

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 Wednesday, 11 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
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
14 the 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. Good morning. Good morning. I
18 would like to welcome the Prosecution team, legal representatives of victims, the
19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and
20 court reporters.
21 We will start this morning's session with still the questioning of Witness 09 by
22 Defence. The Chamber was informed that Defence would like first to raise a
23 procedural issue. So Defence has the floor.
24 MR LIRISS: (Interpretation) Your Honour, this is rather a short request, not so
25 much a procedural question. It has to do with question 79 -- with Witness 79 and

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1 document number 49 from the Defence's list of documents. I hope that we are in
2 closed session, your Honour.

3 PRESIDING JUDGE STEINER: Could, please, court officer turn into private session.
4 *(Private session at 9.38 a.m.) Reclassified as Open session

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

6 MR LIRISS: (Interpretation) Thank you, your Honour. When we heard from
7 Witness 79, (Redacted) by name, he was going to be presented with document
8 number 49 from the Defence's list of documents and that document -- and that was in
9 contradiction with the statements that he made before the Court. His appearance
10 before the investigating judge, the victim -- the victim was in contradiction with the
11 statements that he made before the Court.

12 Unfortunately, when he was confronted with this document, CAR-OTP-0010-0539,
13 document number 49 from the Defence's list of documents, a document which we
14 discussed yesterday and which we presented to the current witness yesterday, when
15 we showed him this document it turned out that he had not signed it or, in any event,
16 he claimed that he did not sign it and that his signature was not on that document,
17 despite the statement made and despite his signature to that statement.

18 Yesterday we questioned the current witness, who was surprised that the signature
19 was not there because, theoretically speaking, all the victims who are heard are
20 supposed to sign their statements. We were also told that it would be possible
21 that -- given the fact that that signature was not there, that the photocopy had been
22 incorrectly printed.

23 So when we listened to Witness 79, given the fact that this is the case, and given that
24 we need to verify the credibility of the document and that the document is not fully
25 available, we would like to know whether it's possible for the Chamber to contact the

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1 appropriate part of the Registry, to contact the Central African authorities, to have
2 this original document reproduced if possible or to have a full and complete copy
3 provided with all of the signatures on that document and with all of those signatures
4 legible. We think that, at that point, we will be able to talk about the credibility of
5 the witness.

6 I thank you, your Honour.

7 PRESIDING JUDGE STEINER: Does the Prosecution have any -- maybe the
8 Prosecution -- first question, whether the Prosecution would have a better copy of the
9 document; and, second, whether the Prosecution has any observation to the current
10 Defence request.

11 MS KNEUER: Good morning, your Honours. Madam President, very briefly to
12 your first question, in our possession we don't have a better copy. Further, Witness
13 79, a female victim, was questioned from the 28th of February until the 2nd of
14 March 2011 and, in the aftermath of that questioning, we received an email from the
15 Defence on 10 March requesting to submit a better copy, if we have one. And we
16 responded the following day saying, that in our system, we don't have a better
17 version.

18 We didn't receive a request for inspection. However, yesterday we got in contact
19 with the Registry already to see if in the vault of the Registry the original version may
20 help us.

21 The document was disclosed on 10 November 2009 in communication filing number
22 605 and, according to the standard procedure, the originals that were in the
23 possession of the Prosecution were handed over to the Registry. One of my
24 colleagues is in close contact with the Registry also this morning, and I hope to
25 receive an answer soon about the format of the document that is in the vault of the

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1 Registry.

2 With regard to the request of my learned colleague, the Prosecution believes that
3 under Article 64(6)(b), as well as 57(3)(b) of the Rome Statute, it's a legitimate request
4 and it's considered to help finding the Court the truth. The only other observation
5 that we have is, again, the timely manner that these requests are made. Thank you,
6 your Honour.

7 PRESIDING JUDGE STEINER: If I well understood, the original of the document is
8 with Registry.

9 MS KNEUER: The document that the Prosecution received from the CAR
10 government was handed over to the Registry. I'm not in a position to tell you if this
11 is a real original or if the original that we received is, for example, a certified copy.
12 That I don't know and that is something that we are trying to determine this
13 morning - actually, since last night - with the Registry.

14 PRESIDING JUDGE STEINER: So if that's agreeable to the Defence, we can wait a
15 bit until the end of this morning's session, to see whether the Registry is in a position
16 to give a more precise information about the copy that is in custody with the Registry.
17 Otherwise, the Chamber will decide on the request, maybe by way of a cooperation
18 request to the CAR authorities. So just give the Registry some time to give a precise
19 information to the Chamber and to the parties. Is that agreeable to the Defence?

20 MR LIRISS: (Interpretation) Perfectly, your Honour. Thank you very much.

21 PRESIDING JUDGE STEINER: Could please, let's turn again into open session,
22 please.

23 (Open session at 9.46 a.m.)

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

25 PRESIDING JUDGE STEINER: Could, please, court usher bring the witness in.

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- 1 (The witness enters the courtroom)
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 3 WITNESS: CAR-OTP-PPPP-0009 (On former oath)
- 4 (The witness speaks French)
- 5 THE WITNESS: (Interpretation) Good morning, your Honour.
- 6 PRESIDING JUDGE STEINER: I hope you had a restful night?
- 7 THE WITNESS: (Interpretation) Yes, I did indeed, your Honour.
- 8 PRESIDING JUDGE STEINER: Can we continue with your questioning by the
- 9 Defence this morning?
- 10 THE WITNESS: (Interpretation) By all means, your Honour.
- 11 PRESIDING JUDGE STEINER: Thank you very much. I just wanted to remind you
- 12 that you are still under oath. Do you understand that, sir?
- 13 THE WITNESS: (Interpretation) I understand, your Honour.
- 14 PRESIDING JUDGE STEINER: Thank you very much. Maître Kilolo, you have the
- 15 floor.
- 16 MR KILOLO: (Interpretation) Thank you, your Honour, your Honours, for
- 17 providing me with the opportunity to speak this morning.
- 18 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)
- 19 Q. Mr Witness, good morning.
- 20 A. Good morning.
- 21 Q. I will continue with my questioning this morning, and I would like to reassure
- 22 you that we will have finished by noon today. I would also like to talk this
- 23 opportunity to remind you to respect the five-seconds rule, if you would please sir, in
- 24 order to facilitate the taking of the transcripts. Sir, my first question is the following:
- 25 Sir, on the basis of the information you were able to obtain in the course of your

