this request and did not file any response thereto.

5 Pursuant to Chamber's obligation under Article 68(1) and (2) of the Statute, Rule 87 of the
6 Rules of Procedure and Evidence, and Regulation 94 of the Regulations of the Registry,

7 the Chamber considers that the protective measures requested for Witness 63 are

8 necessary, reasonable and proportionate. They will enable Witness 63 to continue to live

9 in his community without the fear of being identified, and as a result he will not risk being

10 threatened or harassed.

11 The protective measures requested for Witness 63 are specifically provided for in

12 Rule 87 (3) of the Rules and are considered as generally non-intrusive measures, allowing

13 the Chamber to appropriately balance its duty to respect the principle of publicity with its

14 obligation to protect victims and witnesses.

15 Furthermore, the identity of Witness 63 is already known to the Defence, and imposition

16 of the protective measures requested will still enable the Defence to question the witness

17 publicly for the majority of his testimony, save for the parties that would tend to identify

18 him.

19 The Chamber therefore grants the requested in-court protective measures for Witness 63

20 and authorises the use of image and voice distortion, the assignment and use of a

21 pseudonym, as well as the use of limited private sessions to protect his identity, provided

22 that this is indicated in advance to the parties, participants and the Chamber. Parties and

23 participants should make every effort to question Witness 63 on identifying information at

24 the beginning of his testimony.

25 The Chamber also received yesterday information from the VWU psychologist regarding

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1 the witness's level of literacy, with a recommendation that it provide assistance to the
2 witness when reading or writing in Sango. The Chamber agrees that the
3 recommendation should be followed based on the VWU assessment and so authorises this
4 special measure pursuant to Rule 88 of the Rules of Procedure and Evidence if such
5 assistance is needed.

6 Could, please, court usher bring Witness 9 in.

7 (The witness enters the courtroom)

8 WITNESS: CAR-OTP-PPPP-0009 (On former oath)

9 (The witness speaks French)

10 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

11 THE WITNESS: (Interpretation) Good morning.

12 PRESIDING JUDGE STEINER: I hope you're feeling well, recovered?

13 THE WITNESS: (Interpretation) Yes, I'm feeling fine, ma'am.

14 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony today,
15 sir?

16 THE WITNESS: (Interpretation) Yes, I'm ready, your Honour.

17 PRESIDING JUDGE STEINER: Before I give the floor to the Defence, I need to remind
18 you that you are still under oath; do you understand that, sir?

19 THE WITNESS: (Interpretation) Yes, I understand, ma'am.

20 PRESIDING JUDGE STEINER: Thank you very much. Maître Kilolo, you have the
21 floor.

22 MR KILOLO: (Interpretation) Thank you, your Honour. Thank you for allowing me
23 to proceed.

24 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

25 Q. Witness, good morning.

1 A. Good morning.

2 Q. We will continue with the cross-examination. My first question is as follows: Is it
3 correct to say that there were between 600 and 700 men under the command of Miskine
4 who reported to him regarding their military -- who reported to President Patassé
5 regarding their military activities?

6 A. I don't have the exact figure but there was a large number of soldiers, yes. That
7 estimate could be correct.

8 Q. Witness, I think it will be easier if each time I ask for a document to be displayed, it
9 will allow you to remember a number of important details; is that all right by you?

10 A. Fine.

11 MR KILOLO: (Interpretation) Court officer, could you please display document
12 number 1 on the Defence's list. This is page CAR-OTP-0010-0116.

13 THE COURT OFFICER: Document CAR-OTP-0010-0107 at page 0116 will be displayed
14 on your screens. This document is marked as confidential and has been attributed
15 previously the reference EVD-T-OTP-00045.

16 MR KILOLO: (Interpretation)

17 Q. Witness, I will read out your own statement, paragraph 50, and I quote: "There
18 were between 600 and 700 men commanded by Miskine and, in turn, Miskine reported
19 directly to Patassé. This is what a number of officials said, including high-ranking
20 members of the army, including former Ministers of Defence, the Chief of Staff, his deputy
21 and a number of officers."

22 Witness, can you confirm this statement and are these your own words?

23 A. Indeed, these are my own words and I confirm what I said.

24 Q. I'd like to ask the court officer if he could zoom in on paragraph 55, which is further
25 down on the page.

1 Just an aside, Witness, I hope you realise that I have to continue reading out various
2 passages merely because, apparently, you're having trouble remembering things that are
3 not related to the text and also it's important for us to ensure that everything is reflected in
4 the transcript.

5 And, finally, since basically these are items of information that you yourself gathered as
6 part of your investigation, information that you gleaned from high-ranking Central
7 African Republic officers, General Mazi, et cetera, and these people were not called as
8 witnesses before the ICC we have no other choice. We have to rely on you and your
9 statements to bring out these various items of information so that we can demonstrate the
10 truth. So there you have it, Witness.

11 I will read out a passage, paragraph 55 of your own statement, and I quote: "Paul Barril
12 is a former French officer who the Head of State hired and he was appointed to head up a
13 company or a group that was set up to fight terrorism. In relation to the USP, the
14 Presidential Security Unit, these people had the same uniform, the same beret and the
15 same insignia. They had Kalashnikovs and their base was right besides the residence of
16 the Head of State."

17 Witness, now first of all, do you confirm what you said here and is this an accurate
18 reflection of what you said?

19 A. Yes, indeed, this is an accurate reflection of my words. I stand by what I said.

20 MR KILOLO: (Interpretation) I'd like to ask the court officer if we could move on to
21 document number 2 on the Defence list, page CAR-OTP-0010-0133.

22 THE COURT OFFICER: The document CAR-OTP-0010-0120 at page 0133 is available on
23 your screens and has been attributed EVD reference EVD-T-OTP-00046 and it's a
24 confidential document.

25 MR KILOLO: (Interpretation)

1 Q. Witness, if I could remind you of the five-second rule. I will now read out the
2 question that was put to you by the ICC investigators. I'll also read out your answer. I
3 quote: "How did Jean-Pierre Bemba's men behave in 2001?" Answer: "They came, I
4 believe, with our soldiers. They conducted operations. They helped our soldiers push
5 back the rebels and then they went away. I'm not in a position to know how they
6 behaved. They fought alongside our soldiers to push back the rebels."

7 Witness, is this an accurate reflection of your words and you stand by the statement?

8 A. These are my own words and I stand by them.

9 Q. I'd like to ask the court officer if we could remain within the same document but if
10 we could move on to page CAR-OTP-0010-0153. The second part of the document, if you
11 could scroll down, please.

12 Now, Witness, is it correct that within the contingent, the MLC contingent that was
13 supporting the forces who were loyal to the Central African Republic at the time of the
14 events in 2002 and 2003, and not the contrary?

15 A. Yes, of course. They were the ones who came to help us. In principle, they were
16 supposed to support our forces. They provided support to our forces.

17 Q. Could I ask the court officer to move on to page CAR-OTP-0010-0145. Now, this is
18 the same document found on the list of Defence documents, page 0145. The first part,
19 please. Thank you.

20 Sir, I'd like to reassure you, I'm only going to ask you a few times to read out a very -- a
21 passage, but these are your own words and, if you don't mind, do you think you could
22 read out the first three paragraphs of this document? Now, for the first paragraph, if you
23 could begin directly with the second question that begins "à l'époque" - at the time - and
24 then it's a passage that will end at "à l'enquête"?

25 A. "At the time, as I had told you, there were several troops, several small teams

1 according to the investigation and everything was being coordinated by the Head of State.
2 I suppose that they would see one another. I suppose that they reported to him. I
3 suppose that he could not come and take action here without explaining to the person
4 who had brought them." Shall I continue? "When you say that you 'suppose so,' is this
5 your own supposition or was it a conclusion you drew from the investigation?" Then the
6 answer was: "A conclusion in relation to the investigation."

7 Q. Witness, today, do you confirm before the Chamber that at the time of the events
8 that there were many troops and everything was being coordinated by the former Head of
9 State, President Ange-Félix Patassé, and was that the result or the conclusion of your
10 investigation?

11 A. Yes, that's what came out of my investigation. He was coordinating the work being
12 done by these various small teams.

13 Q. Now, Witness, what do you mean by "coordinate" when you say that President
14 Patassé was coordinating all the troops?

15 A. When I took statements from a number of officers, most of them told me that these
16 troops reported -- * the leaders of these troops reported to the former President, President
17 Patassé, regarding operations in the field. And in return, of course, he told them what to
18 do in the field. That is what I meant by "coordinate."

19 Q. Could you mention the names of these various troops or these units?

20 A. Thank you. Well, you have the men of Paul Barril. You had Mr Bemba's men.
21 You had Mr Miskine's men. You had the FACA troops, our regular forces. You had
22 people from the Presidential Security Unit. I believe there were five groups who were all
23 in the field.

24 MR KILOLO: (Interpretation) Court officer, could I ask you to move on to document
25 number 3 on the Defence list, page CAR-OTP-0010-0183.

1 THE COURT OFFICER: Document CAR-OTP-0010-0170, redacted version number 3, is
2 available on your screens at page 0183. It's a confidential document and it has been
3 attributed reference EVD-T-OTP-00047.

4 MR KILOLO: (Interpretation) Would you please enlarge the middle of the page.

5 Q. Mr Witness, I will now ask you to read the question that was put to you and the
6 answer that you gave to that question. This is the fifth paragraph of what you have up
7 on the screen, the question which begins with "Est-ce que Patassé." So that question and
8 your answer, please, sir.

9 A. "Did Patassé meet the commanders of Jean-Pierre Bemba's troops here in the Central
10 African Republic without Bemba being present?" Answer to that question: "In addition
11 to Mr Bemba, I believe that General Bombayake, the Director-General of Presidential
12 Security at the time, in his questioning period said that each commander reported to
13 Mr Patassé. He was the head of the Presidential Security Unit, and the leader of the
14 Banyamulengue also reported to Mr Patassé. I got this information from
15 Mr Bombayake. "

16 Q. Mr Witness, can you please confirm this, on one hand, and can you also confirm that
17 these are indeed your own words?

18 A. Yes, I can confirm, and those are my words.

19 MR KILOLO: (Interpretation) Would the court officer please now put the last
20 paragraph on the page up on the monitor.

21 Q. Mr Witness, I would now like to read out to you the question that was put to you. I
22 quote: "With regards to your investigation and with regards to what you have just said,
23 when you refer to the leader of the Banyamulengue, to whom exactly are you referring?"
24 That ends with a question mark. Your answer, and I quote: "I do not know. I said that
25 that question had been put to Mr Bombayake, specifically to know how things were

1 taking place in the field, and the answer that I was given was that each commander
2 reported to Mr Patassé and that he would provide a report of the activities of his men to
3 Mr -- " And if we could please move on to the following page, 0144.
4 Just to make sure that everything is clear, I'll go back over what I just said. "I do not
5 know because I was saying that the question had been asked of Mr Bombayake,
6 specifically to know exactly how things were unfolding on the ground. And the answer
7 that he gave me was that each commander reported to Mr Patassé and that Mr Patassé, in
8 turn, reported to Mr Patassé concerning the behaviour of his men. The Chief of Staff of
9 the Armed Forces reported to -- the head of the Banyamulengue also reported. The
10 question of knowing how -- rather, the question of knowing what this commander's name
11 was, I didn't ask that question."

12 Mr Witness, are these your own words and can you confirm that before the Court?

13 A. Yes, I can confirm that. I confirm that these are my words.

14 MR KILOLO: (Interpretation) I would now like to ask the court officer to display
15 another document, document number 4 of the Defence list of documents, page
16 CAR-OTP-0019-0151.

17 THE COURT OFFICER: Document CAR-OTP-0019-0137 is available on your screens at
18 page 0151. It's a confidential document and it has been attributed reference
19 EVD-T-OTP-00608.

20 MR KILOLO: (Interpretation) Please enlarge the seventh paragraph, beginning with
21 "Mais entendue."

22 Q. Mr Witness, I would now once again like to ask you to please read out loud to the
23 Court the statement which you made in your own order for partial dismissal, and I'm
24 specifically referring to the first part of the first paragraph, which is on the screen in front
25 of you.

