

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(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, 8 November 2011
8 (The hearing starts in open session at 10.06 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
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
14 case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much.
18 Good morning. Welcome, Prosecution team, legal representatives of victims,
19 Defence team, Mr Jean-Pierre Bemba Gombo. I see that Maître Kilolo, you take over
20 the questioning today. Good morning to our interpreters and court reporters.
21 We will continue this morning with the questioning by Defence of Witness 31 and I
22 ask, please, court usher to bring the witness in.
23 (The witness enters the courtroom)
24 WITNESS: CAR-OTP-PPPP-0031 (On former oath)
25 (The witness speaks French)

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1 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

3 PRESIDING JUDGE STEINER: Welcome back to this courtroom. We hope you had
4 a restful night. Are you feeling well and ready to continue with your testimony?

5 THE WITNESS: (Interpretation) I'm ready, ma'am.

6 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to the Defence, I
7 need to remind you that you are still under oath. Do you understand that?

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

9 PRESIDING JUDGE STEINER: As you can see, today Maître Nkwebe Liriss is not
10 present, so Maître Kilolo will take over and continue questioning you on behalf of the
11 Defence.

12 Maître Kilolo, you have the floor.

13 QUESTIONED BY MR KILOLO: (Interpretation)

14 Q. Good morning, Witness.

15 A. Good morning, Counsel.

16 Q. As the Presiding Judge said, I am Aimé Kilolo. I am the person who will be
17 continuing the cross-examination with you this morning and let me reassure you
18 before noon the Defence will have finished cross-examination and you will be able to
19 go back home. Do you understand what I'm telling you?

20 A. Yes, I understand completely, Counsel.

21 Q. Witness, I would like to hark back to a statement that you gave to the Office of
22 the Prosecutor in the first document to be found on the Defence's list, page

23 CAR-OTP-0007-0299. Now, here is the question that was put to you: "Do you
24 know what was the goal of the MLC when they came to the Central African Republic
25 in October 2002?" And your answer was: "I believe that they were called upon.

1 They could not come on their own initiative. Certainly someone had called upon
2 them. It was a political call. It was at the level of the Head of State. He asked
3 them to come, as far as I know. Perhaps you should ask that question to the Minister
4 of Defence, or to the Head of State? That sort of decision wasn't made at my level."
5 The investigator then asked you: "Do you know who asked the MLC troops to
6 intervene in Bangui?" And your answer was: "Well, I may be repeating myself, but
7 as I said perhaps you should ask that question of someone else? I don't know.
8 Perhaps you should ask the Minister of Defence, the head of the General Staff, the
9 minister, because this is something that goes beyond my level? This is something
10 you should be asking the president of the republic. He is the supreme commander
11 of the armed forces, or the Minister of Defence, or the head of General Staff. Myself,
12 I don't know."

13 Witness, is that an accurate reflection of the statement that you made to the Office of
14 the Prosecutor?

15 A. Entirely so. I acknowledge that I said that and I stand by what I said. If I said
16 that, please remember as well that the first call that I received having to do with the
17 arrival of the MLC militia men, that telephone call came from the Minister of Defence
18 and that is why I said what I said, and I do think that it wasn't even at the level of the
19 Minister of Defence. It was not up to the Minister of Defence to have these
20 militiamen come. It was at a high level and I maintain what I said.

21 Q. Witness, you also made mention of the Chief of Defence Staff and the president
22 of the republic. Could you specify the names of those people and why you
23 mentioned them?

24 A. The president of the republic at the time was President Ange-Félix Patassé. He
25 was the supreme commander of the armed forces. What's more, the order -- I don't

1 think that the order would have come from the head of the armed forces. The order
2 to have the militiamen come to Bangui came from a high level, from a political level.
3 I reiterate, it came from the president of the republic, the Head of State.

4 Q. Witness, why do you mention a political call, or a political appeal?

5 A. Well, I'm not a politician. I'm a soldier. I believe that if the decision came
6 from the leader, that comes -- that means it comes from a political level, not from a
7 military level, and that is why I referred to that appeal in those terms. It was a
8 political decision, it was not a military one, because a sovereign nation was asking a
9 neighbour for assistance, so it could only have come from a political level, not from a
10 military level.

11 Q. Witness, I'd like to make reference to a statement you made and this is this first
12 document on the Defence's list, CAR-OTP-0007-0252. Do you remember saying to
13 the investigators that at the time of the events, at least during the first month, as of
14 25 October, the navy was based along the riverbank?

15 A. Yes, up until now - right up until now - that base is still in existence. It's
16 always been there. It's always been by the side of the river.