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1 investigation, can you tell us whether, in full or in part, you received any similar
2 information, similar to the information given to the Defence? And here I am
3 referring to document number 23 from the Defence's list of documents,
4 CAR-OTP-0008-0 -- CAR-OTP-0008-0311, page 25. It says in that document that the
5 MLC soldiers would go to the markets and would fill their vehicles with provisions,
6 and they were able to do that thanks to the money that had been provided to them on
7 orders of President Patassé. Mr Witness, can you confirm that on the basis of your
8 investigation?

9 A. Perhaps not on the basis of the investigation. What I can tell you is that they
10 had a normal life in Bangui and they were able to go shopping, and that's what I can
11 tell you. The investigation goes into some detail that I don't think we need to be
12 concerned with.

13 Q. Mr Witness, I'm now going to refer to another document which we also received
14 from the OTP, document number 24 on the Defence's list of documents,
15 CAR-OTP-0027-0190; 0190. Sir, the document states that the MLC soldiers, once they
16 had arrived in Bangui, did not go directly as far as PK12. They remained confined
17 for approximately two weeks. They were confined to Camp Béal before they were
18 able to organise themselves in order to undertake their offensive on the ground and to
19 advance to the point of PK12. Does that correspond, in all or in part, to your
20 investigation, sir?

21 A. Thank you. During the investigation, I learned that the MLC elements were
22 confined to Camp Béal, but I don't know how much time they stayed there, how long
23 they were there after they arrived in the country.

24 Q. Sir, I would now like to refer to another document, which we also received from
25 the Office of the Prosecutor. The OTP questioned an officer of the Central African

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1 armed forces. I'm referring to document CA -- document number 25 on the
2 Defence's list, page CAR-OTP-0027-0242. Sir, in the document it states that
3 Mr Jean-Pierre Bemba was not aware of the acts of pillaging and looting which
4 were -- with which the MLC soldiers were accused. Sir, does this correspond at all
5 or in part to your investigation?

6 A. Thank you. During the investigation, I was not able to interview Mr Bemba,
7 and therefore I can't -- I don't have any information with regards to that.

8 Q. Mr Document, I would now like to refer -- Mr Witness, I would now like to refer
9 to another document which we got from the Office of the Prosecutor. This document
10 had to do with the interview of a high-ranking Central African officer. I'm referring
11 in particular to document number 26 of the Defence's list, CAR-OTP-0027-0257, and
12 also CAR-OTP-0027-0268.

13 The document says that, in fact, the FACA had actually recovered a significant part of
14 the goods which had been stolen and that they had returned them to their owners, as
15 long as the owners could provide proof of ownership of those goods. Sir, does that
16 correspond, in all or in part, to your investigation?

17 A. Thank you. I do not have knowledge of that information. I told you that
18 instructions were issued according to which the FACA was supposed to recover any
19 looted goods that they may have encountered, but I can't tell you anything more than
20 that. I can't tell you about what was recovered and what was returned to the
21 grateful owners.

22 Q. I'm still referring to document 26 of the Defence's list of documents, specifically
23 to page CAR-OTP-0027-0260. This again is information which we received from the
24 OTP and this document says that President Patassé ordered that at the FACA level,
25 that officers should be sent not only from the national gendarmerie of the Central

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1 African Republic but also from the army, and that these officers should report to PK12,
2 in order to recover stolen property. And, further, General André Mazi was in charge
3 of designating the officers to do that. Mr Witness, on the basis of your investigation,
4 can you confirm that information, please?

5 A. I will say what I've already said. Measures were taken in order to try to
6 recover some of the stolen property, in order to return to their energy -- to their
7 proper owners, and these were measures which were taken by the government at the
8 time. It was either President Patassé or the prime minister at that time. So such
9 measures were taken, but that's all I can tell you about that.

10 Q. Still using the same document, document number 26 on the Defence's list, this is
11 a statement made by a high-ranking Central African officer who was questioned by
12 the Office of the Prosecutor, and I'm referring specifically to page
13 CAR-OTP-0027-0263.

14 According to the information therein, it was not until after the events, after
15 15 March 2003, that the population began to complain about the abuses that were
16 perpetrated against it, and it was not until then that a committee to count the victims
17 was established in Bangui.

18 Does this -- is this in line, partially or wholly, with your investigations?

19 A. Well, in any case, the complaints began somewhat slightly before Mr Patassé
20 was overthrown. In some neighbourhoods young people would set up barricades to
21 express their dissatisfaction in relation to the behaviour of some of the men of
22 Jean-Pierre Bemba's troops.

23 People began, at least verbally, to complain in the neighbourhoods about those abuses,
24 but actually counting and taking down the names of the victims didn't begin until
25 after Mr Patassé was overthrown. I think that's it. Officially, the victims began to

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1 be counted and their names taken down on 15 March, but I think that people were
2 beginning to complain before that.

3 Q. Witness, in respect of this specific question, you said that some slight
4 complaints began before that. What do you mean by "some slight complaints"?
5 Does it mean that the complaints vis-à-vis the official authorities began after
6 15 March?