1 * A. "But given that it is settled that Koumtamadji Martin, alias Abdoulaye Miskine,
2 Paul Barril, Bombayake Ferdinand and Mustapha at the time the events took place were
3 all under the direct authority of President Patassé, and that they were answerable only to
4 him and received orders only from him ; and whereas no evidence was tendered showing
5 the slightest authority that Mr Bombayake could have had over Mr Mustapha, the
6 representative of Mr Jean-Pierre Bemba in Bangui."

7 Q. Mr Witness, are these your words and can you confirm them to the Court?

8 A. Yes, I can confirm them.

9 Q. Mr Witness, we have finished with the section concerning the operational orders,
10 such as they existed on the ground, concerning the MLC troops. We are now going to
11 move on to a different subject but we are going to use the same document. I'd like to ask
12 the court officer to please move on to page CAR-OTP-0019-0140. The first part of the
13 document, please.

14 Mr Witness, I would like to read out to you the first part of the third paragraph from your
15 order. I quote: "During the events of May 20, 2001 and the events of October 25 of 2002,
16 Mr Ange Félix Patassé had several thousand fighters of the MLC come to the Central
17 African Republic. And the MLC is the rebel movement of the Republic, Democratic
18 Republic of Congo, led by Mr Jean-Pierre Bemba, under the command of a certain
19 Mustapha, who is Congolese rebel officer. This rebel unit arrived in Zongo, which is on
20 the banks of the river which makes the border between the Central African Republic and
21 the former Zaire, and they called for and obtained from Mr Ange Félix Patassé resupply
22 for fuel. Mr Befiogana (phon), first name Lionel, an adviser to the Presidency of the
23 Republic, had been designated by the former Head of State to undertake that mission.
24 As for the general, he was tasked with organising, receiving and setting up an installation
25 for the Banyamulengue that could be put at the disposal of General Mazi, first name

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1 André, at Camp Béal."

2 Mr Witness, are these your words and can you confirm that to the Court?

3 A. I can confirm that.

4 Q. We have now finished with this section which has to do with the resupply of fuel for
5 the MLC soldiers that was assured them as they entered the CAR, which you have just
6 confirmed to us. Still using the same document, I would now like to ask the court officer
7 to move on to page CAR-OTP-0019-0146.

8 I would now like to read out the first part of the second paragraph of your order here, and
9 I quote: "On the instructions of the accused Ange Félix Patassé, these Congolese rebels
10 arrived in Bangui and they were dressed in the same uniform as the Central African Army
11 and that they were based in the barracks of the support regiment."

12 Mr Witness, are these your words and can you confirm that to the Court?

13 A. I can confirm that those are my words.

14 Q. Using the same document, I would like to ask the court officer to please move on to
15 page CAR-OTP-0019-0148 in fine, the last paragraph, please, of that document. Mr Court
16 Officer, once we've finished reading the last paragraph, I'd like to move directly on to the
17 following page 0149.

18 Mr Witness, I would once again like to ask you to read the last paragraph of your order,
19 please, sir.

20 A. "He is accused of having, under the instructions of Mr Ange Félix Patassé - who, at
21 the time, was the President of the Republic - commanded the Banyamulengue who came
22 to Bangui during the 2002/2003 period in order to fight alongside the loyalist troops. The
23 funds allocated for the food and personal support of the rebel -- Congolese rebel soldiers
24 was received by the head of the Banyamulengue, by Mr Mustapha, and that
25 Mr Bombayake, first name Ferdinand, also provided men."

1 Q. The next page, please.

2 A. "Mr Jean-Pierre Bemba's men, with combat equipment and uniforms, they were to
3 go to the Central African Army. That the Presidential Security Unit, that the --" shall I
4 continue?

5 Q. Mr Witness, is the paragraph that you just read out yours? Are those your words
6 and can you confirm that to the Court?

7 A. I do confirm that.

8 Q. There is a section having to do with providing uniforms and providing combat
9 equipment for the MLC troops in the Central African Republic. We've finished with that
10 part. Now we're going to move on to something else and I would now like to ask the
11 court officer to, please, move on to the second document on the Defence list of documents.
12 This is document page CAR-OTP-0010-0164. The middle of the page, please. Thank
13 you.

14 At the top of the page I'm going to read an excerpt from the statement you made to the
15 ICC investigators. I quote: "Because I remember that it had been a certain time since
16 the government had forbidden carrying anything that might seen as being booty across
17 the river."

18 Mr Witness, can you confirm that?

19 A. Yes, I can.

20 Q. What government were you talking about at that point?

21 A. I was talking about Mr Patassé, Mr Ziguélé's government, but apparently that
22 measure turned out to not be effective.

23 Q. My question is whether or not that measure was taken by the government of
24 Mr Patassé?

25 A. Yes, those measures were taken.

1 Q. I would now like to look at the last paragraph. Mr Witness, I would now like to
2 ask you once again to read the very last paragraph and, after you have finished that, I
3 would like to ask the court officer to move directly on to the following page.

4 A. "I believe that --"

5 Q. I just ask you to read it quietly.

6 A. I believe that it was some time during 2002/2003, I don't recall the exact date. I
7 think that you might be able to verify it, to check it. It was, in any event, before the fall of
8 President Patassé. Instructions were given, because they were taking things and crossing
9 with them. So that was forbidden. And soldiers, all that they could find -- soldiers
10 were posted in order to make it impossible for people to carry stuff across the river. And
11 that the Banyamulengue wanted to cross with certain things and that they had to be
12 stopped, prevented from doing so, and that was done.

13 Q. Are these your words and can you confirm them, sir?

14 A. I do confirm them.

15 Q. When you say that "that was done," what exactly are you referring to?

16 A. I'm saying that a number of measures were taken, and that we tried to implement
17 those, those measures, so some soldiers were put along the banks of the river on the CAR
18 side in order to try to prevent people from carrying things across the river.

19 Q. When you say that "soldiers were put," who'd they actually put there? Who
20 pushed -- put those soldiers there?

21 A. The State, the government. I'm referring there to the government.

22 Q. The Central African government?

23 A. Of course.

24 Q. I would like to ask the court officer to now move on to page number 3 on the
25 Defence list of documents to page CAR-OTP-0010-0176. I would like to ask the court

1 officer to, please, enlarge the second paragraph of the document.

2 Mr Witness, I would now like to read aloud to you the question which was put to you by
3 the ICC investigators and then I would like to read the answer that you gave to that
4 question. This is at the top of the page on the monitor in front of you.

5 The question: "Do you know through the investigation whether Bemba took measures to
6 stop crimes of abuse and violence that his soldiers were in the process of committing?"

7 Your answer to that question: "No, I have no information about that. What I do know
8 is that at a certain moment the government took measures in order to stop certain looted
9 objects, certain objects that the Banyamulengue soldiers tried to transport to the other side
10 of the river."

11 Mr Witness, are these indeed your words and can you confirm that to the Court?

12 A. Yes, I confirm that.

13 Q. I would now like to look at the very last paragraph of the page. If you could just go
14 up a little bit. Perfect. The very last paragraph that you can see, not the part that's
15 crossed out but the part which has remained intact.

16 I quote, and I quote from your statement: "As far as I know, the government took the
17 measures in order to prevent those kinds of things being taken across. Now, was it the
18 head of the government, Mr Ziguele, who took the measures or was it Mr Patassé who
19 ordered the measures to be taken? That, I don't know. In our country, there's bit of
20 confusion between the Prime Minister and the President of the Republic. Was it the
21 President of the Republic or was it the Prime Minister?"

22 Mr Witness, can you confirm that?

23 A. Yes, I confirm.

24 Q. Mr Witness, I would now like to talk about the period immediately after the events
25 from 15 March 2003 on. President Bozizé took power and became the President of the

1 Central African Republic; is that indeed correct?

2 A. Yes, that's right. He took power on March 15th.

3 Q. Was there any kind of legal cooperation between the MLC administration and the
4 government under the Presidency of Mr Bozizé beginning on 15 March 2003 forward?

5 A. I do not know. I don't know.

6 Q. Perhaps I could ask you to try and help the Chamber in this respect by looking at
7 the laws that were in force at the time. You were indeed an experienced judge. Perhaps
8 through some texts, were -- are there any texts that give an answer about this? Was there
9 judicial cooperation between the MLC administration and the government of Mr Bozizé,
10 starting from 15 March 2003?

11 A. There can be no text that will establish -- would establish the existence of such
12 cooperation between Mr Bozizé, who is Head of State, and Mr Jean-Pierre Bemba, who is
13 head of the rebellion. As far as I know, there is no text, as far as I know, that establishes
14 judicial cooperation between the CAR and Mr Jean-Pierre Bemba.

15 JUDGE ALUOCH: Mr Kilolo, I'm looking at page 19. This is the real-time English
16 version. When you say, "Was there any judicial cooperation between the MLC
17 administration and the government of Mr Bozizé, starting from 15 March," what exactly
18 do you have in mind? I'm trying to think of what judicial cooperation. What do you
19 have in mind, please?

20 MR KILOLO: (Interpretation) Thank you, Judge Aluoch. Actually, what I want to do
21 is examine the capacity, the practical capacity, of the MLC administration through its
22 judicial bodies to conduct investigations in the field relating to the alleged crimes in the
23 Central African Republic, starting from 15 March 2003. So it was to see whether there
24 was any treaty, or cooperation convention, that would allow investigating judges, for
25 instance, from the administration of the MLC, to carry out judicial deeds or acts in the

1 CAR starting on 15 March 2003.

2 JUDGE ALUOCH: Thank you. Go ahead.

3 MR KILOLO: (Interpretation)

4 Q. Thank you, Witness. We have now finished with the section relating to the
5 possibilities of measures that could practically be taken in the field to prevent, or to put an
6 end -- or to repress crimes. We shall now go on to something else.

7 I would like to ask the court officer to perhaps come back to document 1 on the Defence
8 list, page CAR-OTP-0010-0117. Last paragraph, please, paragraph 63.

9 Mr Witness, I'm going to read out for your benefit the statement you made to the ICC
10 investigators, and I'm quoting here. "In the first few days before the Banyamulengue
11 arrived, the troops of the CEN-SAD, of the USP and the loyalists were the ones fighting
12 the rebels." Can you confirm that?

13 A. Yes, I can.

14 Q. When you talk about the rebels, are you talking about the rebellion led by President
15 Bozizé at the time?

16 A. Absolutely, yes.

17 Q. When you talk about the USP, you are talking about the Presidential Security Unit
18 that was under the orders of General Bombayake?

19 A. Yes.

20 Q. What about the loyalists, who were they?

21 A. The loyalists, I believe, were the soldiers that remained faithful to Mr Patassé.

22 Q. And are you -- do you talk about the FACA soldiers here, too?

23 A. Yes, indeed. Here, I was referring to the FACA, too.

24 Q. You differentiate them from the soldiers of the USP?

25 A. Yes, it's just a matter of accuracy.

1 Q. As far as you know, how many days of fighting took place before the MLC soldiers
2 arrived in Bangui?

3 A. I cannot give you an answer to that question. I do not know.

4 Q. But all you know is that when the current president, President Bozizé, started the
5 rebellion action against Bangui, there were battles well ahead of the arrival of the soldiers
6 of MLC?

7 A. Yes, yes. It lasted -- the rebellion lasted -- they were there for at least a year so as to
8 try and topple Mr Patassé. They were in the maki, the bush.

9 Q. But you said in the first few days before the Banyamulengue arrived there was
10 fighting, and you mention the fighters on both sides. Now, when you say "in the first
11 few days," are you talking about something in the magnitude of one week?

12 A. I could have said the first few months. I do believe that it lasted, it took several
13 months. I cannot give you a precise answer to this question, but initially, I think the
14 CEN-SAD troops and the Central African soldiers were fighting the rebels, and
15 Jean-Pierre Bemba's men came later on.

16 Q. Do you agree in saying that the rebellion began on 25 October 2002?

17 A. The rebellion --

18 Q. Mr Patassé's rebellion against Bangui. No, I'm sorry, the rebellion conducted by
19 Mr Bozizé, in Bangui.

20 A. Yes, I believe that is right. That is the right date.

21 Q. Now, starting at that reference date, Mr Bozizé's rebellion began in Bangui. There
22 was fighting, with Bozizé's rebels fighting against the Central African soldiers that were in
23 favour of President Patassé; so we agree on that. Those were the warring factions?