17 Q. Do you know how many soldiers comprised the navy at that time; namely,
18 25 October 2002?

19 A. At time the navy -- well, I don't know, but if you remember, if you look at my
20 statement, the one I gave, I said that the navy was part of the larger military structure;
21 that is to say there was the various groups, the navy, the air force, the land forces, and
22 the person in charge of the navy was Colonel Ngudu Turchango (phon) and the
23 commanding officer of the navy at the time was Colonel Danjito. Danjito. So for
24 that question I think -- well, I didn't report to -- I sort of handled the land forces more,
25 not really the navy.

1 Q. I'd like to hark back to another statement that you made to the OTP, and this is
2 to be found in the second document on the Defence list, CAR-OTP-0007-0427. You
3 made the following statement: "You have to ask Colonel Danjito, because he was the
4 one who was along the riverside, by the river. My place ..."

5 THE INTERPRETER: "My place," correction of the counsel."

6 MR KILOLO: (Interpretation)

7 Q. "My place was at the operations centre or at PK12. He was the one who was
8 co-ordinating the crossings, the comings and the goings of the Congolese." Witness,
9 do you remember saying that?

10 A. Yes, I do, Counsel.

11 Q. How did you know that it was Colonel Danjito who was co-ordinating the
12 crossings; that is to say the comings and the goings of those soldiers between Zongo
13 and Bangui?

14 A. Colonel Danjito I said was alongside the river and the base was along the river,
15 so he would have had to know how people would be coming, how they would be
16 crossing. Perhaps I added something when I said that he was the one who was
17 co-ordinating, but it was a way of -- it was my way of speaking, of trying to make
18 them understand that Colonel Danjito was alongside the river and the base was
19 alongside the river, not far, so he would have had to know what was going on in his
20 area. So that is why I said that, but to say that he was co-ordinating, perhaps in my
21 way of speaking, well, sincerely, he would not have been unaware. He would have
22 known. His base was not far away from the river. He was right close by. As a
23 commander, he would have had to know who was in charge, the people who were
24 going across, the troops. Normally, he would have known. That is why I
25 said -- that is why I gave his name, Counsel.

1 PRESIDING JUDGE STEINER: I need, please, a clarification, because you are
2 referring to document 0007-0427 and I couldn't find in this part of the questioning the
3 reference to Colonel Danjito supervising the crossing of soldiers. Maybe I'm a little
4 bit lost, but it appears that at least in this part of the witness statement it talks about
5 the crossing of pillaged goods. Ah, sorry, I just found it. It was below the reference
6 to the pillaged goods. Thank you. I'm sorry to interrupt you.

7 MR KILOLO: (Interpretation)

8 Q. Witness, I'd like to remind you of another statement that you made to the Office
9 of the Prosecutor, and this is to be found in the first document on the Defence's list,
10 page CAR-OTP-0007-0268. Now, here is what you said: "I was summoned by the
11 delegate minister, General Yangongo, and he asked me -- well, he said to me that
12 Jean-Pierre Bemba's people were expected. They were expected to come and
13 provide us assistance. I was even surprised that I was to co-ordinate activities with
14 Danjito, who was my counterpart on the navy side, because he was the one who was
15 helping people cross the river, and since he was the head of staff responsible for the
16 navy he was going to co-ordinate their movements. He was going to fetch them and
17 bring them to Camp Béal, here in our country, and he asked me to find some place to
18 house them, to set them up so they could set up operations."

19 Now, Witness, is this a faithful reflection of the statements that you made to the Office
20 of the Prosecutor?

21 A. Quite so, indeed. That is indeed my statement, Counsel.

22 Q. Witness, how did you know that it was General or Colonel Danjito who helped
23 the MLC soldiers cross the river and then brought them to Camp Béal?

24 A. Thank you, Counsel. As I said, the river, you see that spot where the barge
25 was, that came under the responsibility of Colonel Danjito. When the Minister of

1 Defence said to me that I should go see Danjito, he said that because he was the one
2 who received. He was there when the militiamen arrived and I was to see with him
3 what sort of itinerary would be followed for the -- to get to the support battalion. I
4 was on the telephone with him and when they arrived it was not in vehicles. The
5 first ones who arrived, they were on foot, so I believe that some of the members of the
6 navy took them or showed them the way and they went to the centre of town and
7 they crossed. They went on Independence Avenue all the way to the support
8 battalion and then they were set up there. I was in contact with Colonel Danjito to
9 bring these MLC soldiers to the support battalion.

10 Q. In practical terms, Witness, was it you or was it Colonel Danjito who decided
11 the itinerary between Port Beach and the support battalion?

12 A. Thank you, Counsel. I don't remember. That's a detail, to my mind. There's
13 no other way. There's no other path. When you leave -- let's say you're in Bangui.
14 When you leave the riverside and go to Camp Béal, the shortest way is to take
15 Independence Avenue through the centre of town to get to the support battalion,
16 Counsel.