7 A. Yes, of course. Complaints with the official authorities began after 15 March,
8 but already in the neighbourhoods, some of the neighbourhoods, people were
9 complaining of the way in which Jean-Pierre Bemba's men were behaving. They
10 were speeding, they were doing things that were unpleasant for the population.
11 And I remember one officer who I interviewed, and he told me that the situation had
12 been brought to the attention of President Patassé and he was alleged to have said
13 that those were the consequences of war and that these were inevitable situations.
14 So complaints began somewhat before that.

15 Q. Can we understand that the barricades that you mentioned, the blocks, were in
16 fact placed there to slow down the traffic so as to avoid accidents?

17 A. No. This was a reaction of young people because of accidents that occurred,
18 traffic accidents that caused deaths. I remember in Gobongo once there were youths
19 who had come out on to the main road to set up those blocks and the gendarmes had
20 to intervene to dissuade them from doing so. So these were reactions in relation to
21 accidents that had already occurred.

22 Q. Witness, I'm now going to base myself on information obtained through the
23 questioning session carried out by the Prosecutor's investigators with a high-ranking
24 Central African officer. Now, for the benefit of the Chamber, this document is
25 document number 28 on the Defence list, and I want to look at page

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1 CAR-OTP-0027-0356, which is page 7 of that document, as well as page

2 CAR-OTP-0027-0357, which is page 8 of the document.

3 Witness, it clearly comes out of this information that Colonel Mustapha Mukiza never
4 sent reports directly to Mr Bemba regarding the military situation on the ground in
5 the Central African Republic and that, in fact, there was never an instance of a
6 high-ranking Central African officer saying to you that he had seen Mustapha
7 establishing contact with Mr Bemba. Can you confirm this?

8 A. The officer -- who was this officer that -- well, I should specify --

9 Q. Two things: First of all, the information that we have collected is unambiguous.
10 There was not a single instance where Colonel Mustapha Mukiza sent any report
11 directly to Mr Jean-Pierre Bemba relating to the situation in the Central African
12 Republic. And, secondly, and I'm not saying who gave us this information, but I do
13 say this, there was not a single instance of the General Ferdinand Bombayake
14 informing you that he had seen Mustapha establish contact with Mr Bemba. Is this
15 in line with your own investigation?

16 A. Well, the relationship between Mr Mustapha and Mr Bemba, well, I think no
17 doubt that officer is in a better position than I to speak about it. Now, when we look
18 at the procès-verbaux, the statements, well, we never did say in General Bombayake's
19 statement there was any mention of the fact that Mustapha was in contact with
20 Mr Bemba. Indeed, that is not contained in any of the procès-verbaux. I wasn't told
21 that and it didn't come out in my documents.

22 Q. Can you confirm to the Chamber that General Bombayake Ferdinand was the
23 person who had the closest degree of cooperation with Colonel Mustapha? I am not
24 saying he commanded, but he cooperated very closely with Colonel Mustapha.

25 A. I said yesterday that this issue of cooperation with Mustapha at the time of the

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1 investigation, this was a controversial issue between Bombayake and Mazi. Mazi
2 would say that Bombayake was a close cooperator of Mustapha's and Bombayake
3 would say, no, that that was not true. So I don't know what degree of cooperation
4 he did enter into with those officers. What is certain is that they -- he did, indeed,
5 cooperate with him. Now, the degree of that cooperation, the intensity, well,
6 I cannot tell.

7 PRESIDING JUDGE STEINER: Ms Kneuer, please.

8 MS KNEUER: Thank you very much, Madam President. I apologise for the late
9 intervention, but it takes me simply some time to look things up in the eCourt, and
10 I'm referring to the question that Maître Kilolo posed to the witness on page 12, line 8
11 onwards.

12 "Two things: First of all, the information that we have collected is unambiguous.
13 There was not a single instance where Colonel Mustapha Mukiza sent any report
14 directly to Mr Jean-Pierre Bemba relating to the situation in the Central African
15 Republic." This is the critical part, but it goes within the context.

16 If I look at the document CAR-OTP-0027-0349-R01 and if I look at page 0355, it reads,
17 on line 185: "He reported directly to Bemba about operations on the ground." I
18 don't have the time to read the entire page now, but it appears that this is not entirely
19 in line with the suggestion of Maître Kilolo that there is unambiguous evidence that
20 Mr Mukiza never reported to Mr Bemba.

21 And, Madam President, if you go further down that page, it's hard to read but it's line
22 205: "In other words, what was the mode of communication?" And then if you
23 turn to the other page, you find the answer. So I'm not sure if the suggestion of
24 Maître Kilolo was an appropriate one. To the extent I can check now, I don't think so,
25 and we may not want to continue confusing the witness.

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1 PRESIDING JUDGE STEINER: From the transcript on the part mentioned by
2 Ms Kneuer, it appears much more that the Defence counsel is making a submission.
3 "First of all, the information that we have collected is unambiguous." This will be for
4 the Chamber to decide at a later stage. It's not for the Defence.
5 Second, in relation to a possible misquotation, I would like to hear the Defence on
6 Ms Kneuer's allegation that maybe Defence is misquoting or misrepresenting what
7 was said by the document referred to by the Defence.
8 MR KILOLO: (Interpretation) Thank you, your Honour. I haven't read the
9 English version, but in any case, as regards the French version that we do have, well,
10 the question put to the witness in question, who was questioned by the Prosecutor's
11 office, says two things: The witness said that he himself had no direct information
12 whereby Mustapha had sent reports directly to Bemba. That's what he says. The
13 second thing he says is that he himself never saw Mustapha establishing contact with
14 Mr Bemba. Those are the two things.
15 Now, perhaps, on the other side, there is argument about ambiguity. Well, I don't
16 see. I have highlighted two specific details and I'm asking the witness to confirm, or
17 challenge this on the basis of his investigation. It doesn't seem to me ambiguous.
18 What I am submitting to the witness by way of question seems to me to faithfully
19 reflect what is here, and I don't really understand. I get the impression that the issue
20 of ambiguity is getting more attention than the actual content of the question I am
21 submitting to the witness. In any case, here I am talking about pages
22 CAR-OTP-0027-0356 and the next page, CAR-OTP-0027-0357.
23 PRESIDING JUDGE STEINER: Mr Kilolo, since yesterday, all these objections that
24 Prosecution has made, they are directly related to the fact that you are reading, or
25 summarising parts of a statement that is not of the knowledge of the witness, that has

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1 nothing to do with the witness, and maybe the way you are phrasing your questions,
2 putting to the witness that the information you have collected is unambiguous, can
3 lead the witness to some misunderstanding on the content of your question. If you
4 just want to have from the witness the information on whether his, his procedure in
5 Central African Republic contains the same information or not, you could do it in a
6 more direct way, that would facilitate everyone's life, please. You can proceed.