24 A. Please go on, I'll answer later.

25 Q. Are we agreed on that basis?

1 THE INTERPRETER: Overlapping, overlapping.

2 THE WITNESS: (Interpretation) The rebellion began with the Bangui fighting. I think
3 there was fighting that led up to that. I was thinking here in the initial days, when the
4 rebellion began. The 22nd or 25 October, I think, was the day that Bangui was attacked,
5 but that was later on.

6 MR KILOLO: (Interpretation)

7 Q. Mr Bozizé's rebels, where did they come from? What country did they come from?

8 A. They came from Chad.

9 Q. Do you have any idea of which were the main towns that were gone through before
10 they reached Bangui?

11 PRESIDING JUDGE STEINER: Just as a matter of precision, in the transcript, it appears
12 on page 22, line 19, that the witness answered, "The rebellion began with the Bangui
13 fighting." And apparently this is not exactly what the witness said. Could, please, the
14 witness confirm that?

15 THE WITNESS: (Interpretation) Thank you, your Honour. No, the rebellion didn't
16 begin with the fighting in Bangui; the rebellion began well ahead of that, well ahead of the
17 attack against Bangui. The provincial towns in the north of the CAR were first taken
18 over before they could get to Bangui on 22 October.

19 PRESIDING JUDGE STEINER: Thank you for that precision. I am sorry, Maître Kilolo,
20 to interrupt you. Could you please repeat your last question.

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

22 Q. Witness, you have just given the Presiding Judge a detail. You talked about
23 the rebellion of Mr Bozizé that was triggered well ahead of 25 October 2002, coming
24 from Chad, north of the Central African Republic. You mentioned the fact that there
25 were several towns in the provinces that were gone through before Bangui was

1 reached. Could you give us the names of some of the larger towns so that we have
2 an idea of this?

3 A. Yes. The main towns are Kaga-Bandoro, Bossangoa, Sibut, Bozoum, I believe,
4 Bossembélé, Bossemptélé. Now, when you come from Chad, you reach Bandoro, Sibut
5 and then Bangui. On the other side, you also have further in Bossangoa and Bozoum,
6 north-west, so all this territory was occupied by the troops of General Bozizé.

7 Q. What about Damara?

8 A. Damara was one of the cities occupied, first of all, by Jean-Pierre Bemba's men and
9 then General Bozizé's men.

10 Q. Should we infer from that as they were moving from Chad, the rebels of President
11 Bozizé also went through Damara before getting to Bangui on 25 October 2002?

12 A. Of course. They had to go through Damara.

13 Q. You spoke about time passing, once the frontière between Chad and the Central
14 African Republic had been crossed. Perhaps you could help us to understand how much
15 time it took, once the border was crossed, to get to Bangui on 25 October 2002?

16 A. There's some -- a detail I would like to give you. General Bozizé's men were based,
17 when they left Bangui, when they withdrew from Bangui at the beginning of the conflict,
18 they were at Sibut, the very last city in the CAR starting out from Chad, but they didn't
19 come from Chad directly to Bangui.

20 Q. From the border town of Sidot?

21 A. Sidot.

22 Q. S-I-D-O-T; is that right?

23 A. Yes.

24 Q. Starting from Sidot, the border town, where the rebel forces of Mr Bozizé were
25 based at the time, you talked about a number of other cities that were crossed before they

1 reached Bangui on 25 October 2002 at Bossangoa, at Sibut, Bozoum, Bossembélé,
2 Bossempaté, Damara. How long did it take them to travel through all these cities before
3 they got to Bangui?

4 A. Well, I'm going to give you a hypothetical answer because I cannot specify this. If
5 my -- I recollect, I think the rebellion began towards the end of the year 2001, December or
6 November 2001, and they reached the city on 15 March. At the end, 15 March was the
7 end, so it started at the end of 2001 and they reached Bangui in October 2002. I think that
8 they were pushed back. Then they came back again on 15 March to overthrow
9 Mr Patassé.

10 Q. And when you talk about the fighting that took place before 25 October 2002, before
11 Bangui, are you talking about the fighting between the rebel forces of President Bozizé
12 and the Central African forces that were in favour of Patassé in all of these cities that we
13 mentioned?

14 A. Yes, including Jean-Pierre Bemba's forces.

15 Q. No, I think there's been a misunderstanding. We are basing ourselves on a text that
16 you confirmed here to the Chamber and we are talking about this period. You did say
17 that it was before the MLC soldiers arrived that there was fighting and you said that that
18 fighting did not involve the MLC troops.

19 And I am asking you questions about that particular aspect to try and find out whether
20 the fighting that you were talking about, before the MLC soldiers arrived, did indeed take
21 place; all these cities, Bossangoa, Sibut, Bozoum, Bossembélé, Bossempaté, Damara?

22 A. Well, I think you should ask this question, put this question to the officers. Now, to
23 find out in which particular cities the fighting was going on that did involve these Bemba
24 soldiers I cannot say. This was fighting; they came, went forward. They retreated. I
25 don't know exactly which cities involved the MLC troops.

1 Q. As far as you know, were there any fatalities, injured people, collateral damage?

2 A. Well, it was a war after all, Counsel. There were, of course, deaths on both sides
3 and damage on both sides.

4 PRESIDING JUDGE STEINER: Maître Kilolo, if you allow me, please, a follow-up
5 question in relation to this last topic involving the fights before 2002.

6 In the witness statement, I think which is document 2 of Defence list of evidence - and I'm
7 on page CAR-OTP-0010-0132 and 0133 - the witness mentioned, and I quote, it's the last
8 paragraph -- "Ce qui est sûr --" and I'll read in French: "Everyone knows there was an
9 attempted coup and that the Banyamulengue had come along to help the people who
10 were in power at the time to push back the rebels."

11 "How do you know that?" "Through the media, through various sources." "What was
12 the behaviour of Jean-Pierre Bemba's men in 2001?" "They came, I believe, with our
13 soldiers. They had acted. They helped our soldiers to push back the rebels or
14 mutineers and then went back. I don't know exactly how they behaved. They had
15 fought alongside our soldiers to push back the mutineers."

16 Do you know for how long the troops of Mr Jean-Pierre Bemba participated in the fights
17 against the mutineer soldiers, for how long they stayed in the CAR territory?

18 THE WITNESS: (Interpretation) They didn't remain not -- no more than a month.
19 They didn't stay long.

20 PRESIDING JUDGE STEINER: And do you have any information on where these
21 combats took place, in which region of the CAR these combats took place, in which the
22 Banyamulengue participated?

23 THE WITNESS: (Interpretation) You are talking about 2001? Well, this fighting took
24 place in Bangui alone.

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

1 am sorry, I apologise again for interrupting you.

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

3 Q. Witness, I do believe it's important for us -- for you to enlighten the Court about two
4 distinct events that have nothing to do one with the other. On the one hand, there is the
5 attempted coup conducted by President Kolingba in 2001 - and this is not of relevance to
6 us in this case - but, on the other hand, there is the rebellion conducted by President
7 Bozizé, which itself began, as you pointed out, also at the end of 2001.

8 Can you at this stage confirm that distinction?

9 A. Yes. These are two quite different events; you're quite right.

10 Q. When you answered the Presiding Judge concerning 2001, saying that the MLC
11 soldiers were in Bangui, are we agreed when I say that here, in that case, you are not
12 talking about the events that are of relevance here and/or the rebellion conducted by
13 Mr Bozizé?

14 A. I think I said that. We were talking about 28 May coup, so they had come solely to
15 help the loyalists to push back the mutineers and then they went back.

16 Q. The events relating to 28 May coup involving President Kolingba has nothing to do
17 with this case and are totally extraneous to this trial. So the question, the specific
18 question I have now is -- relates to the events that are relevant - i.e, the rebellion
19 conducted by President Bozizé - and I think that you have already given an answer to the
20 question.

21 So I would like to ask the court officer, if he would, to please show us another document,
22 document 4 on the Defence list, page CAR-OTP-0019-0145. Could we please see the
23 middle of the page.

24 Witness, we have just spoken about the presence or the movements of troops and soldiers
25 involved in Mr Bozizé's rebellion. Let me now come back and focus on the soldiers or

1 the various troops that were fighting on behalf of President Patassé. And here I can read
2 a passage from your order, and I quote you:

3 "Whereas, the information established the following facts: Mr Ange-Félix Patassé,
4 President of the Central African Republic from 1993 to 15 March 2003, experienced during
5 his reign several military and political crises; in particular, several mutinies of the Central
6 African Army, an attempted coup on 28 May 2001 and the rebellion of part of the army on
7 2 November the same year.

8 "To deal with these multiple crises, the accused Ange-Félix Patassé, who at the time was
9 President of the Central African Republic, set up several armed militia; in particular, the
10 ones directed or led by Mr Koumtamadji Martin, alias Abdoulaye Miskine, who were
11 principally based in Kabo, in the north of the country; the militia of the mercenary Paul
12 Barril, who were based in Bouar, and the SPCS, whose men were bettered armed than the
13 FACA, located in a building adjacent to the residence of Mr Ange-Félix Patassé.

14 "These various militia, which were better equipped in terms of weapons and other
15 logistics, were spread out over three-quarters of the territory of the Central African
16 Republic. They had perpetrated the most abominable abuses against the civilian
17 population and its property."

18 Witness, are these your very words? Can you confirm this? Do you stand by this today
19 before the Chamber?

20 A. Yes, of course; I stand by that.

21 MR KILOLO: (Interpretation) Witness, I can see it's 11 o'clock, so we shall have to
22 continue a little later on.

23 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

24 Mr Witness, we are having now a break in order for you to take some rest, to have a coffee,
25 as well as our interpreters and court reporters. It's 11 o'clock. We will resume at 11.30.

Trial Hearing
Witness: CAR-OTP-PPPP-0009

(Open Session)

ICC-01/05-01/08

- 1 I ask please court usher to accompany the witness.
- 2 (The witness stands down)
- 3 PRESIDING JUDGE STEINER: The hearing is suspended.
- 4 THE COURT OFFICER: All rise.
- 5 (Recess taken at 11.01 a.m.)
- 6 (Upon resuming in open session at 11.39 a.m.)
- 7 THE COURT USHER: All rise. Please be seated.
- 8 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
- 9 the witness in.
- 10 (The witness enters the courtroom)
- 11 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 12 THE WITNESS: (Interpretation) Good morning, your Honour.
- 13 PRESIDING JUDGE STEINER: Can you continue with your questioning by the
- 14 Defence?
- 15 THE WITNESS: (Interpretation) We can continue, ma'am.
- 16 PRESIDING JUDGE STEINER: Mr Kilolo, you have the floor.
- 17 MR KILOLO: (Interpretation) Thank you, your Honours, for giving me this
- 18 opportunity to proceed. I'd like to ask the court officer if we could go back to
- 19 document number 4 on the list, page CAR-OTP-0019-0145. This is the last document
- 20 we were looking at just before we had our break. Could you zoom in on the middle
- 21 of the page, please.
- 22 Q. Witness, now, just before the break, I read out a passage to you and you
- 23 confirmed before the Chamber, and we were at the fourth paragraph, the fourth
- 24 paragraph that you have right in front of you. Once again, I will quote a short
- 25 passage from your order: "These various militia which were better equipped in

1 terms of weaponry and other logistics, who were scattered over three-quarters of the
2 country, had committed the most horrific acts of violence and abuse on the civilian
3 population and their property."

4 My question is as follows: When you speak of these militia who were supporters of
5 Patassé, and you say that they had committed the most horrific acts of violence and
6 abuse, what do you mean exactly by "the most horrific acts of abuse and violence"?

7 A. Thank you. I'm referring to the killings. There were various cases of killings,
8 torture as well. For example, Miskine's men, they killed people, they tortured
9 people. They also stole possessions from people. For example, Muslim people of
10 Chadian origin. That is what I am referring to.

11 Q. Now, you're speaking of killings, and when you said that some people were
12 stripped of all their belongings, are you talking about civilians?

13 A. Of course. I'm speaking of the civilian population.

14 Q. Are you speaking of looting?

15 A. Perhaps not looting but, for example, Miskine's men, sometimes they would
16 take money from the shepherds or some of their cattle, that sort of thing.