17 Q. You specified that the Minister of Defence, General Yangongo, gave you and
18 Colonel Danjito these instructions to greet the MLC soldiers and to take them to
19 Camp Béal to the support battalion, but who did General Yangongo report to?

20 A. Well, if you look at the sketch that I made yesterday, pursuant to the request of
21 the other counsel, I've forgotten his name, the general received orders from the Head
22 of General Staff and the general -- the Head of General Staff would meet with the
23 Minister of Defence and the Minister of Defence would meet with the Head of State.

24 Q. When you say "Head of State" you are indeed talking about Ange-Félix Patassé,
25 aren't you, for the sake of the record?

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1 A. Yes, indeed, Counsel.

2 Q. Let me come now to another statement you made in the first document on the
3 Defence list, page CAR-OTP-0007-0304. This is what you say concerning the MLC
4 soldiers: "As I have said here, I saw them every day coming over to Camp Béal and
5 contacting the chief of logistics and they were given a certain amount of money, but
6 I don't know how much because as I already said there were people at the operations
7 centre with us directly at Camp Béal where our office is. There was nothing secret
8 about this."

9 Witness, can you explain to us, please, what you meant when you stated this?

10 A. Yes, thank you, Counsel. Indeed, the MLC soldiers would come, not all of
11 them, a few of them, using a liaison vehicle, a Sovamag vehicle, a French brand, and
12 they would come to the logistics department and -- the supply department and collect
13 money for their food. Everybody knew that. Everybody knew that they came over
14 to get money to pay for their food.

15 PRESIDING JUDGE STEINER: Sorry to interrupt you. Ms Schmidt?

16 MS SCHMIDT: Thank you, Madam President. For the record and to be consistent
17 with our previous submissions - and I'm referring to the transcript 173, pages 43 to
18 51 - the Prosecution objects to this line of questioning. The witness has not
19 expressed any trouble remembering, so there's no point in refreshing his memory by
20 reading from his statement. The witness can be questioned directly by the Defence.
21 Thank you, Madam President.

22 PRESIDING JUDGE STEINER: Thank you, Ms Schmidt.

23 Maître Kilolo, I thought we had agreed that quotations from transcripts should be an
24 exception in case of real need, so maybe you could try to avoid just quoting the
25 statement and asking the witness to confirm or not.

1 MR KILOLO: (Interpretation) Your Honour, concerning this particular question,
2 my intention was not just to ask the witness to confirm what he said, or otherwise.
3 I had two details I wanted to seek from him on the basis of this quote, so at the very
4 least I should be fair to him and repeat -- read out to him what he said and then ask
5 my two questions that I've yet to ask, in fact, since I was interrupted by the other side,
6 by the Prosecution.

7 PRESIDING JUDGE STEINER: You can proceed, Maître Kilolo.

8 MR KILOLO: (Interpretation)

9 Q. Witness, do you know who appointed the director for army supplies and
10 in -- who the MLC soldiers went to to get money every day at Camp Béal?

11 A. The decision to appoint that person, that appointment is performed by way of
12 decree, a decree issued by the president of the republic, head of the armies.

13 Q. Witness, when you say that you saw them every day, you were using the plural,
14 could you give us some names? Who did you see every day at Camp Béal coming
15 over to collect money from the supply department?

16 A. Every day we would see the -- Mr Jean-Pierre Bemba's militiamen, four, five of
17 them, not many of them. They came along in a vehicle, a liaison vehicle, as I said
18 earlier on, and they would go to the supply department and collect money to buy
19 food. They did this every day practically at the same time, around 8 to 9 or
20 11 o'clock, some time in the morning. I can't remember the exact time. They would
21 come in the morning and then they'd leave again. That was the only occasion on
22 which we saw them. Camp Béal is a ministry, so not only I saw them but many
23 others did. They would come, go to the supply department to get money and then
24 go away again.

25 Q. Now, to be perfectly fair to you, Witness, I am going to read out to you another

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1 statement you made to the Office of the Prosecutor and then I will ask you my two
2 questions relating to that quote. I'm talking about the statement you made in the
3 first document on the Defence list, page CAR-OTP-0007-0304. I said -- you said this
4 about the MLC soldiers: "When they arrived, when I was there, they didn't have a
5 vehicle. Our vehicles were taken and made available to them." Question: "What
6 type of vehicle?" Your answer was: "Personnel carriers as well as liaison vehicles,
7 and it was with those liaison vehicles that people would come to see the director of
8 the supplies department to get money that would pay for their food." Question from
9 the investigator: "You have just described vehicles. Did those vehicles have a
10 particular name?" Your answer was: "Yes, the personnel carrier vehicles were
11 FAWA, a Chinese brand, and there were also Saurer. They were personnel carriers,
12 as well as the liaison vehicles, the Sovamags. These were the vehicles given to us by
13 France."