7 MR KILOLO: (Interpretation) Thank you, your Honour, for those observations
8 and we shall take note of them.

9 Q. Witness, and here I am referring to document number 29 on the Defence list,
10 page CAR-OTP-0027-0323. Witness, according to the information you collected
11 during the course of your investigation, were you ever aware of the fact that
12 President Ange-Félix Patassé had sent a mission out to investigate how the MLC
13 troops were barracked at Bossembélé during the events that are relevant to this case
14 and that indeed Prime Minister Ziguélé himself had gone to the spot for the purposes
15 of that mission?

16 A. I am not aware of any such thing.

17 Q. I am now referring to another document. This is document number 30 on the
18 Defence list, page CAR-OTP-0007-0137. Witness, in the course of your investigation,
19 did you get any information according to which General André Mazi had personally
20 led certain operations of the MLC soldiers, not only in Bangui but also up to all the
21 way to Damara?

22 A. Those details, I believe, can only be provided to you by military men. I do not
23 have anything of that type in my file. These were things we didn't even investigate.

24 Q. Still using document 30 of the Defence list, page CAR-OTP-0007-0152, Witness,
25 during the course of your investigation, did you receive any information according to

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1 which the Head of State, President Ange-Félix Patassé, provided transportation that
2 enabled the MLC soldiers to cross from Congolese territory to Bangui?

3 A. Yes, that was indeed something that was reported to us during the investigation
4 and the person who was in charge of providing fuel was also cited, so that the men
5 who were already on the other side could go on to their camp. So that is right; that is
6 true.

7 Q. Witness, I now want to refer to another document, although -- it is document 30
8 of the Defence list, and here I am referring to page CAR-OTP-007-0154, at the end the
9 page, as well as the next page, CAR-OTP-007-0155. Witness, during your
10 investigation, did you ever receive any information according to which the MLC
11 soldiers were not only paid but also fed by the Central African State?

12 A. Perhaps I was told that their expenses were taken care of. I don't know about
13 the details about whether -- but they were fed by the State, by the treasury.

14 Q. Witness, could you tell us what the PGA is that you just mentioned?

15 A. PGA is a daily bonus that is paid to soldiers on the ground, and what I was
16 saying is I couldn't, in respect of my investigation, certify that the MLC soldiers
17 actually were paid the PGA, the allowance, but what is certain is that their expenses
18 were covered. I don't know exactly what that implied.

19 Q. Once again using document 30 of the Defence list, page CAR-OTP-0007-0157,
20 Witness, during your investigation, did you receive information according to which
21 the FACA soldiers were also involved in the perpetration of abuses against the
22 civil -- the civilian population of the Central African Republic, including Bozizé's
23 rebels, during the period that is of relevance here?

24 A. Thank you. My investigation --

25 PRESIDING JUDGE STEINER: What is the question, Mr Kilolo?

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1 MR KILOLO: (Interpretation) Your Honour, my question is whether the witness
2 got any information during his investigation that stated that the FACA soldiers were
3 also involved in the perpetration of abuses against the civilian population of Central
4 African Republic, including Bozizé's rebels.

5 THE WITNESS: (Interpretation) The investigation concerned everybody on the
6 ground; the FACA, the USP troops, and the others. But unfortunately, I did not hear
7 the people who presented themselves as victims of FACA abuses. I do believe there
8 were one or two cases of people who had referred to the FACA in this respect, but
9 most of the people talked about MLC members and Abdoulaye Miskine's men.
10 Now, as for the rebels of General Bozizé, those who were with General Bozizé, what
11 I can say is that the investigation did not cover them, so I have no knowledge of what
12 might have been done by them.

13 MR KILOLO: (Interpretation)

14 Q. Let me now go on to another document, document number 31 of the Defence
15 list, page CAR-OTP-0040-0074. Witness, do you remember having told the Chamber
16 that you had worked as an investigating judge for the permanent military tribunal,
17 where you were involved with military infringements?

18 A. Yes. And I think I stayed there until the day I was assigned to Bangassou.

19 Yes, I was an investigating judge with that tribunal.

20 Q. Now, in the course of your activities with that tribunal, were you -- did you ever
21 apply the principle of the singleness of command?

22 A. Perhaps you could explain that to me so that I can understand the question. I
23 don't think I understand it. Singleness of command in the military hierarchy, or
24 what?

25 Q. Yes, indeed, the basic military principle of a singleness of military command.

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1 A. I'm afraid I don't understand your question. I did spend a little time in the
2 army but I don't -- I'm not really an expert.

3 Q. According to your own knowledge, now this principle of singleness or unified
4 command in terms of criminal responsibility does this mean anything to you?

5 A. Well, the person who gives orders has to take on the consequences thereof.
6 You give orders, they are executed, the perpetrator has to take on the responsibility
7 for that. Now, in criminal -- in terms of criminal responsibility, is it the same? That
8 I cannot say.