17 Q. Other kinds of crime, rapes, for example?

18 A. To my knowledge, only Jean-Pierre Bemba's men were accused of rape, not
19 Miskine's men and the other militia.

20 Q. Could you enlighten the Chamber? Could you tell us exactly what you meant
21 by the most horrific acts of violence and abuse?

22 A. Perhaps -- well, abuse, violence, perhaps I was exaggerating, but they killed
23 people. They tortured people. They robbed people. People were stripped of their
24 belongings. There you have it.

25 Q. And these crimes, Mr Witness, could you spell out to the Chamber which militia

1 committed these crimes? Could you give the names of these militia?

2 A. These crimes, other than Bemba's men, you had Miskine's men; you had a
3 number of men under the command of Paul Barril, who also committed a number of
4 murders, I believe, and perhaps a few isolated cases, some of our soldiers, they may
5 have committed crimes, but very few.

6 Q. Witness, when you speak of Bemba's men, I'm not following you. Why?

7 Because I asked you an earlier question and I read out your own statement to you.

8 You were saying that, in the initial days before the arrival of the MLC soldiers,
9 fighting occurred that did not have anything to do with the MLC soldiers and you
10 even specified, you told the Chamber that when you said the initial days, you were
11 talking about the initial period of time. And then you specified further, saying in
12 actual fact the rebellion of President Bozizé did not start on 25 October 2002, in your
13 answer, but it was 2 November 2001. Do we agree?

14 A. We agree.

15 Q. And we're talking about this particular period of time. In the particular
16 passage you specified the insurrection of part of the army on 2 November of 2001.
17 President Ange-Félix Patassé set up several armed militia, in particular those led by
18 Mr Koumtamadj, first name Martin, alias Abdoulaye Miskine, mainly based in Kabo,
19 in the north of the country. That was the first militia group that you mentioned; do
20 we agree?

21 A. We agree.

22 Q. Then you said the militia of the mercenary Paul Barril, based in Bouar, that was
23 the second militia group that you mentioned; do we agree on that point?

24 A. Up until now, yes, we agree on that.

25 Q. And then you mention the SCPS and you said that those members were better

1 armed than the FACA troop and that they were located in a building adjacent to the
2 residence of Mr Ange-Félix Patassé. That is the third militia that you mention; are
3 we in agreement?

4 A. Yes.

5 Q. And then immediately thereafter, the following paragraph, you mention the
6 most horrific acts of abuse and violence committed by these militia, these militia
7 scattered over three-quarters of the territory of the country; are we in agreement?

8 A. Yes.

9 Q. And at no time, at no time in your order regarding the passage and the
10 committing of these acts of violence and abuse, at no time do you mention the MLC.
11 So my -- I'm focussing on this particular paragraph. I'm trying to understand, and
12 I'm trying to shed light on this for the Chamber, and on this point I would remind
13 you once again of the five-second rule, so that the transcript can be prepared properly.
14 Now, Witness, here's my specific question: At this particular stage in the
15 proceedings, are we to understand that the most horrific acts of violence and abuse
16 committed against the civilian population and their belongings committed, starting
17 on 2 November 2001, were committed by the men of Miskine, Paul Barril, and the
18 SCPS, excluding the MLC men?

19 A. Yes. That was well before.

20 Q. Could you shed light on this for the Chamber, and perhaps specify how many
21 men, how many men made up these three militia who were to be found over
22 three-quarters of the country?

23 A. Unfortunately, I don't have that information. I don't have staffing levels.
24 I don't know the exact number of men who made up each particular militia, so I can't
25 give you a specific number or a staffing level.

1 Q. Do you remember assessing Miskine's men at the number of approximately
2 700?

3 A. Yes.

4 Q. As for Paul Barril's men, would you say it was about the same figure, or was it a
5 larger group?

6 A. Unlike the situation with Miskine's men, Paul Barril's men were much more
7 low-key. They did not go out in the town and (inaudible) they were very low-key,
8 very discreet.

9 Q. What about the SCPS men?

10 A. The same thing. Those men were confused with members of the Presidential
11 Security Unit. They were billeted not far away from the residence of the Head of
12 State at the time, but I couldn't give you a figure.

13 Q. Mr Witness, perhaps if we could try together to shed light on this for the
14 Chamber. You say that these various groups were to be found on three-quarters of
15 the territory of the country and, as for the numbers, would you say approximately 3, 4,
16 5,000 people? In approximate terms, to your knowledge?

17 A. Well, I should specify that they were not the only ones in the field. There was
18 also the Central African Republic army, so it was a mixture. I think there were many
19 of them, but I really can't mislead the Court. Furthermore, there was the -- you see
20 there was the FACA, there were members of the Presidential Security Unit.

21 Q. Well, could we summarise and say the following: That as of and after the time
22 of the events that began on 2 November 2001, and during that period of time that
23 continued beyond 25 October 2002, the most horrific acts of abuse and violence that
24 you speak of, in any event, already for the first period of time between 2 November
25 2001 and 25 October 2002, were committed by five groups: Miskine's rebels, Paul

1 Barril's mercenaries, the SPCS's men, the FACA troops and the Presidential Security
2 Unit troops.

3 A. Thank you. I would continue to say the FACA. Well, the FACA are -- were
4 very disciplined soldiers. There might have been some isolated cases of abuse or
5 violence, but I believe there were not enough. These acts can be basically attributed
6 to Miskine's men, I believe, much more to Miskine's men. They went somewhat past
7 the boundaries when it came to murders and, rightly or wrongly, (inaudible). There
8 were also cases of torture; not Miskine's men. There were isolated cases of murder
9 committed by Paul Barril's soldiers at the time. I was at Berbérati and I believe they
10 were there and there were three or four cases of murder. So there was those cases.
11 Also in the order I spoke of the most horrific acts. Perhaps I exaggerated a bit - I
12 assume that responsibility - but things did happen in Bangui and in the provincial
13 towns.

14 Q. Witness, when you say that you exaggerated a bit, are you telling the Chamber
15 that the killings perpetrated on the civilian population by armed men or the fact that
16 civilians were stripped of their belongings were not the most horrific acts of violence
17 and the abuse committed by pro-Patassé forces.

18 A. Well, perhaps the adjective was -- they were crimes, they were serious offences
19 under our legislation. The problem here is perhaps the scale of things became
20 greater. Miskine did as he wished; he allowed his men to do whatever and some of
21 these men were out of control. That's what I'm trying to say, but I'm not saying that
22 there's an excuse for any of that, far from it.

23 Q. We're going to continue, Mr Witness. Concerning the events that we are
24 talking about here, the most -- the worst acts of abuse and violence started on
25 2 November 2001, is that indeed the case?

1 A. That is correct.

2 Q. These different militia groups, men belonging to Miskine or Barril, the SCPS,
3 operated until what date?

4 A. They operated until the fall; which is to say, until 15 March.

5 Q. Mr Witness, when you say that three-quarters of the Central African Republic
6 was covered by these militia, what parts of the country are we talking about?

7 A. That would be the north, the northeast and the centre of the country. The
8 northeast, the northwest, so almost all of the north of the country, and the centre of
9 the country as well.

10 Q. Can you talk about the cities which are concerned in that area?

11 A. Bossangoa. I'm mentioning the main places. Bossangoa, which is the head of
12 Bouar. Bozoum, then Ouham-Pendé. And Nana-Mambere. They were in
13 Nana-Gribizi. They were in Sibut, in the prefecture of Sibut.

14 Q. And what about Damara?

15 A. That's close to Bangui. They were there as well. I just mentioned basically the
16 seats of government of the various prefectures, the capital cities, if you will. If you
17 want to talk about all the cities, name them all by name, then there were lots of them?

18 Q. How about Bossembélé?

19 A. Bossembélé is in Ombella M'poko. So that also has to do -- that also falls
20 within what I told you earlier.

21 Q. How about Bossemptélé?

22 A. Bossemptélé as well.

23 Q. Mr Witness, today you said something that is very important before the Court.
24 You said that, in fact, the events that we are here to discuss since the initiation of the
25 rebellion enlarged by General Bozizé and the most abominable acts of abuse and

1 violence did not start until 25 October 2002 but, in fact, on 2 November 2001. Sir, is
2 that indeed the case?

3 A. That is correct.

4 Q. Mr Witness, did you investigate all of these abominable acts of abuse and
5 violence?

6 A. Of course. We looked at Mr Miskine, Mr Barril and the head of the SPCS, who
7 is now deceased in our investigation. We looked at all of those, but I told you that I
8 was not able to travel into the outlying areas of the country. I was not able to travel
9 very far outside of Bangui to interview people, people who had been in contact, who
10 had been abused by these militias.

11 Q. I would, once again, like to remind you of the five-second rule, please, and I
12 would like to ask you to please make an effort to respect that rule.

13 A. I apologise. I will make an effort in the future.

14 Q. Mr Witness, we heard a great deal of testimony from witnesses concerning the
15 crimes and, as far back as I can remember, I don't believe that I heard a single witness
16 talk about the crimes committed between 2 November 2001 and 25 October 2002.

17 But when I look at the calendar, I see that the longest period, in actual fact, was that
18 period because on 2 November 2001 to 25 October 2002 is practically 12 months;
19 whereas, from 25 October 2002 to 15 March 2003 is only four and a half months.

20 Have you thought about what happened to all those victims and what suffered all
21 those victims during the first period that I referred to, sir?

22 A. Thank you. During the investigation, we did not distinguish between the
23 victims, whether they were victims beginning on 25 October or 2 November. We
24 looked at all the victims and we heard all their statements having to do with these
25 events during the investigation.

1 We listened to people. We interviewed people over these -- concerning the events in
2 these periods, not just one of the periods. You will see that some of the people
3 talked about killings; they talked about torture and other crimes committed by
4 Mr Miskine's men during that period.

5 Q. Thank you, Mr Witness. I would now like to ask the court officer to please
6 move on to document number 3 on the Defence's list of documents, page
7 CAR-OTP-0010-0174. 0174. I would, please, like to have the second part of the
8 page -- or have the page enlarged.

9 Mr Witness, I'm going to read the question that the investigators asked you and I'm
10 going to read your answer. I quote: "I would now like to ask you some questions
11 which have to do with Patassé's knowledge of the acts of abuse and violence which
12 were committed by Mr Jean-Pierre Bemba's troops during this period." Your answer:
13 "On that precise point, I cannot answer you. I was not able to interview him. It
14 would be difficult for me to say whether or not he knew about what was going on."
15 Sir, is this your statement and can you confirm that to the Court?

16 A. Yes.

17 Q. Can we, therefore, say that in the light of the information which you gathered in
18 the course of your investigation that nothing makes it possible to, in fact, establish
19 that the president, President Ange-Félix Patassé, was aware or knew of the crimes
20 which were being committed in the Central African Republic? And I would just like
21 (indiscernible) to remind you of the five-second rule.

22 A. Thank you. I was very cautious in giving the answer that you just read,
23 because I didn't know exactly how things were working at the time and I didn't know
24 exactly what kind of answer I should provide to that -- to that answer.

25 Q. Thank you. I just wanted to know what you knew. I just wanted to know

1 what you knew. I would like to continue and read you the next question that was
2 put to you by the investigators: "With regards to the people that you were able to
3 interview during the course of your investigation, were there any indicators that
4 made it possible to draw a conclusion concerning Mr Patassé's knowledge of these
5 acts of abuse and violence?" Sir, your answer to that was: "In any event, it would
6 be difficult for me to answer that question. It was a very turbulent time, very
7 turbulent."

8 Mr Witness, can you confirm that those are your words?

9 A. I can confirm that those were my words.

10 Q. I would like to ask the court officer to please move on to the following page and
11 to enlarge the second part of the page, please, CAR-OTP-0010-0175.

12 Another question which was put to you, we talked about the knowledge that
13 Mr Patassé had and I would now like to talk to you about whether Mr -- or, rather,
14 Colonel, excuse me, Colonel Mustapha knew about what was going on. He was
15 among the high-ranking officers of the MLC presence in Central African Republic.
16 I quote: "I will talk a bit later about the points that you are discussing right now.
17 With regards to Mustapha, with regards to the investigation that you were able to
18 conduct, was Mustapha informed of the crimes committed by Jean-Pierre Bemba's
19 troops?" Your answer, Mr Witness, was the following, "Mustapha, his name came
20 up from time to time because I think that there were two officers. They said that
21 Mustapha was one of the leaders and that Mustapha was the person who received the
22 money that was provided for feeding Mr Jean-Pierre Bemba's soldiers. But with
23 regards to the acts of abuse and violence in the field, I don't have any response to give
24 you. I can't tell you whether he knew or not."