14 Witness, does that reflect the words you used in response to the Office of the
15 Prosecutor?

16 A. Yes, indeed.

17 PRESIDING JUDGE STEINER: Ms Kneuer.

18 MS KNEUER: Thank you, Madam President. The Prosecution objects on the same
19 grounds. If the Prosecution may have your advice if we have to do it now for every
20 quotation or if it can be considered to be a permanent objection if Defence counsel
21 wishes to proceed like this. Thank you, Madam President.

22 PRESIDING JUDGE STEINER: Maître Kilolo, you said you were going to read part
23 of the statement and then come with your questions for clarification, but you are just
24 asking the witness to confirm if this is what the witness said, and this is the practice
25 that we have been trying to avoid.

1 MR KILOLO: (Interpretation) Your Honour, concerning the paragraph I have just
2 read out, well, I have some four questions to ask the witness about this. I thought it
3 would have -- it was fair to, on principle, ask him whether or not there was an error in
4 the transcription of this statement. Now that that's done, I can ask my four
5 questions.

6 Q. Witness, when you say -- when you say that "our vehicles were made available
7 to them," when you say "our vehicles," could you tell us who those vehicles belonged
8 to that were made available to the MLC soldiers in the Central African Republic?

9 A. Thank you, Counsel. There's just a tiny error about the names of the vehicles
10 and I should correct that right from the start. I spoke about a personnel carrier of a
11 Chinese brand. It wasn't FAWA, it was FAW. F-A-W, a Chinese brand. This was
12 a donation from China. The second name for the vehicles was Saurer, I can't
13 remember. I think they are Swiss or something, but large heavy vehicles, and the
14 last type of vehicle, the liaison vehicle I mentioned Sovamag TC10. They were
15 French vehicles that could carry up to eight to ten people, no more. These vehicles
16 belonged to the Central African army. The militiamen were not the ones who
17 brought them with them. They belonged to the Central African army.

18 Q. Do you know whether these vehicles had particular licence plates with "FACA
19 GP" on them, something like that?

20 A. Yes, they were -- they had licence plates with either "FACA" or "GP" on them,
21 because the Presidential Guard also had some of these vehicles.

22 Q. When you say that "We were required to make the vehicles available to them,"
23 who required you to make the Central African army's vehicles available to the MLC
24 soldiers?

25 A. I can remember this very clearly now. The Chief of General Staff didn't do this,

1 it was the Deputy Minister for Defence who required us to make these vehicles
2 available to them.

3 Q. Are you talking about General Yangongo?

4 A. Yes, indeed, Counsel.

5 Q. You differentiate between two types of vehicles, the personnel carriers on the
6 one hand and the liaison vehicles. Could you explain to us what the difference
7 between these two vehicles is and why both sorts of vehicles needed to be made
8 available to the MLC soldiers?

9 A. Thank you, Counsel. Personnel carriers are large vehicles, heavy vehicles that
10 can carry a lot of people. In Africa, well, maybe 30 or 40 people in a FAW, or a
11 Saurer. That's the difference. The liaison vehicles on the other hand can carry
12 people too, but as I pointed out, maybe four to ten at the very most and it's called a
13 liaison vehicle because it's a smaller vehicle than the others and enables a liaison
14 operations to be conducted unlike the large carriers that carry a lot of people and
15 equipment. That's the difference between the two, Counsel.

16 Q. As far as you know, Witness, when the MLC soldiers arrived in Bangui from
17 Port Beach, and that they were handed over personnel carriers and other vehicles, do
18 you know who the drivers were, or what army the drivers of those lorries belonged to
19 once the MLC soldiers arrived on Central African territory?

20 A. Initially it was our drivers who drove these vehicles, but I believe - this is what
21 I think - later on, and I'm not sure about this but later on, at least for the liaison
22 vehicles, I saw that MLC soldiers were driving. In particular, I saw René come along
23 driving one of these vehicles to collect money from the supply department. So
24 initially, the drivers were soldiers. They had those vehicles. We no longer had the
25 monopoly over the vehicles. They were made available to them and I think

1 therefore later on, they put their own drivers at the wheel of these vehicles.