9 Q. Mr Witness, on the basis of the information that we have gathered, I would like
10 to ask you whether you, in the course of your investigation, whether you gathered
11 any information to the effect that it was the commissioner of the government within
12 the permanent military tribunal that had jurisdiction to conduct investigations into
13 crimes attributable to the MLC soldiers within the Central African Republic.

14 A. Thank you. I don't think so. The commissioner of the government may have
15 jurisdiction to investigate offences committed by soldiers of the regular army, but not
16 the MLC men. I believe that, under normal circumstances, we dealt with cases of
17 soldiers, and matters would be brought before the permanent military tribunal but we
18 didn't have an opportunity to deal with a single file relating to the men belonging to
19 the MLC.

20 Q. Witness, I would like to make reference to another document, and this is
21 document number 32 on the Defence list, page CAR-OTP-0039-0046, and that is page
22 9 of the document in question. Now, as part of your investigation, did you receive
23 information to the effect that Colonel Kuwe (phon), the Central African Republic
24 Colonel Kuwe, was responsible for the communications centre of the USP, the
25 Presidential Security Unit, and he was the one who managed all the frequencies of the

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1 national defence department, not just the technical management of the frequencies
2 but also the programming of the communications equipment, and he was the one
3 who was in a position to provide communications equipment to people.

4 A. Well, this is the first time that I've heard the name of this colonel, right here in
5 this courtroom. I don't have any information to provide.

6 Q. Witness, I make reference now to document 42 on the Defence list, page
7 CAR-OTP-0037-0307, and this is page 116 of the document in question. Now, during
8 the course of your investigation, did you learn that it was the authorities of the
9 Central African Republic who provided portable telephones to a number of the
10 leaders of the Congolese soldiers belonging to the MLC so as to be able to
11 communicate with them?

12 A. Thank you. I believe that the MLC soldiers were indeed equipped with -- well,
13 they were dressed by the Central African Republic Army, so it is possible that they
14 also received portable phones, that portable phones were given to those -- the leaders.

15 Q. Do you know Colonel Thierry Lengbe?

16 A. Colonel Thierry Lengbe, yes, I do know him.

17 Q. Could you tell us what he was doing at the time of the events, what was his
18 role?

19 A. He was the Chief of Staff of the land forces. It was his last position before the
20 government fell.

21 Q. Witness, I'd like to make reference now to another document, document 45 on
22 the Defence list, page CAR-OTP-0048-0231, and it's page 15 of the document.

23 Witness, in the course of your investigation, did you receive information to the effect
24 that when the MLC soldiers arrived in the Central African Republic at Port Beach it
25 was Mr Angoa, the Minister of Defense, who gave the order to the leaders of the

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1 operational command post, Mr Thierry Lengbe, the order to have vehicles sent to
2 transport the Congolese soldiers to the support regiment opposite Camp Béal.

3 A. That is possible. I believe that is possible. They were sent to the support
4 regiment. I believe that is possible, but this is an old matter. My memory is
5 somewhat faulty. I don't remember the names, but he was Minister of Defence at
6 that time so it is possible.

7 Q. Now, still in relation to document 45 on the Defence's list, and I make reference
8 now to page CAR-OTP-0078 -- I beg your pardon, CAR-OTP-0048-0232, and this is
9 page 16 of the document in question.

10 Witness, in the course of your investigation, did you gather any information to the
11 effect that when the MLC soldiers arrived in the Central African Republic they were
12 wearing civilian clothing; and it was once they were there, on site, that is when they
13 were given military uniforms as well as rifles that came from the Presidential Security
14 Unit. And it was actually Captain Omer Mbaya Ngube (phon) of the Central African
15 Republic, from the USP, who distributed the uniforms and the rifles to the Congolese
16 soldiers.

17 A. Thank you. Indeed, they did come wearing civilian clothing. They were
18 given uniforms in Bangui, that is true. But with regard to the rifles, I don't know
19 about that detail. I can't confirm whether they came over with rifles or whether they
20 were given rifles in Bangui. One thing for sure, they did receive the uniforms and
21 the other military items when they were in Bangui.

22 Q. Witness, do you remember the operational centre that was set up at Camp Béal
23 by General Mazi?

24 A. Perfectly.

25 Q. I'd like to make reference to another document, document number 46 on the

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1 Defence list, page CAR-OTP-0048-0251, and this corresponds to page 11 of the
2 document in question.

3 Witness, we have received information. Now, Witness, as far as you are concerned,
4 within the framework of your investigation, did you receive information to the effect
5 that the military staff within this operational centre at Camp Béal had walkie-talkies,
6 including Colonel Thierry Lengbe, and that the walkie-talkies were used to facilitate
7 communication between them and the MLC troops who were in the field.

8 A. Thank you. I have no knowledge of those details, but Lengbe at the time was
9 the Chief of Staff. He may have had walkie-talkies. I don't have any information to
10 the effect that everyone had such equipment and that the equipment was used to
11 communicate with the MLC men in the field.

12 Q. Now, Witness, in the course of your investigation, did you receive information
13 to the effect that a number of military officers from the operational centre at Camp
14 Béal - in particular, Colonel Thierry Lengbe - heard how the orders were being
15 transmitted to the MLC soldiers by the Central African Chief of Staff telling them to
16 move forward or to go in one particular direction or another?

17 A. Thank you. I think you should ask the question of Colonel Lengbe. Perhaps
18 he could tell you more about that.

19 Q. I'd now like to make reference to another Defence document, document 46 on
20 the Defence list, page CAR-OTP-0048-0252, and this is page 12. Now, Witness, in the
21 course of your investigation, did you receive information to the effect that General
22 Ferdinand Bombayake was communicating with the MLC men who were on the
23 battlefield, and that he was sending them orders that came from President Patassé to
24 push back Bozizé's rebels, who were moving forward?