25 Mr Witness, are these your words? Can you confirm that to the Court, please. Five

1 seconds, sir.

2 A. I can confirm that those are indeed my words.

3 Q. Mr Witness, we are now going to move on to the issue of whether
4 Mr Jean-Pierre Bemba was aware of what was going on, and once again I would like
5 to call upon you to please read aloud the question which is in the last paragraph, to
6 the Court. And then I would like to ask you to read out loud the answer to that
7 question, and that of course is in the following paragraph. And that will be possible
8 as soon as the court officer has moved down to the following page.

9 A. Thank you. "Now, I would like to know whether with regards to the
10 investigation Bemba had been informed of the crimes that were committed by his
11 soldiers in the Central African Republic. Once again, I must apologise, I'm going to
12 have to give you the same answer. It's very difficult. If I had been able to interview
13 Mr Bemba, or one of his close collaborators, then I would certainly -- I would surely
14 be able to tell you whether or not he knew. He was residing in Gbadolite at that
15 time. Did he know that his men were in -- did he know what his men were in the
16 process of doing? Did he know at that time that they were doing something else,
17 that they were fighting the war or doing something else? In any event, it's difficult
18 to know, and I can't really be any more exact than that. It's really very difficult."

19 Q. Mr Witness, are these your own words and can you confirm that to the Court?

20 A. Yes, of course.

21 Q. Court officer, I no longer require this document. I would now like to talk
22 about the deposition that the witness made to the Chamber. Or, rather, about the
23 statement that the witness made to the Chamber.

24 Mr Witness, I would like to make a correction. I would now like to refer to the
25 statement provided by Mr Firmin Findiro in a public session here before this

1 Chamber. I would like to refer to the French version of the transcript, the edited
2 version of the transcript, from 12 April 2011, page 8, line 18 to 27. I would like to
3 read the question, the question that the Defence put to Mr Findiro, and then I would
4 like to read the response, the answer that he gave to that question, and after that I will
5 continue with my questioning. I quote: "Do you remember having spoken or
6 having stated to the Court that you had been informed of what Mr Jean-Pierre
7 Bemba -- or that Mr Jean-Pierre Bemba had sent a letter to the Secretary-General of the
8 United Nations concerning the events which we are here to discuss?" The answer to
9 that question, "I recall perfectly." Question: "How did you learn about this letter?"
10 Answer: "I learned about this letter as part of the proceedings." Question: "Did
11 the special representative of the Secretary-General of the United Nations in Bangui
12 provide you with this document?" Answer: "No. I believe that we had been
13 looking for it more or less everywhere and there had been investigations and it was
14 the investigating judge who came across the document that you are referring to, and
15 therefore I cannot say that the Secretary-General -- excuse me, the representative of
16 the Secretary-General of the United Nations who provided me with the document."
17 Now, having read that out, I would like to put my question to you, sir: Did you
18 receive the letter that Mr Jean-Pierre Bemba sent to the special representative of the
19 Secretary-General of the United Nations, Mr Lamine Cisse? The letter would have
20 requested collaboration in order to shed light on the crimes which had been blamed
21 on the MLC in the Central African Republic as described by Mr Firmin Findiro.
22 A. Thank you. I don't think that I can answer that question affirmatively.
23 Perhaps I have forgotten, but I don't remember ever having knowledge of such a
24 document. During the investigations, we had documents which came from various
25 sources, but I don't remember the specific case of ever having come across the letter

1 that you are referring to.

2 Q. Think very carefully, sir. Look back over your memories very carefully. Do
3 you remember a document, or any information that you were able to obtain during
4 the course of your investigation, that indicated that Mr Jean-Pierre Bemba was
5 concerned with knowing the truth, and also that he requested that Mr Ziguele, who
6 was the Prime Minister at that time, conduct an investigation in order to determine
7 what the crimes were that were being attributed to the MLC soldiers who were in the
8 Central African Republic?

9 A. Before the fall of Mr Patassé's regime? Unfortunately, I will have to say once
10 again that I don't have any information, because Mr Ziguele was another of the
11 people that I was not able to question. He was in exile. He was in exile when the
12 investigation began and so I was not able to speak to him. But I have no memory of
13 seeing the document or any kind of document that you refer to.

14 Q. After the fall of President Patassé's regime, did you receive any information of
15 that nature?

16 A. After the fall; from where would that have come from? I had no contact with
17 Mr Jean-Pierre Bemba, none at all.

18 Q. Mr Witness, through the United Nations, did you receive anything? Because I
19 believe you were in contact with the UNDP.

20 A. Yes, I was in contact with the UNDP. But once again I must repeat that I was
21 not aware of any such letter from Mr Jean-Pierre Bemba, a letter that you are referring
22 to.

23 Q. I would like to ask the court officer to please move on to document number 3
24 from the Defence list of documents, page CAR-OTP-0010-0177; 0177.

25 Mr Witness, we have just finished the section having to do with the measures which

1 had been taken, and now we're going to look a bit more closely at the crimes, the
2 experiences that the Central African Republic went through, and here I would like to
3 ask you please, sir, once again to read the question that was asked. That's the first
4 paragraph of the document on the monitor in front of you. And I would also like
5 you to read out the answer that you gave to that question. Five-second rule, please,
6 sir.

7 A. Thank you. "According to what you know from the investigation, was there a
8 policy that authorised abusive and violent behaviour by Mr Bemba's troops?

9 Answer: I don't think so because most of the people who were victims of the abuse
10 and violence were, if you will, supporters of Mr Patassé's, the people who voted for
11 Mr Patassé. The northern part, and here I'm referring to the quartier or
12 neighbourhoods of Gobongo, Boy-Rabé, Combattant, PK12, these are all sections or
13 quartiers that supported Mr Patassé at that time. So I would be surprised to hear
14 that he gave instructions that everything that was done would be done."

15 Q. Mr Witness, are these your words? Did you indeed say this to the ICC
16 investigators, and can you confirm that for us?

17 A. I can confirm that.

18 Q. I would like to ask the court officer to please display document number 3 from
19 the Defence's list of documents, page CAR-OTP-0010-0186, please. Can we highlight
20 the middle of the page, please.

21 Witness, referring to the return of the MLC troops to the Congo, is it accurate to say
22 that although one cannot deny that some, as far as you know, used vehicles that were
23 made available to them to go to the beach port on the bank, your file, your
24 investigation file, nonetheless establishes that they were not able to cross over with
25 those vehicles into the Congo but that they simply reach the beach port and from

1 there they used pirogues to go to Congo; is that correct? Is that exact?

2 A. Yes, that's exact.

3 Q. I would like to ask the court officer to please display document 2 of the Defence
4 list on page CAR-OTP-0010-0150. Perhaps we could focus on the second half of the
5 page.

6 Witness, for your benefit, I'm going to read out the exchange you had with the ICC
7 investigators. This is the question you were asked: "Do you know whether
8 they -- they came with other vehicles?" They were talking here about the MLC
9 soldiers. Your answer was: "They did not come with vehicles. They crossed the
10 river and that's that. They did not come with vehicles."

11 The question then was: "What happened to those vehicles when the soldiers left?"

12 Your answer is: "The vehicles they were using?" You were told: "Yes." Your
13 reaction is: "They were retreating in disarray. I suppose that practically all of these
14 vehicles were abandoned; they had been pushed out. I cannot know what happened
15 to those vehicles. Perhaps the services, the owners, retrieved them. Maybe they
16 did; maybe they did not. I cannot know the answer. They crossed the river on
17 pirogues, using small crafts. They could not take the vehicles back home, I suppose."

18 The question you were asked was: "When you say that, do you say that in relation
19 to your investigations, or --" And your answer is: "The vehicles, it is absolutely
20 certain that they didn't go back with those vehicles."

21 You were asked the question: "Is that something that you suppose?" Next page,
22 please. Your answer then is: "It is certain that, in respect of the investigation, they
23 did not go back with those vehicles. They were, indeed, surprised by the arrival of
24 Mr Bozizé's men and they went across. Many of them went across, over the river.
25 There is no bridge; there are no ferries that were made available to them. I believe

1 that they could not flee taking those vehicles, but as to what eventually happened to
2 those vehicles I do not know."

3 Witness, are those your very words? Can you confirm this today to the Court?

4 A. Yes, I can confirm that. I can confirm that.

5 Q. Well, we've now finished with this section that related to the issue of looting of
6 vehicles in the Central African Republic. We shall now turn to another topic, this
7 time relating to rape -- or, I should say, the alleged rapes and the medical certificates.
8 And here I would like to ask the court officer to please display document number 2 in
9 the list, the Defence list. This is page CAR-OTP-0010-0158. Let us focus on the last
10 paragraph, please.

11 To make things easier, I would like to ask the court officer that, as soon as we finish
12 reading of the last line of the last paragraph, that he could turn -- take us immediately
13 on to the next page.

14 Witness, I would like again to call on your kind cooperation to please read out to us
15 the last two paragraphs that you see, the question that you were asked that begins
16 "est-ce que" and that entire answer that you gave in that paragraph which continues
17 on to the next page, first two lines.

18 A. "Would you like to bring anything up?" that is the question. The answer is:
19 "Yes. What I would like to spell out concerning the matters relating to women, the
20 rapes, I know that in relation to the file I interviewed several women who came to me,
21 saying that they were victims of rapes perpetrated by those men. Personally, I know
22 that there were a number of young prostitutes who came voluntarily, who came
23 voluntarily and who had friends among the Zaireans and who came voluntarily to
24 their camps, to their locations where they lived so as to make a bit of money. I think
25 it's important to say that."

1 In my opinion, these women were not ones who had been raped. You see what I
2 mean. Thank you.

3 Q. Witness, are these the very words that you said to the ICC investigators and can
4 you confirm this here in the Court?

5 A. Thank you. I can confirm this, but I would like to make a slight comment
6 about this. I'm not, in any way, denying the existence of cases of rape; I simply want
7 to spell out that during that period there were also certain women who freely entered
8 into a business relationship with the Congolese and they sort of merged into the mass
9 of the women who were or claimed to be raped.

10 During the interview, I said that I was in Bangui at the time. And in the area I lived
11 in, there were prostitutes who came to the homes with Congolese soldiers as their
12 partners, as it were. So I wanted to spell that out for the benefit of the Court.

13 Q. Now, when you say they entered into a business relation, was there a financial
14 transaction involved? Just to enlighten the Chamber.

15 A. What I wanted to say was that they entertained intimate relations voluntarily
16 with some of the soldiers in the MLC.

17 Q. Thank you. Can we now continue, Witness, with the following question, as
18 well as the answer, the third and fourth paragraph. In other words, that begins with
19 "comment avez vous," how did you, and ends with "un peu d'argent," a bit of money.
20 And please try and read out slowly and abide by the five-second rule.

21 A. "How did you find out who were the actual victims of rape and who were the
22 prostitutes?" The answer is: "It's difficult because after the events, after
23 Mr Patassé's regime fell, all the women who in one way or another had contact with
24 the Banyamulengue came forward as being victims of rape. I know that at that
25 moment in time there were girls, some girls, some prostitutes who came voluntarily

1 and had partners among those soldiers, and they cannot be distinguished now.
2 Everybody came forward saying that they were victims of rape. I am saying this for
3 your information. Some of them were not victims of rape; they voluntarily entered
4 into this relationship with these people because they needed a bit of money." Is that
5 enough?

6 Q. We'll go through this stage by stage. Witness, were these the words that you
7 stated to the ICC investigators, and can you confirm this today before the Court?