2 Q. Witness, to be perfectly fair to you once again, I would like to remind you of a

3 statement you made to the Office of the Prosecutor in the second document on the

4 Defence list, page CAR-OTP-0007-0418. This is the question you were asked: "Do

5 you have the cell phone number of Mustapha at the time?" Your answer was:

6 "Yes." "Could you provide us with that number?" Your answer is: "I don't -- I

7 cannot recollect it, but since I'm still here until the month of July I could discreetly try

8 and find out. It's a series. It's a series I think of five or six telephones. As I said

9 initially, the deputy minister gave us these so that we could give them to them for the

10 purposes of work; the general minister, General Yangongo."

11 Witness, do you remember saying that?

12 A. Yes, I fully recollect.

13 Q. When you say "The Minister Yangongo gave us five or six telephones to hand

14 over to the MLC soldiers," who did Minister Yangongo hand this series of telephones

15 over to, to thereafter hand to the MLC soldiers?

16 A. The minister's office is very close to the centre of operations. I don't remember

17 any longer, but those telephones came from the minister, not from the Chief of

18 General Staff, but we received orders from the Chief of General Staff as well and at

19 other times orders, and in this case equipment - and I am under oath here - came from

20 the minister, perhaps his cabinet chief. And I said this yesterday. These were a

21 series of -- that begin with 20, 22, 23 or something like that, and this is how these

22 telephones were handed over. I can't remember who came to retrieve them any

23 more, but at the operations centre there was a person in charge of the communication

24 cell and broadcasting and we made sure that we had the numbers for those phones so

25 that we could contact them and that is how, if I recollect, these numbers were known

1 to the centre - the operations centre - so that we could contact them if needed.

2 PRESIDING JUDGE STEINER: I'm sorry if I interrupt you. If possible, Maître

3 Kilolo, the Chamber would very much appreciate that when you make a reference to

4 a part of the transcript, and mainly because you are quoting so many parts of

5 the -- not transcripts, I am sorry, the statements, that you give also the reference

6 number in the English version.

7 Yesterday Maître Liriss asked the same thing from the Prosecution, for the references

8 to the English translations to be given, so now I am asking the Defence whether it's

9 possible to give the reference of the English translations, please?

10 MR KILOLO: (Interpretation) Yes, your Honour. The English version for the

11 question that I read out is as follows: CAR-OTP-0 -- 0055-0733, which is the

12 equivalent of the French document, the second document on the Defence list, page

13 CAR-OTP-0007-0418.

14 Q. Witness, when you say that there was a series of telephone numbers that began

15 with the digits 20, my question is: Those telephone sets that were handed over to the

16 MLC troops by Minister Yangongo, well, they already had telephone numbers

17 allocated to those sets?

18 A. Thank you, Counsel. I believe that when one buys telephones, well, you buy

19 the telephone plus the SIM card. The five SIM cards that were bought were numbers,

20 telephone numbers, that followed on from each other. They followed on from one

21 another. They were bought as such. I don't think they were -- those numbers were

22 allocated by the minister. The telephones were handed over to the operations centre

23 with the SIM cards and we handed them over to the MLC and they themselves gave

24 us the numbers. The number for Mustapha was this, René was this and this number

25 is for so-and-so. That's how we got those numbers. These numbers were not

1 allocated in advance. This is how things happened, and at the operations centre they
2 were given those phones and when they put the SIM cards into the phone set then
3 they told us what the numbers were and who they corresponded to.

4 Q. When you say, Witness, that these devices had gone via the operations centre
5 before being handed over to the MLC soldiers, do you know who in particular
6 handled these devices? Which particular cell perhaps was the one that dealt with
7 these devices?

8 A. Well, it's been quite a long time, so I don't really remember, but in any case, this
9 came from the minister's cabinet and that's how they got to the operations centre.
10 Perhaps the chief of cabinet was the one who brought them. I can't remember, but in
11 any case this batch of telephones was brought to the operations centre for the MLC
12 men. I talked a lot about co-ordination in respect of the operations centre. We were
13 sort of the visible part of the conveyor belt so as to hand these things over to the MLC
14 men.

15 Q. Witness, when you say that this series of five to six telephone sets were handed
16 over to the MLC soldiers for the purposes of work, what are you referring to exactly?

17 A. Well, I might have said for the work, but it is for communications. It was for
18 communications so that we could be in contact with them. I described cases where
19 there had been abuses initially and then there would be calls. These would be done
20 by phone basically and that was a very good thing. If there hadn't been that
21 possibility they wouldn't have been aware of what was going on. So when I said for
22 the purposes of work, what I meant was that we could tell them such-and-such a
23 thing is -- has gone wrong, and indeed for me and for many of us it was an
24 instrument that allowed us to call them and say "This is -- something is wrong."
25 That is why I talked about this tool, communications tool.