25 A. Thank you. I have no knowledge of those details.

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1 Q. Now, still in relation to document 46, page CAR-OTP-0048-0257, and that
2 corresponds to page 17 of the document in question. Now, Witness, in the course of
3 your investigation, did you receive information to the effect that when the MLC men
4 arrived in Boy-Rabé, the fighting was still underway and they were receiving orders
5 from the operational centre at Camp Béal, and they were being told to move forward
6 or to withdraw?

7 A. Well, you see, that's military information. That was not brought to our
8 attention. We are not supposed to know such things and, really, that was not the
9 focus of our inquiry, so I don't have that information. That information was not part
10 of the investigation.

11 Q. Do you know Captain Bruno Barsin, the former head -- person responsible for a
12 unit of the army in 2002/2003?

13 A. I don't know that person. I don't know him.

14 Q. I'd like to make reference to another document, and this is document 47 on the
15 Defence list, page CAR-OTP-0038-0065, and that corresponds to page 12. Witness,
16 now, in the course of your investigation did you receive information to the effect that
17 the meals of the MLC men did not come from the Congo, but rather, they would get
18 their meals either going to the Presidential Security Unit at the Douru (phon) camp or
19 they went to the national defence *commissariat for their meals.

20 A. That is correct. I believe that their meals were prepared on site, right there in
21 Bangui.

22 Q. Witness, I'd like to ask the court officer if we could move on to document
23 number 3, document 3 on the Defence list, page CAR-OTP-0010-0185.

24 THE COURT OFFICER: Document CAR-OTP-0010-0170, third redacted version, at
25 page 0185, is available on your screens. It's a confidential document and it has been

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1 attributed reference EVD-T-OTP-00047.

2 MR KILOLO: (Interpretation)

3 Q. If you could please zoom in on the last four paragraphs, please. Witness, this
4 will be the very last question of my cross-examination. I'd like to ask you if you
5 could look at the bottom of the page and look at the fourth paragraph from the
6 bottom. You were asked a question, and it begins, "Des responsables."

7 A. Yes, I see.

8 Q. Yes, the question that begins "Des responsables," and as well as your answer
9 that ends with the word "aucune." Could you read out, at a sufficiently slow rate of
10 speed so that the information can be transcribed?

11 A. "Central African authorities" -- correction, "Did Central African authorities go to
12 the DRC to meet Bemba? I'm speaking of the period of violence and abuse, October
13 2002 to March 2003." The answer was, "No authority did so. That question was
14 looked at and I believe no, none."

15 PRESIDING JUDGE STEINER: You asked the witness to read.

16 MR KILOLO: (Interpretation) Your Honour, this is page CAR-OTP-0010-0185, and
17 this corresponds to page 16 of the document in question; page 16. Your Honour,
18 would you like us to have the witness read it out again?

19 Q. Now, Witness, I think I'm about to conclude. You were asked this question,
20 namely, whether, to your knowledge, officials from the Central African Republic had
21 travelled to the Congo to meet with Mr Bemba during the period of violence and
22 abuse from October 2002 to March 2003, and your answer was, "No officials. That
23 question was touched upon and I believe no, no officials." Are those your exact
24 words?

25 A. Yes, indeed. We asked such questions and the answer was the one that I have

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1 provided.

2 Q. Today, can you confirm that to the Chamber?

3 A. Of course.

4 MR KILOLO: (Interpretation) Witness, the Defence has concluded its
5 cross-examination. We thank you for your cooperation and thank you for being so
6 patient, your Honour. The Defence has concluded and we thank you most sincerely
7 for your indulgence in terms of the time that we have spent, and we are pleased to
8 finish this cross-examination with -- under your judicial oversight, of course.

9 PRESIDING JUDGE STEINER: So my first question is whether Prosecution intends
10 to re-direct?

11 MS KNEUER: No, Madam President. Thank you.

12 PRESIDING JUDGE STEINER: I have two requests that I would ask for Defence
13 help in order to facilitate the Chamber's work. The first would be if the Defence
14 could file as soon as possible the references -- the reference numbers of the documents
15 mentioned by Defence yesterday in relation to the numbering of its list of evidence, in
16 order for the Chamber, to facilitate the Chamber's work to check the mentions, or the
17 references made by the Defence. As soon as possible; not urgent.

18 The second point is that yesterday - it's at transcript 107, page 59, lines 13 to
19 17 - Defence stated the following, and I quote: "A decision was recently taken, and
20 I can provide you with a number in due course, and the order was given that a French
21 translation be prepared of initial statements taken from Mustapha and, in your ruling,
22 you said that that Mustapha Mukiza -- you said that his testimony was crucial. For
23 no other witness did you use such an adjective, and we will find the reference for that
24 particular ruling."

25 I would like, if possible, for the Defence, as soon as practicable, to provide the

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1 Chamber with such a reference. I would ask for the indulgence of our interpreters
2 and court reporters to give me just a few minutes in order to thank the witness.

3 THE INTERPRETER: Certainly, your Honour, the interpreters agree.

4 PRESIDING JUDGE STEINER: And I hope I can count, once again, on the
5 witness -- on the interpreters and court reporters for that purpose.

6 Mr Witness, we came to an end of your testimony before this Chamber and, before
7 you leave the Court - and as with all other witnesses in this case - the Chamber would
8 like to express the thanks for the time and trouble you had to come to this country
9 and give your testimony.

10 In order for us, the Judges, to find the truth it is crucial, critical, that witnesses such as
11 yourself are prepared to come and give evidence, to assist us on the relevant issues of
12 the case. We are aware that this must have certainly been inconvenient for you, to
13 take you for more than a week from your home country, and may have involved even
14 some personal risk.

15 You, therefore, leave us in order to go home with our thanks. But, before you leave,
16 the Chamber would like to ask whether you would like to say anything to the
17 Chamber. And if you so wish, please, you have the floor.

18 THE WITNESS: (Interpretation) Thank you, your Honour. I don't think I have
19 anything to add. I would like to thank you for welcoming me here, for the time that
20 it took me to give my testimony. Thank you very much.