8 A. Yes, those were indeed my very words.

9 Q. We shall both try to help one another with reading these passages. Could you
10 please read out the next question and the answer given? It begins with, "What
11 treatment" and ends, "was able to get myself understood." So --

12 A. "How were these people treated in the file? I'm talking about the prostitutes."
13 The answer is, "It's difficult because they came forward and told me. It's difficult for
14 me to distinguish whether they are all actual rape victims or whether these people
15 voluntarily entered into this relationship with the Banyamulengue and which, after
16 the government was overthrown, presented themselves as having been raped, as
17 victims. When I began the investigation, many people thought that at the end of the
18 investigation the State would be giving some money to people who had been
19 identified as being victims. This was the aside that I wanted to convey to you, i.e.,
20 that there were women who had been prostitutes; some prostitutes in the city had
21 voluntarily entered into this relationship. I don't know among those that I heard
22 which were prostitutes and which were not, but I don't know whether you
23 understand what I'm saying."

24 Q. Witness, were those your very words that you stated to the ICC investigators
25 and do you confirm this today before the Chamber?

1 A. Yes, I can confirm this.

2 Q. I'm now going to read out another passage, a question that was put to you by
3 the ICC investigators, and I quote you: "According to your investigation, how could
4 you differentiate who was a prostitute and who was the victim of rape?" This is
5 your answer: "According to my investigation, all the women who came to me are
6 victims of rape. I have to be clear. It is just that, speaking on a personal level,
7 I know that some of them were not raped, that they had normal relations with those
8 men. Do you see what I mean? But it is difficult to know whether or not those who
9 came forward, and came to me at the court to be heard, were victims of rape at any
10 point in time, or whether there were still among those comprising certain prostitutes
11 who had partners among those men and who therefore had taken advantage of the
12 situation to present themselves as victims."

13 Witness, were those your very words uttered to the ICC investigators, and can you
14 confirm this before the Court?

15 A. Yes, I can do that, I can confirm that.

16 Q. Court officer, could we go on to the next page, CAR-OTP-0010-0160.

17 Witness, I'm going to read out a short passage from your statement to the
18 investigators, and I quote you: "Some of them had even gone as far as Damara and
19 they followed them up to Damara. You see what I mean? You cannot believe that
20 that was going against their free will. They weren't taken all the way there against
21 their own free will."

22 Witness, were those your words? Can you confirm this to the Court here?

23 A. Yes, I can confirm that.

24 Q. On the same page, can we focus on the last paragraph now.

25 Witness, you can see the last paragraph. Can I ask you once again to cooperate with

1 us by reading out the last two sentences in this paragraph, beginning with "Some of
2 them."

3 A. "Some of them came to me with the results from tests, who presented HIV test
4 results, and maintained that they had caught AIDS as a result of having had
5 intercourse against nature with those people, and it is very difficult to confirm
6 whether or not what they are saying is true."

7 Q. Were these the very words that you uttered in the presence of the ICC
8 investigators, and do you confirm this before the Court today?

9 A. Yes, I confirm this.

10 Q. I would like to ask the court officer to go on to the next page,
11 CAR-OTP-0010-0161. Could we focus on the last paragraph of this page, please.
12 Court officer, could you perhaps, after we have read out the end of this page, you
13 could immediately go on to the next page.

14 Witness, here is the question that you were asked: "Now, to come back to a detail,
15 did you take down a statement made by victims who were prostitutes?" Your
16 answer is, "No, I did not know that either. As I said, when there was the matter of
17 this investigation being envisaged the hope, the impression that prevailed, was that
18 people believed that afterwards, the State would be paying out some money to give it
19 to the victims, but no. Many people came forward, so I could not distinguish the
20 prostitutes who disguised themselves as victims from the actual victims. What I am
21 saying for your information is that, among all those who had sexual intercourse with
22 those men, there was also a very tiny percentage of prostitutes. That happens almost
23 everywhere in the history of war throughout the world. There have always been
24 things like that, prostitutes and soldiers, just as happened during the World Wars."
25 Witness, does this reflect what you said and can you confirm this to the Chamber?

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1 A. Yes, I can confirm that.

2 Q. Witness, we are going to end on this topic. And now I would like to ask you to
3 read out the very last paragraph, asking the court officer once again if he would, to go
4 on to the next page so that you can read out the whole passage in one go. This is
5 document CAR-OTP-0010-0162.

6 A. "The evidence was the testimonies, and I told you that they were given
7 documents that looked very much like medical certificates in which it was stated
8 whether the person had been raped. The prescription was made and it was stated
9 whether or not the person was infected. Now, what I say about these documents is
10 that we have to be reserved about their reliability because they were established after
11 the events. I am not saying that these are counterfeit documents but experts can be
12 led into error. Apart from the testimonies there are also documents that were
13 handed over to us by the Ministry of Social Affairs, part of which I believe are in the
14 file. You will see this, I think an interview with Mrs Balipou, and she will be able to
15 give you the details about that."

16 Q. Witness, were those the words that you said and do you confirm them here
17 today?

18 A. Yes, I do. I can confirm that.

19 MR KILOLO: (Interpretation) Your Honour, perhaps I could be given five
20 minutes to end with this section so that we don't have to come back to this after the
21 pause, after the break.

22 PRESIDING JUDGE STEINER: I need to ask the court interpreters and reporters
23 whether they would agree on extending for five minutes, not more than that, in order
24 for the Defence to finish this part of its questioning.

25 You can proceed, Maître Kilolo. Thank you very much for our interpreters and court

1 reporters for that. Five more minutes, Maître Kilolo.

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

3 Q. Witness, why do you say that one has to have reservations about the reliability
4 of the medical documents that were presented by the alleged victims of rape?

5 A. Thank you. I wouldn't like to give the impression here that I had any doubts
6 about the integrity of the members of the cell, but what I was saying is that we
7 were -- this was a war, the end of a war, and that people might be deceived. For
8 instance, somebody who had already been infected might come forward and say that
9 she was the victim of an infection due to the MLC members. So the reservations do
10 not relate to the members of the cell, but rather to the people who -- the women who
11 came forward and presented themselves to that cell. That's what I meant.

12 MR KILOLO: (Interpretation) Thank you, Witness.

13 Your Honour, thank you for being so patient.

14 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo. At the end,
15 you didn't use your five minutes.

16 Mr Witness, we are going to suspend now for lunch. You are entitled to have lunch
17 and to take some rest. It's a little bit past 1.00. We will resume at 2.35.

18 I ask, please, court usher to take the witness outside the courtroom.

19 (The witness stands down)

20 PRESIDING JUDGE STEINER: The hearing is suspended.

21 (Recess taken at 1.03 p.m.)

22 (Upon resuming in open session at 2.53 p.m.)

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

24 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. On behalf of the
25 Chamber, I apologise for the delay. The Judges were deliberating on some issues.

1 Could, please, court usher bring the witness in.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE STEINER: Good afternoon, sir.

4 THE WITNESS: (Interpretation) Good afternoon, ma'am.

5 PRESIDING JUDGE STEINER: I hope you managed to rest a little bit?

6 THE WITNESS: (Interpretation) Of course, ma'am.

7 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony
8 before this Court?

9 THE WITNESS: (Interpretation) We shall continue.

10 PRESIDING JUDGE STEINER: Thank you very much. Maître Kilolo, you have the
11 floor.

12 MR KILOLO: (Interpretation) Thank you, your Honours, for giving me this
13 opportunity to proceed once again.

14 Q. Witness, I would like to hark back to the statement that you made before this
15 Chamber and I make reference to the transcript of 4 May 2011, French version,
16 real-time version, page 45, lines 27 to 28, as well as page 46, lines 1 to 19.

17 You stated before the Chamber that before, before the situation was brought before
18 the ICC, you were in the possession of a number of statements, statements that you
19 had obtained from victims in the Central African Republic. Do you remember that?

20 A. Yes, I took statements from victims and the statements have been provided.
21 They are part of the record.

22 Q. I'd like to ask you some questions about these statements taken from victims.
23 The Prosecution has tendered approximately 100 such statements before the Chamber.
24 For example, I'd like to ask the court officer to display document 49, number 49 on
25 the Defence's list.

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1 PRESIDING JUDGE STEINER: The level of confidentiality, Mr Kilolo?

2 MR KILOLO: (Interpretation) This is a confidential document, your Honour.

3 PRESIDING JUDGE STEINER: No names, Maître Kilolo.

4 THE COURT OFFICER: Document CAR-OTP-0001-0539 it's available on your
5 screens. It's a confidential document and it has been attributed previously the
6 reference EVD-T-OTP-00248.

7 MR KILOLO: (Interpretation)

8 Q. Witness, I'd like to draw your attention to the fact that we must not actually
9 give the name of the witness who is mentioned in this document. Could you
10 confirm before the Chamber that you, indeed, have a victim's statement before you, a
11 statement that you took as part of your investigation in the Central African Republic?

12 A. Yes, indeed.

13 Q. Witness, first of all, I would like to know -- allow me to correct one point.
14 Now, all these people who said that they were victims of abuse and violence
15 attributed to the MLC soldiers, did these people give an oath before you when they
16 appeared before you and gave their statement?

17 A. Under our legislation, victims do not make an oath. When a victim of an
18 offence appears, he or she does not have to give an oath.

19 Q. Witness, just to shed light on this matter for the Chamber, within the Central
20 African Republic legal system now, is this document -- is this statement considered to
21 be a form of testimony under Central African Republic procedure?

22 A. This is a statement taken from a victim, anyone who has been a victim of an
23 offence, abuse, violence, and wishes to bring the information to the attention of the
24 court. Earlier I was saying that in our part of the world, I was saying that our -- a
25 victim does not have to swear an oath with regard to the court. The court makes an

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1 assessment.

2 Q. Witness, I can see that in this document we see that the alleged victim appeared
3 before you and you had a court clerk with you to provide you with assistance; is that
4 so?

5 A. Yes.

6 Q. At the very bottom I see something, a statement, that says something along the
7 lines of "No further statement to be made. The statement has been read out and
8 translated to the civil party." And so this means at least three people signed, but I
9 only see two signatures here. Could you shed light on this matter for the Court?

10 A. In principle, the victim must sign. Either the victim signs or places a
11 fingerprint on the document. If the victim didn't sign, it must mean that he or she
12 placed his or her fingerprint on the document. Perhaps there was not enough
13 ink -- well, I don't know, but, no, usually a victim -- if a victim does not sign, the
14 victim places a fingerprint on the document.

15 PRESIDING JUDGE STEINER: Sorry to interrupt you. Could, please, the court
16 officer display the bottom of the page. I think there is a problem with the copy that
17 is displayed, because in the copy I have in front of me there is the thumbprint. You
18 are talking about document 50? I'm sorry. No, no, 49. Yes. What is the number
19 of the document you have, Mr Kilolo?

20 MR KILOLO: (Interpretation) CAR-OTP-0001-0539.

21 PRESIDING JUDGE STEINER: Sorry, you can proceed. I have a different
22 document as being document 50, but - probably - probably document 49 is a problem
23 with my -- I'm really sorry. You can proceed. I'm sorry.

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

25 Q. Witness, we see two signatures here, and I would like to ask you a question

1 about your signature as it appears in its current form on the document. Does it seem
2 to you that this signature has been completely reproduced on this document?

3 A. The photocopy seems to have cut off part of it, but it is indeed my signature. It
4 is indeed my signature.

5 Q. To your knowledge, with regard to a document that you drew up, do you think
6 that is the explanation that might justify why we don't see the signature or the
7 thumbprint of the alleged victim?

8 A. Well, I try to explain in terms of the principle. In principle, the victim must
9 sign, just as the examining judge signs. In this particular case, the signature or the
10 thumbprint of the victim does not appear. I don't know, it may have been an
11 oversight. In principle, the parties sign the document. They sign the statement.

12 MR KILOLO: (Interpretation) Your Honour, at the appropriate moment we will
13 take a number of special initiatives with regard to this particular document.
14 Courtroom officer, could you please display document number 1 on the Defence list,
15 page CAR-OTP-0010-0114. Could we zoom in on paragraph 38, please.

16 Q. Witness, could you please focus on paragraph 38 and, once again, I would like
17 to ask you if you could be so kind as to read out only, to begin, the first sentence of
18 paragraph 38, which is a paragraph from your statement to the ICC investigators.

19 A. Thank you. "As for verification of the witnesses' statements, other than a
20 number of medical certificates, it was not possible to verify whether the rapes had,
21 indeed, occurred." Okay?