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1 Q. Witness, I'm referring here to your statement to the Office of the Prosecutor in
2 the first document on the Defence list, page CAR-OTP-0007-0267, which matches the
3 English version at page CAR-OTP-0055-0594. This is what you say: "Everything
4 that happened on the front we knew about. We knew as things evolved thanks to
5 communications. It was at the operations centre we knew everything that was going
6 on."

7 Witness, do you remember having said this?

8 A. I no longer recall, but as I said to you those people out in the field also had
9 walkie-talkies. So we would leave the support unit, they would move forward and
10 then they would conduct their manoeuvre until PK13, and once they came to a
11 standstill we realised that they were there. We knew that they were there. So
12 maybe that was what I was talking about, Counsel. I think that's what I meant, not
13 anything else. We were aware. We would follow their movements from point A to
14 point B. That is what I meant. Apart from that I have no recollection, but if I talked
15 in such a way that is what I meant, Counsel.

16 Q. Mr Witness, in the second document of the list of Defence documents at page
17 CAR-OTP-0007-0376, the English version will be disclosed at a later stage to the Trial
18 Chamber with your leave, you say the following: "I was observing what Bemba's
19 troops were doing and I say this out loud."

20 Now, the question remains as to which tool enabled you to monitor Bemba's troops.
21 Are we still talking here about the units, the communication tools belonging to the
22 operations centre?

23 A. Yes, I believe that this surveillance was associated with the operations, let me
24 repeat this once again, and it lasted possibly only four hours or so, the time to leave
25 the support battalion and reach PK12. Subsequently, the soldiers were static. They

1 were not moving around. There was no more fighting. So this had become routine
2 until I left, until the violent acts started to occur. So if I said this, I believe that I was
3 referring to the movement of troops when they left to go from point A to point B.
4 Subsequently, Counsel, there were no further operations. We were in a static
5 position and that is why when people find themselves in a static position they are no
6 longer on the move, there is no longer any fighting, and Bozizé's men had already left,
7 so there was no more any urgent situation. And what happens is that cases of rape
8 and pillaging, that's what I was talking about, Counsel. We knew what they were
9 up to. Nothing further.

10 MR KILOLO: (Interpretation) With reference to this question, for the Trial
11 Chamber, the reference in the French version is CAR-OTP-0055-0690.

12 Q. Mr Witness, do you recall a certain Mr Emmanuel Ngboya, the commander in
13 charge of the intelligence unit at the operations command centre?

14 A. Yes, indeed. He was one of the officers at the operations centre who was in
15 charge of intelligence.

16 Q. Witness, I would like to refer to a statement that you made to the Office of the
17 Prosecutor in the first document of the list of Defence documents at page
18 CAR-OTP-0007-0276. The reference for the English version thereof is
19 CAR-OTP-0055-0602. You say this briefly, in brief. You say that you remember
20 Jonas, Mustapha and that René, well, you no longer recall him very well. You
21 remembered him thanks to the person in charge of the intelligence unit who was
22 constantly in René's company. Mr Witness, how is it that you know that the person
23 in charge of the intelligence unit was constantly in René's company?

24 A. Thank you, Counsel. If I say that -- well, actually, I do not believe that that is
25 what I said. I think you need to really look closely at what I said. The person in

1 charge of intelligence received the numbers of all those individuals in order to be able
2 to contact them. That was somebody who worked for the intelligence, so he wasn't
3 in René's company constantly. He was at the operations centre with us and it was he
4 who on occasion, when an incident occurred, I would ask him to conduct liaison
5 activities and call either René or Mustapha and this is -- and it is in this context that I
6 talked about this gentleman.

7 Q. Mr Witness, I would like to return to another statement which you made to the
8 Office of the Prosecutor in the second document of the list of documents -- of Defence
9 documents, page CAR-OTP-0007-0397. The English version thereof is
10 CAR-OTP-0055-0710. You say as follows: "Everybody would come and follow
11 what was going on at the operations centre. The Minister of Defence would come at
12 any time and it was explained to him what was going on out in the field. I would
13 give him briefings."

14 Now, Mr Witness, do you remember this?

15 A. As I said to you at the outset, the first individual in charge of this centre was the
16 Minister of Defence who would visit the centre, and as the officer of -- the minister's
17 office was nearby, he would come by occasionally. Not on a daily basis, but he
18 would come by in order to see how the service was working. We would explain
19 events to him that had occurred during the day. We would give him a debriefing
20 and then he would go on his way. This is quite normal. He was in charge and he
21 had his office nearby and he might come by and visit us on occasion, but when this
22 command post opened it was open for everybody to visit, and that is how leaks
23 occurred and information was leaked to General Bozizé. I think that after three
24 months -- well, during that three-month period, correction, we changed premises at
25 least three times and we forbade access to officers, any officers who were not from the

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1 centre to enter the building, because people working for President Bozizé would give
2 information back to him. So the only individuals who had access to the building
3 was the Chief of General Staff, because this was a tool at his disposal, and the
4 Minister of Defence whose office is nearby and who is in charge, supreme
5 commander of the army, and who used to come and see how the centre was
6 operating.