21 PRESIDING JUDGE STEINER: Thank you very much, sir. I will ask, please, the
22 court usher to take the witness outside the courtroom, again with our thanks, and
23 wishing you a nice trip back to your home country.

24 THE WITNESS: (Interpretation) Thank you, your Honour.

25 (The witness is excused)

1 PRESIDING JUDGE STEINER: Before we suspend, Maître Liriss.

2 MR LIRISS: (Interpretation) I wanted to provide you with the reference of the
3 decision which we mentioned yesterday. This is ICC-879 from 8 September 2010,
4 and the translation of the proof from that witness is necessary, is necessary for the
5 Defence's preparation, and that is so stipulated in paragraph 28 in fine.

6 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss, for this
7 clarification that we are talking about, a document that is necessary and not
8 necessarily crucial.

9 The Chamber received the information that Witness 63 is not ready to start in this
10 morning's session, so the court officer is now checking the possibility for the Chamber
11 to resume at 1.30 instead of 2.30. In any case, the parties will be communicated. If
12 there is no communication, we resume at 2.30 with the beginning of the testimony of
13 Witness 63. This hearing is suspended.

14 THE COURT USHER: All rise.

15 (Recess taken at 11.06 a.m.)

16 (Upon resuming in open session at 1.34 p.m.)

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

18 PRESIDING JUDGE STEINER: Good afternoon. Good afternoon. We are going
19 to start this afternoon with questioning of Witness 63, but before anything I would
20 like the Prosecution team to reintroduce itself since I can see new faces in the
21 Prosecution's bench.

22 MR IVERSON: Good afternoon, Madam President, your Honours. Today
23 representing the Office of the Prosecutor are Petra Kneuer, senior trial lawyer; Bärbel
24 Carl, associate trial lawyer; Frédérique Besse, case manager; and myself, Eric Iverson,
25 trial lawyer.

1 PRESIDING JUDGE STEINER: No further change. Welcome back Defence team,
2 as well, the legal representatives of victims. Before we bring the witness in, the
3 Chamber has an oral decision to issue. It's in relation to the applications by legal
4 representatives to question Witness 63.

5 On 7 March 2011 the Chamber received an application from Maître Zarambaud on
6 behalf of the victims he represents to question Witness 63; it's filing 1321-confidential,
7 which was rectified on 6 April 2011. The application contains a list of 24 questions.
8 Similarly, the Chamber received an application from Maître Douzima on
9 15 April 2011 on behalf of the victims she represents. It's filing 1379-confidential.
10 The application contains a list of 27 questions.

11 Having considered the reasons given by both Maître Douzima and
12 Maître Zarambaud, as to why the personal interests of the victims they represent are
13 affected, the Chamber allows the respective applications to question Witness 63.

14 Turning to the proposed questions, the Chamber, with the Presiding Judge dissenting,
15 allows the questions to be asked under the following conditions: First, in relation to
16 Maître Zarambaud's list of questions, questions 1 to 6 are not allowed as they are
17 outside the scope of the charges brought against the accused. These aforementioned
18 questions are therefore rejected.

19 Question 10, sub-question 2; question 12 and question 19 will not be allowed as they
20 appear to be irrelevant to the charges brought against the accused. These
21 aforementioned questions are therefore rejected. Question 14 and question 23
22 should be rephrased so as to avoid asking the witness leading questions. Question
23 18, sub-question 3, will not be allowed as it is merely speculative in nature. The
24 question's therefore rejected. Question 24 should be asked in private session for
25 witness protection purposes.

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1 In relation to Maître Douzima's list of questions, question 1, question 6 and question 7,
2 sub-question 3, will not be allowed as they are outside the scope of the charges
3 against the accused. These aforementioned questions are therefore rejected.
4 Question 8, sub-question 3, will not be allowed as it appears to be irrelevant to the
5 charges brought against the accused. This question is therefore rejected. Questions
6 25 and 26 should be asked in private session for witness protection purposes.
7 The Presiding Judge dissents on the above-stated conditions as she should have
8 allowed legal representatives to put their questions as requested, with less restrictive
9 conditions. Judge Ozaki, in addition to the comments above as to the content of the
10 questions, has a separate opinion that based on the appeals judgment issued on
11 3 May 2011, filing 1386, all of the legal representatives' questions should have been
12 rephrased so as to avoid making express quotation from Witness 63's statements
13 where these statements are not part of the evidence in the case.
14 Having said that, I ask please court usher to turn briefly into closed session in order
15 for the witness to be brought into the courtroom.
16 *(Closed session at 1.42 p.m.) Reclassified as Open session
17 THE COURT OFFICER: We are in closed session, Madam President.
18 (The witness enters the courtroom)
19 WITNESS: CAR-OTP-PPPP-0063
20 (The witness speaks Sango)
21 PRESIDING JUDGE STEINER: Could we please turn back into open session.
22 (Open session at 1.44 p.m.)
23 THE COURT OFFICER: We are in open session, Madam President.
24 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
25 THE WITNESS: (Interpretation) Good afternoon, your Honour.

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1 PRESIDING JUDGE STEINER: You are welcome to this Court in order to give us
2 your testimony. Before we start, I will ask, please, the court usher to facilitate the
3 witness taking the oath by reading out the words on the printed card containing in
4 front of the witness. Could, please, court usher facilitate for the witness to take the
5 oath.

6 The court officer will read out the words of the oath for the witness, please, to repeat.

7 THE COURT OFFICER: Yes, Madam President. "I solemnly declare that I will
8 speak the truth -- "

9 THE WITNESS: (Interpretation) I formally declare that I will tell the truth, nothing
10 but the truth. I solemnly swear that I will tell the truth, the whole truth, and nothing
11 but the truth.