22 Q. Witness, can you confirm that? Are those your actual words to the ICC
23 investigators?

24 A. I confirm.

25 Q. Now, Witness, when you said with regard to the verification of the witnesses'

1 statements, it was not possible to verify other than for a number of medical
2 certificates whether rapes had, indeed, occurred, are you talking about the victims?

3 A. Of course, I'm talking about the victims of the rapes.

4 Q. We have concluded with this particular matter of the rapes. I would now like
5 to ask you if you could read out the following sentence, just the following sentence; if
6 you could go gradually. This sentence begins "quant au pillages," and it ends "avoir
7 perdu."

8 A. "As for the looting, I contented myself with the victims' statements, but I really
9 had no way of verifying whether they had truly owned the items that they said they
10 had lost."

11 Q. Witness, are those your actual words to the ICC investigators? Can you
12 confirm that before the Chamber?

13 A. I confirm that before the Chamber.

14 Q. Well, we've dealt with the looting now. I'd like to now ask you to read out the
15 remaining part of paragraph 38.

16 A. "Some witnesses spoke of -- " Is that all --

17 Q. There are two sentences. The sentence that begins "du même".

18 A. "Same thing for the killings; some witnesses spoke of mass graves but we did
19 not visit any of the actual locations, nor were any bodies exhumed."

20 Q. Witness, are those your actual words to the ICC investigators? Can you
21 confirm that today before the Chamber?

22 A. I confirm that.

23 Q. Witness, could you confirm before the Chamber now that the witnesses'
24 statements that you speak of, be it statements taken from rape victims, victims of
25 looting or cases of killings, do these statements correspond to the victims' statements

1 an example of which was shown to you a few moments ago?

2 A. Indeed, yes, they do correspond to the witness statements that were placed on
3 the record. The victims -- witnesses' statements were placed on the record.

4 Q. Mr Witness, can you specify please for the Chamber that we are, indeed, talking
5 about the statements which were taken by the Prosecutor from the ICC as evidence,
6 which is to say the statements made during questioning from victims and from
7 yourself as well?

8 A. Indeed, these were the statements we had in our files in Bangui.

9 Q. I would now like document number 3 to be displayed from the Defence's list,
10 page CAR-OTP-0010-0178. Please enlarge the last two paragraphs.

11 Mr Witness, I would now like to read aloud to you a brief excerpt of the statement
12 which you made to the investigators of the ICC. I quote: "I did not ask this
13 question because the people who came were not members of an army; they were
14 rebels and they were dealing with an illiterate population. Most of the victims do
15 not understand French, nor do they speak Sango."

16 Mr Witness, were -- are these your words? Did you make this statement to the
17 people from the ICC?

18 A. Yes, these are my words, but I should perhaps make a correction, if the Court
19 will allow. I said that the victims didn't understand Sango. I think that practically
20 everybody in Bangui speaks Sango and French. I must not have understood the
21 question correctly at the time. The victims almost certainly spoke Sango, but they
22 may not have understood French, but they would certainly have had no problem
23 understanding Sango.

24 Q. Court officer, I no longer need to have the current document displayed on the
25 screen. I would now like document number 4 to be displayed, document 4 from the

1 Defence's list of documents, page CAR-OTP-0019-0151. Please enlarge the second to
2 the last paragraph on that page.

3 Mr Witness, I would like to draw your attention to the second to the last paragraph,
4 the one which is currently on the centre of the screen which you have before you, and
5 I would like in particular to draw your attention to the second part of that paragraph.
6 It begins with "Qu' il n'est-pas contesté." This is an excerpt from your order, sir.

7 A. "It is not contested that aside from Bombayake certain other highly-placed
8 political officials and military officers had relations with Mustapha or with
9 Jean-Pierre Bemba. I think this has to do with the testimony taken from General
10 Yangongo and Colonel Lengbe."

11 Q. Mr Witness, can you confirm that today?

12 A. I do confirm that.

13 Q. Mr Court Officer, I no longer need this document on the screen. Mr Witness,
14 I would now like to ask you a certain number of questions. These questions are
15 based on the information that Mr Jean-Pierre Bemba's Defence team was able to
16 obtain. I'm not going to display the documents one-by-one on the screen in front of
17 you, I would simply like to request that you simply use your memory and to base
18 your answers on the results obtained in the course of your investigation.

19 Sir, is it correct to say that you personally were able to take statements from a certain
20 number of Central African members of the military who collaborated, who worked
21 with Colonel Mustapha?

22 A. That's correct.

23 Q. I would now exactly like to look more closely at what exactly that was and
24 I would, at the same time, like to remind you to please do your best, respect the
25 five-second rule.

1 Sir, the Defence has information in its possession which shows that once Colonel
2 Mustapha arrived in Central Africa that he had to do, or he was in contact with four
3 Central African authorities; President Patassé, the Minister of Defence, the Central
4 African Chief of State -- Chief of Staff, excuse me, the Chairman of the Naval Forces of
5 the Central African Republic and the head of the Presidential Security Unit.

6 Sir, my question is the following: Does the information which I just explained to
7 you correspond all or in part to that which you were able to uncover during the
8 course of your investigation?

9 JUDGE ALUOCH: Mr Kilolo, you have not given us the source of this information.
10 All you are saying is that Defence has information in its possession.

11 MR KILOLO: (Interpretation) Yes, indeed, your Honour. This is document
12 CAR-OTP-0020-0205-R01, page 14, page 14. This is a document from the Office of
13 the Prosecutor which was provided to the Defence, a witness statement.

14 THE WITNESS: (Interpretation) Shall I answer? It would be difficult for me to
15 verify the information that you just mentioned. What I know is that when the events
16 occurred Mr Mustapha was in the Central African Republic and that he reported to
17 the President of the Republic. Perhaps he also worked with General Bombayake.
18 But when we talk about collaborating with Mustapha during the investigation it was
19 a real bone of contention. The Minister of Defence might say one thing to you; you
20 might interview or take a statement from another officer who might tell you
21 something different.

22 What we knew is that Mustapha reported to President Patassé and that he was
23 working with General Bombayake. With regards to his relationship with the Chief
24 of Staff and the Minister of Defence, it would be difficult for me to verify the nature
25 or to describe the nature of those relations. I was told by the Minister that

1 Mr Mustapha reported directly to the Head of State, and that's all I can tell you for the
2 time being.

3 MR KILOLO: (Interpretation)

4 Q. Thank you, sir. I would once again like to refer to information that the
5 Defence team has. This information is based on document CAR-OTP-0027-0731,
6 page 2. This is a witness statement. This is a document which we received from
7 the Prosecutor's office.

8 On the basis of this information, the information which the Defence has at its disposal,
9 Mr Jean-Pierre Bemba ordered Colonel Mustapha to do the following: As soon as he
10 arrived in the Central African Republic, that he should report to and understand that
11 he was under the authority of the Central African Republic.

12 Sir, does that information correspond in all or in part to the information which you
13 were able to uncover in the case of your investigation?

14 A. I don't have any of that information, I'm sorry.

15 Q. Sir, on the basis of another document which we obtained from the Office of the
16 Prosecutor, to wit, document CAR-OTP-0020-0257, the French version of that
17 document, on page 18, that the information which we have specifies that the Central
18 African General André Mazi conducted all of the operations conducted by the MLC
19 contingent in the Central African Republic, and he directed those operations from a
20 static command post which was also known as the operational headquarters.

21 Sir, does this corroborate the information from your investigation in all, or in part?

22 A. Thank you. We asked that question of General Mazi when we were
23 conducting our investigation, and what he said was that the unit that was set up
24 didn't work because there was a certain number of rivalry between himself and
25 General Bombayake and that he was not able to run the unit as he wished. That's

1 what he said, and that's what you'll find in the statement that he made when we took
2 his testimony.

3 Q. On the basis of another document that the Defence received from the
4 Prosecutor's office, to wit, document CAR-OTP-0020-0258, French version, page 19,
5 this information says that as soon as the City of Damara was taken, General André
6 Mazi arrived on site in order to have an after-action report given to him from Colonel
7 Mustapha and, further, each time a city was taken, Colonel Mustapha would contact
8 each of the Central African authorities in order to provide them with an after-action
9 report as immediately as possible.

10 Does that corroborate in all, or in part, the information which you were able to obtain
11 in the course of your investigation?

12 A. That is, indeed, correct.

13 Q. Sir, once again, based on information that we received from the Office of the
14 Prosecutor from the ICC which came from a witness questioning, to wit,
15 CAR-OTP-0258, paragraph 648, page 19 from the French version, this is what comes
16 out of that document: "Colonel Mustapha was making no progress on the ground
17 unless he received a previous order from the Central African Centre for Operations."

18 Does that correspond in all, or in part, to the information which you were able to
19 discover in the course of your investigation?

20 A. You know, the military sphere is one that I am not really familiar with and I
21 have to, basically, you know, accept what I was told during my investigations. I
22 can't certify that -- all I can do is tell you that somebody told me that, I mean, but
23 I can't certify that kind of that information. But I don't have any knowledge of that
24 information.

25 Q. Sir, still on the basis of information which we were able to obtain from the

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1 Office of the Prosecutor of the ICC while they took the testimony of a witness, of a
2 military officer, information contained in document CAR-OTP-0020-0269, page 6, as
3 well as document CAR-OTP-0020-0270, page 7, there we see that Colonel Mustapha
4 was in communication with André Mazi, a Central African general, and he was in
5 communication with the general thanks to a Thuraya system which was provided to
6 him by General Bombayake, another Central African general, and that General
7 Bombayake had also provided a Thuraya communication system to the three
8 battalion commanders, the three Congolese battalion commanders, who composed
9 the MLC contingent operating in the Central African Republic.

10 Does that corroborate in all, or in part, the information which you were able to obtain
11 in the course of your investigation?

12 A. I don't know anything about that information. You would do better to ask
13 soldiers to get an answer to your question. I don't have that information, I'm sorry.

14 Q. Still on the basis of the information which we received from the OTP of the ICC,
15 and I'm referring to document CAR-OTP-0020-0271, page 8, the information states the
16 following: "With regards to the command chain," the chain of command, rather,
17 "General Mazi reported to General Bombayake, first name Ferdinand, a liaison officer
18 for the MLC contingent and the head of Presidential Security for President Patassé,
19 and it was up to General Bombayake to report to the president, to report directly to
20 President Patassé.

21 Sir, does that correspond in all, or in part, to the information you were able to obtain
22 during the course of your investigation?

23 A. When the events occurred, General Mazi was the Chief of Staff, or Deputy Chief
24 of Staff, perhaps. Now, whether he needed to go through General Bombayake to be
25 in touch with the other commanders, I don't know, but one thing is sure and that is

1 that they are two generals who did not get along very well. I got testimony from
2 both of them and it seemed to me that, during the events, that they were very
3 cautious of each other. So I can't really, you know, verify that information.

4 Q. But from that, can you confirm to the Chamber that these two generals were
5 contesting a certain point, saying that one was in charge of the MLC and the other
6 one was saying that the other one was in charge of the MLC? They were passing the
7 ball back and forth; they were passing the buck, if you were.

8 A. Yes, of course, that exactly is what they were saying.

9 Q. Sir, on the basis of another document, another document which we got from the
10 Office of the Prosecutor, specifically, document CAR-OTP-0020-0286, page 3, French
11 version, witness statement, in the document we see that the MLC soldiers, once they
12 had arrived in Bangui, did not receive any orders from Gbadolite, decisions having to
13 do with operations for which were conducted in the field by the MLC contingent,
14 were initiated at the headquarters in Bangui.

15 Sir, does this correspond to all, or in part, to information that you got from your
16 investigation?

17 A. I am not in a position to be able to verify -- to be able to certify, excuse me, that
18 information.

19 Q. Sir, on the basis of another document which we also received from the Office of
20 the Prosecutor, document CAR-OTP-0027-0653, page 24 of the French version. Sir,
21 this document states that central intelligence from the battleground in position, that
22 intelligence which dealt with the positions of the rebel troops, was provided to the
23 MLC soldiers and this information or intelligence was provided by the Central
24 African battalion commanded by General Bombayake and that that battalion was put
25 at the disposal of the MLC contingent.

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1 Does this correspond or corroborate to your investigation?

2 A. No, Counsellor, I don't know anything about that information. That's purely
3 military in nature and I wouldn't know anything about it.