7 Q. Mr Witness, when you met Mr Jean-Pierre Bemba, do you recall whether he had
8 any bodyguards in his company?

9 A. No, Counsel.

10 PRESIDING JUDGE STEINER: Maître Kilolo, could you please try to clarify the
11 answer given by the witness? You don't remember -- Mr Witness, you don't
12 remember, or Mr Bemba had no bodyguards? You said just "No," but "No" to what?

13 THE WITNESS: (Interpretation) Yes, thank you, your Honour. The first time I
14 saw Mr Jean-Pierre Bemba he did not have any escort. He was not alone. He was
15 accompanied. He was with the former president, Ange-Félix Patassé, unless I am
16 wrong, so there were not only two of them. In fact, there were other individuals
17 who were there, other personalities whose names I have already given, so he was not
18 protected as such. The only protection present at the time was the Presidential
19 Guard, which was providing protection for Mr Jean-Pierre Bemba, for the president of
20 the republic and for other important people present on the day. There we are, your
21 Honour.

22 MR KILOLO: (Interpretation)

23 Q. Mr Witness, I would like to now consult your statement in the second statement
24 of the list of Defence documents, page CAR-OTP-0007-0377, which corresponds in the
25 English version to document CAR-OTP-0055-0691. Mr Witness, this question was

1 put to you by the Office of the Prosecutor as to who said or who gave the order to the
2 soldiers of the MLC to leave the Central African territory on 15 March 2003. Do you
3 remember having responded that to your knowledge they were driven out when
4 Bozizé's rebellion arrived and that the MLC soldiers had to cross over precipitously?
5 Do you recall having said that?

6 A. Yes, indeed, but you should know that at the time I was not there. This -- so
7 when I came back this is what I was led to believe, and when the general's people
8 arrived, people then crossed over precipitously. That is what I was told, and I
9 believe that I referred to this even yesterday when the Prosecutor put the question to
10 me seeking to ascertain how people had crossed over, whether with vehicles or not,
11 and I said at that time, when people were in fallback positions during a time of
12 fighting, it was not easy to get vehicles across when you are trying to protect your
13 own life. That is what I said, Counsel.

14 Q. Mr Witness, I would like to now visit another statement that you made to the
15 Office of the Prosecutor in the second document of the list of Defence documents,
16 page CAR-OTP-0007-0368, which corresponds in the English version to document
17 CAR-OTP-0055-0682, and this is what you say with regard to Mr Jean-Pierre Bemba.
18 You say: "I believe he was annoyed. He was annoyed because it had been reported
19 back to him that his troops were conducting many violent acts, notably looting, and I
20 believe that he was hardheaded in this regard because subsequently he went to talk to
21 Mustapha at PK12. I was not there. He talked to his troops and, according to what
22 we were told, he was somewhat hardheaded or tough towards some of the people in
23 charge. He was harsh to those individuals notably who could not contain or control
24 the individuals who were looting."

25 Now, Mr Witness, do you remember having made this statement?

1 A. Yes, Counsel, indeed I do. When Mr Jean-Pierre Bemba arrived, I believe that
2 the situation was reported back to him. I think that those people who were close to
3 the Head of State, you know, I was not present at the time. I'm making a
4 supposition here. As a leader, when you arrive somewhere, you are told that your
5 troops have conducted themselves well or not. I heard that he immediately went to
6 PK13 in order to discuss matters with the troops, or maybe with those in command, I
7 do not know, but according to the information we received he warned them. He
8 warned them. As I told you last time, yesterday in fact, the first intervention went
9 swimmingly, because the command who -- the commander who was present had
10 control over his troops and he was respected, but once again Mustapha at the outset
11 didn't really have what it took to be a commander and to make sure that order and
12 discipline reigned amongst his troops. Yes, indeed, we were told that Senator
13 Bemba was beyond himself and that there were two of those leaders, I do not know
14 whom, were brought back to Gbadolite in order to be punished. We heard this from
15 soldiers. I wasn't there in order to know precisely what happened. These are
16 suppositions. This is what was being said at the time, Counsel.

17 Q. Mr Witness, this is my last question. I am referring to your statement in the
18 second document of the list of Defence documents, page CAR-OTP-0007-0431, the
19 English version thereof being document CAR-OTP-0055-0746. You say as follows,
20 with regard to the MLC: "Yes, from time to time when there was blatant robbery, he
21 would vigorously react. They also organised a small prison, a house belonging
22 to -- a small house belonging to private individuals, where they put people who had
23 stolen items, and many more of them were put there for cases of rape and looting."
24 Do you remember this?