4 Q. Sir, on the basis of another document that we got from the Prosecutor's office,
5 this time it's document CAR-OTP-0020-0295, page 12, witness statement. Sir, in that
6 document it's stated that the Congolese soldiers of the MLC were fully supported in
7 the Central African Republic by the Central African States in terms of their food, the
8 medical supplies they received, uniforms they received, and even their shoes, even
9 their footwear.

10 Does this correspond to all, or part, of your investigation?

11 A. That is correct, that is information which I received during the investigation.

12 PRESIDING JUDGE STEINER: Ms Kneuer?

13 MS KNEUER: Thank you, Madam President. If I recall correctly, we litigated
14 before this Court the question what can be quoted from transcripts or witness
15 statements, and I recall that your Honours had decided that the Defence will be
16 allowed to quote from transcripts, but not from statements. Well, it appears to me
17 that at least one time, and it is page 71, lines 10 to 15, the Defence quoted directly
18 from a witness statement, and it's very difficult for me to follow, and we had roughly
19 10 to 15 other references.

20 I cannot, in due time, to look up all these references to assist your Honours if this is a
21 quotation or a summary, but I think the essential submission is that your Honours
22 had decided that references and quotations are allowed from transcripts, but not from
23 witness statements, in particular ones that had not been heard and not even part of
24 the case file so far or tendered.

25 PRESIDING JUDGE STEINER: Although I agree with the Prosecution, since the

1 Chamber is also having difficulties in finding the documents to which Defence is
2 making reference, in principle, it doesn't appear to me that there are any quotations
3 but, in any case, I would like to listen to Maître Kilolo in that respect.

4 MR KILOLO: (Interpretation) Thank you, your Honour. First of all, I would like to
5 draw your attention to the fact that the Defence is in the process of having recourse to
6 various items that are taken from the Prosecution's information, and they are in the
7 best position, in a better -- a position better than anyone else to be familiar with these
8 items of information.

9 When one considers the staff and the resources allocated to the Office of the
10 Prosecution, there is no comparison between those -- that staff and resources and
11 those of the Defence. So they should be familiar with items from their own files;
12 particularly if the information is exculpatory in nature.

13 Secondly, a decision was recently taken, and I can provide you with a number in due
14 course, and the order was given that a French translation be prepared of initial
15 statements taken from Mustapha and, in your ruling, you said that Mustapha
16 Mukiza -- you said that his testimony was crucial. For no other witness did you use
17 such an adjective, and we will find the reference to that particular ruling.

18 We see that the witness who is before us today, on several occasions when asked, said,
19 "Oh, well, these are military matters. Ask the question of the military officers."

20 Why was Mustapha not called as a witness? Why was General Bombayake, General
21 Mazi, the former Minister of the Defence Mr Yangongo and even Angoa, why were
22 they not called as witnesses?

23 The burden of proof lies with the Office of the Prosecutor and we find ourselves in a
24 difficult position. Fortunately, we have this witness who took statements from most
25 of the military officers of the Central African Republic, who said that they had

1 collaborated with Colonel Mustapha, the highest-ranking soldier of the MLC within
2 the Central African Republic.

3 So we took this opportunity, and we are entitled to take this opportunity through this
4 witness to obtain information that he may have gathered in the course of his
5 investigation. The Prosecution did the same with regard to victims that they were
6 able to interview. And why does this -- why is there a problem with us using such
7 information today?

8 Thirdly, and I will conclude on this point, I did not give any actual quotation; I did
9 not quote from any particular material. With my learned friends, I gathered a
10 number of items of information after spending more than one year reading the
11 material. Today, I'm merely asking the witness, on the basis of the information that I
12 have, and just as Judge Aluoch asked me immediately to specify what my source was,
13 and I did so, all the various items of information that I have mentioned are to be
14 found on the Defence's list and, furthermore, that was disclosed within the deadline
15 three days in advance.

16 That was not ever challenged by the Office of the Prosecution and now, all of a
17 sudden, the Prosecution rises to challenge the fact, to contest the fact that we wish to
18 merely determine whether some of the information provided to the OTP by military
19 officers, either Congolese ones or Central African Republic ones, corroborate the
20 investigation that was led by this witness who was the investigating judge and, all of
21 a sudden, this embarrasses them.

22 We make these arguments for your esteemed consideration, your Honours.

23 MS KNEUER: Thank you very much, your Honours, for your patience with me
24 today. First of all, I regret that Defence counsel is not responding to the objection.

25 He's giving testimony himself again, he's giving a speech, but he's not addressing the

1 procedural issue that I raised here.

2 Also, it is correct that the Prosecution - and I assume everybody in this courtroom is
3 very familiar with the documents of this case - however I, at least I am not in a
4 position to memorise thousands of pages. So if I've been given two seconds to look
5 up a reference to determine if it's a quotation or not, I'm sorry, it's impossible for me.
6 But the critical thing is the procedural issue. Your Honours had decided that
7 quotations and references are made only with regard to testimony that already was
8 heard in this Court. So your Honours made a clear distinction between a transcript
9 of a witness statement, and a written statement that was not yet tendered through a
10 witness, or through a Bar table motion.

11 And the position of the Prosecution is that even if these documents are disclosed,
12 even if they are on a list of evidence -- on a list of documents that was submitted in
13 due time to this Court, the question is: Is it legitimate to bring in information
14 through a back door that is procedurally inappropriate?

15 And to comply with your Honours' decision, the Prosecution or parties and
16 participants, and even your Honours, would have had -- would need a chance to
17 follow what's exactly in the statement and if it is a quotation or not.

18 Definitely, from the transcript, page 71, lines 10 to 15, it is a direct quotation. At
19 least it reads this way in the English transcript and it appears to me that the other
20 references are quotations, certainly not direct ones but indirect ones. And I don't see
21 a big difference if I say it is stated X, Y and Z or it says X, Y and Z without saying
22 quotation start, quotation end.

23 But the crucial question is: Should it be allowed that these type of quotations and
24 references to a witness statement should be allowed or not? Thank you, Madam
25 President.

1 PRESIDING JUDGE STEINER: Maître Liriss, the reply to the reply.

2 MR LIRISS: (Interpretation) Indeed, I would like to respond to the question
3 regarding the motion. Now, if I've understood correctly, my learned friend is
4 making reference to the ruling whereby you were opposed to a witness being
5 confronted with statements made by another witness. One must see the ratio legis
6 because this particular witness is not supposed to know what another witness stated
7 previously.

8 Now, no one that we are quoting here, none of them are people that the current
9 witness has heard and I will move on to another point.

10 First of all, there is a group of witnesses that he, himself, heard from, interviewed, so
11 that information is not foreign to him. I can't ask him questions now that I would
12 ask of a victim, but he heard some of those witnesses, and some of those witnesses
13 told him about the behaviours of others; in particular, Mustapha. So it is entirely
14 normal to ask him, to put these statements to him, to see whether they corroborate
15 with what he heard.

16 Secondly, neither the Chamber nor the Defence had, and perhaps will not have the
17 opportunity to hear these crucial witnesses, those who fought, those who were at the
18 very centre of the case because of a decision, a discretionary decision, taken by the
19 Prosecution.

20 Now, the only opportunity for the Defence to draw the Chamber's attention to
21 exculpatory statements made by such witnesses is to obtain that information through
22 a special witness; namely, a person who heard from these people. I do not think that
23 this method disregards your ruling, which was primarily intended to ensure that a
24 witness who was entirely ignorant of certain matters, that such a person would not be
25 confronted with other statements from other witnesses, but through a witness who

1 is -- who does have knowledge of the events, unless I have misunderstood or
2 misinterpreted your ruling, unless your ruling was misinterpreted when we heard
3 the previous witness. And I thank you, your Honour.

4 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. So it's really unfortunate
5 that these issues have been raised five minutes before the adjournment of this session,
6 but I will try to summarise the view of the Chamber. And I think we can say that
7 although we don't have the formal decision of the Chamber on this respect, I agree
8 with the Defence that the decision issued orally by the Chamber, in relation to the
9 reading of transcripts to a witness that was giving testimony before this Chamber,
10 was in a completely different situation.

11 At that time, and I think I'm not wrong, the Defence tried to confront exactly,
12 confront the testimony of a witness that has not been called or has not testified yet,
13 with a witness that was giving testimony, with the aggravating circumstance that
14 both were protected witnesses, which means that by confronting their statements,
15 their identity would be revealed one to the other one. So the picture was completely
16 different at that stage.

17 As far as I can see, the Defence is making reference to documents that were disclosed
18 to the Defence. I cannot be sure about that, but we can reasonably suppose that
19 documents that were disclosed under Rule 77, since Defence is stating that they
20 contain potential exculpatory information and relates to witnesses that, at least to this
21 moment, were not appeared to be on the list, the Prosecution's list of evidence, not
22 appear to be on the list to be called to give testimony before this Chamber. So I don't
23 see any similarity in both situations and any impediment for the Defence to read
24 portions of the statements with the sole purpose to confirm whether the same
25 information was given to the witness in his -- in his activities, judicial activity in the

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1 Central African Republic.

2 The Chamber will not allow the Defence to read the full content of any statements just
3 in order to put it on the record, on the public record of the case. If the Defence
4 intends to tender any of these documents into evidence, the Chamber will be given
5 the opportunity to do it in due time and through the way to be decided upon by the
6 Chamber.

7 So the only thing the Chamber will not allow is that through a privileged witness that
8 you try to introduce statements of other witnesses in this case, because they are not
9 witnesses in this case, at least, not until their statements are tendered into evidence.

10 The last part, and in this part I agree with the Prosecution, and I repeat that the
11 Chamber has already had difficulties following the Defence because the Defence just
12 mentions the number of a document, without even mentioning which number is on
13 the Defence list of documents. I, myself, was not able, I had no time at all to go to
14 the proper page in order to check whether the quotation, or the summary, made by
15 the Defence corresponds to the content of the statement. So, everyone would benefit
16 if the Defence at least mentions which document in the list of evidence the Defence is
17 talking about.

18 We have already come to a point in which we cannot continue, unfortunately. We
19 have to adjourn our hearing.

20 Mr Witness, thank you very much for your patience. We thought we would be able
21 to finish your testimony today but, apparently, it's going to be tomorrow, hopefully
22 in the morning session. We thank you very much and we wish you a restful night.
23 I ask, please, the court usher to take the witness outside the courtroom.

24 (The witness stands down)

25 PRESIDING JUDGE STEINER: I would like to thank very much the Prosecution

1 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
2 Gombo, to thank very much our interpreters and court reporters.

3 We will adjourn this hearing and we will resume tomorrow morning at 9.30 in the
4 morning in this very same courtroom. This hearing is adjourned.

5 THE COURT OFFICER: All rise.

6 (The hearing ends at 4.05 p.m.)

7 CORRECTION REPORT:

8 The Court Interpretation and Translation Section has made the following corrections
9 in the transcript:

10 * Page 7 lines 16 to 18:

11 "the leader of these troops reported to the former president, President Patassé,
12 regarding operations in the field and, from time to time, they would relate what had
13 happened in the field."

14 is corrected by

15 " the leaders of these troops reported to the former President, President Patassé,
16 regarding operations in the field. And in return, of course, he told them what to do in
17 the field."

18 * Page 10 lines 1 to 6:

19 "A. "But given that it is settled that Koumtamadji Martin, alias Abdoulaye Miskine,
20 Paul Barril, Bombayake Ferdinand and Mustapha at the time the events took place were
21 all under the direct authority of President Patassé, who was answerable to person -- to no
22 one, and who received -- and who took received -- took orders from no one. I was
23 provided with proof that Mr Bombayake had power over Mr Mustapha, representing
24 Mr Jean-Pierre Bemba in Bangui.""

25 Is corrected by

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1 "A. "But given that it is settled that Koumtamadji Martin, alias Abdoulaye Miskine,
2 Paul Barril, Bombayake Ferdinand and Mustapha at the time the events took place were
3 all under the direct authority of President Patassé, and that they were answerable only to
4 him and received orders only from him ; and whereas no evidence was tendered showing
5 the slightest authority that Mr Bombayake could have had over Mr Mustapha, the
6 representative of Mr Jean-Pierre Bemba in Bangui.""
7