25 A. Yes, Counsel, indeed I do. I did cite cases where there were many instances of

1 looting and robbery and I gave you an example of both. I talked about the MLC who
2 robbed a custom's officer's wife and I was present and we went to see Mustapha, and
3 on this occasion - and I said this in my statement - he gathered people together and
4 the two individuals who had stolen the items from the lady were recognised by the
5 lady and they were taken out, tied up and they received lashes, lashings. Yes, they
6 had set up a small prison which was indeed a house belonging to private individuals,
7 and that is where they put some of the recalcitrant troop members who had
8 committed acts of robbery, et cetera, but -- well, it might have been subsequently
9 when the senator came by. I no longer recall the date. Maybe they realised that,
10 you know, by this time the cards were down, but as far as Mustapha is concerned I
11 have said so, and I continue to say so, he was not hard on his troops from the outset.
12 There was so much looting going on and with all that happened it was because he did
13 not do his job properly. That's what I wanted to say in this regard, Counsel.

14 MR KILOLO: (Interpretation) Yes, thank you very much, Mr Witness. This
15 brings your examination by the Defence to a close. We would like to thank you for
16 your help and we wish you a very pleasant journey home.

17 Madam President, we have finished our questioning. Thank you.

18 THE WITNESS: (Interpretation) Thank you, Counsel.

19 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

20 I ask Prosecution whether the Prosecution intends to re-direct?

21 MS SCHMIDT: Thank you, Madam President. No re-direct.

22 PRESIDING JUDGE STEINER: Mr Witness, that concludes your testimony before
23 this Chamber. We thank you very much, but before you leave the Court I want, as
24 with all other witnesses in this case, to express the thanks of the Chamber and of the
25 Court for the time you have taken and the trouble you have taken to come to this

1 country to give evidence in this trial.

2 In order for the Judges to find the truth, it's crucial that witnesses such as yourself are
3 prepared to come and to give evidence to assist us in the relevant issues of the case.

4 We are aware that this must certainly have been inconvenient for you. You had to
5 leave your country, your family, your work and stay here many days and we are very
6 grateful for that.

7 Before you leave the Court, Mr Witness, the Chamber would like to know whether
8 there is anything you would like to address the Chamber? If you want, you have the
9 floor.

10 THE WITNESS: (Interpretation) I thank you, Madam President, for having
11 allowed me or enabled me to travel here in order to shed light on the matter before
12 the Trial Chamber with regard to what occurred in my country.

13 Indeed, the Central Africans have really suffered or really suffered during these
14 events. I'm talking here about the victims; the women, the children, the old people,
15 really, the elderly. I really do believe that they suffered.

16 Now, as far as I'm concerned, my wish would be that, as a commander, that the Court
17 do its very best to get hold of Mustapha, because he was the person who was
18 responsible for many things, as I said, and he needs to be answerable for what
19 happened. He was in command there. Yes, indeed, he was called, but
20 Mustapha -- you know, somebody can be a commander, somebody can be in
21 command, there are people who are in command in fact, but there are those who were,
22 in military jargon, called "second in command for all of their life." These are the
23 people who live in the shadow of others and that is the case of Mustapha. Had he
24 really had what it takes to command, and had he been able to avoid that his troops,
25 even if they were militiamen, do everything that they did, had he put his foot down

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1 from the outset we would not be here now.

2 Madam President, this is what I have to say and this is in fact the last thing that I have
3 to say before this Trial Chamber. Thank you. I have finished.

4 PRESIDING JUDGE STEINER: Thank you again, Mr Witness, very much, and we
5 hope you have a safe trip back to your home and you leave the Court with our
6 thanks.

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

8 (The witness is excused)

9 PRESIDING JUDGE STEINER: I thank very much the Prosecution team, legal
10 representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo, our
11 interpreters and court reporters.

12 At this point in time we are not in a position to confirm exactly when we are going to
13 resume and start with the testimony of Witness 213. It's likely that we'll start on
14 Monday, but in any case the parties and participants will be communicated via email
15 by the court officer in order to confirm the date and time in which we'll start with the
16 questioning.

17 As you all know, that depends on the availability of the Lingala interpreters that at
18 this moment are busy in the Katanga and Ngudjolo trial, but we have an estimation
19 that probably on Monday they will be available to come and help us with the
20 testimony of Witness 213.

21 So for the time being, with my thanks, we are going to adjourn and resume probably
22 on Monday morning, subject to confirmation. The hearing is adjourned.

23 THE COURT USHER: All rise.

24 (The hearing ends in open session at 11.33 a.m.)