12 THE COURT OFFICER: I'll do it one more time. "I solemnly declare that I will
13 speak the -- "

14 THE WITNESS: (Interpretation) I solemnly declare that I will tell the truth, the
15 whole truth, and nothing but the truth.

16 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Now that you
17 have taken the oath, can I confirm that you understand what the oath means?

18 THE WITNESS: (Interpretation) I understand.

19 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
20 answers to questions asked of you that are true and accurate, to the best of your
21 knowledge and belief?

22 THE WITNESS: (Interpretation) Yes, I understand. I will follow the directions,
23 your Honour.

24 PRESIDING JUDGE STEINER: Mr Witness, as you will have had explained to you
25 by the Victims and Witnesses Unit staff during your familiarisation process since

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1 arriving in The Hague, you will be questioned by the Prosecution, by the legal
2 representatives of victims and by the Defence.
3 As you know, the Chamber has put in place measures to protect your identity from
4 the public, so you will be referred to, during the course of your testimony, as
5 "Witness 63," as "Mr Witness," or only as "sir." Your voice and your image that is
6 broadcast outside the courtroom is being distorted so that you cannot be identified by
7 the public.
8 Because we speak different languages, there is interpretation so that we can
9 understand each other. Because of this, sir, it is important that you speak slower
10 than normal, as I'm doing now, in order to allow the interpreters to do their job.
11 Because this can seem unnatural, it may be that you start speeding up and I will have
12 to interrupt you and ask you to slow down. It's purely for practical reasons and
13 should not discourage you from speaking.
14 At the same time, in order to facilitate the court reporters to follow the real-time
15 transcripts, it's important that after the Prosecution, the legal representatives or
16 Defence, asks you any question, that you give a pause, you count to five, before
17 starting with your answer. This is what we call here "the five-second golden rule."
18 Do you understand that, sir?
19 THE WITNESS: (Interpretation) Yes, I understand, your Honour.
20 PRESIDING JUDGE STEINER: At the same time, sir, because you are under
21 protective measures, we need to remind you that other persons are already under
22 protective measures and their identities should not be revealed in public sessions. In
23 case you need to mention names of friends, family members, neighbours, or other
24 persons, we can go into private session and, therefore, nobody outside the courtroom
25 can listen to you. So, please, do not hesitate in asking the Chamber to go into private

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1 session if you have any information that, in your view, can reveal the identity of
2 persons whose identities should not be revealed. We hope we can count on the
3 parties for that purpose, on the participants, as well as yourself.

4 Do you have any doubt, Mr Witness?

5 THE WITNESS: (Interpretation) I have no questions, your Honour.

6 PRESIDING JUDGE STEINER: I have to put to you some few questions.

7 Mr Witness, have you been given the opportunity to read or have read to you the
8 statement, or statements, that you made to the Court?

9 THE WITNESS: (Interpretation) I have been able to read my statement, your
10 Honour.

11 PRESIDING JUDGE STEINER: At the time when you made the statement, or
12 statements, did you do so voluntarily?

13 THE WITNESS: (Interpretation) Yes, I did it entirely voluntarily.

14 PRESIDING JUDGE STEINER: Is the information that you have provided in your
15 statement, or statements, true and accurate, to the best of your knowledge and
16 understanding?

17 THE WITNESS: (Interpretation) Yes, it is the truth, your Honour.

18 PRESIDING JUDGE STEINER: And finally, Mr Witness, in case any of the parties or
19 the Chamber intends to tender your statement, or statements, into evidence, do you
20 have any objection?

21 THE WITNESS: (Interpretation) I have no objections, your Honour.

22 PRESIDING JUDGE STEINER: Thank you very much. I will now give the floor to
23 the Prosecution, who will start taking your testimony. The Prosecution has the floor.

24 MR IVERSON: Thank you, Madam President.

25 QUESTIONED BY MR IVERSON:

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1 Q. Good afternoon, sir.

2 A. Thank you.

3 Q. We met briefly on Monday, so you know my name is Eric Iverson. I am a trial
4 lawyer and I represent the Office of the Prosecutor. I will be asking you questions
5 today.

6 Madam President has already advised you on how the interpretation system works in
7 this courtroom, so I just want to remind you to please speak slowly and try to adhere
8 to the five-second golden rule, and I will do my utmost to do the same.

9 If at any point you don't understand my questions, please let me know and I will
10 rephrase or repeat the question.

11 Please take your time to answer the questions that I pose so that you can provide a
12 full account to the Chamber of what you know. Now, if you don't know or you
13 don't remember the answer to any question, please simply say so. It is fine, it is
14 okay, if there are some things that you do not know or things that you do not
15 remember. Do you understand?

16 A. Absolutely clear, yes.

17 Q. Very well. If at any time you need a break, please let the Chamber know.

18 MR IVERSON: Madam President, at this time, with your leave, I'd like to go into
19 private session.

20 PRESIDING JUDGE STEINER: Court officer, please.

21 *(Private session at 2.01 p.m.) Reclassified as Open session

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

23 PRESIDING JUDGE STEINER: Mr Iverson.

24 MR IVERSON:

25 Q. Sir, we are now in private session. As Madam President told you already this

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1 means that your image and your voice are not being broadcast to the public and it is

2 safe to discuss sensitive information about your identity. Do you understand?

3 A. Yes, I fully understand.

4 Q. Sir, what is your name?

5 A. My name is (Redacted).

6 Q. And where were you born?

7 A. I was born on (Redacted) in Bangui.

8 Q. And what is your nationality?

9 A. I am a Central African national.

10 Q. And what is your ethnic origin?

11 A. I belong to the (Redacted) ethnic group.

12 Q. Are you married?

13 A. I (Redacted) I have children; I have (Redacted)

14 Q. What languages do you speak?

15 A. I speak only Sango and I understand a little of the white man's language; in

16 particular, French.

17 Q. What is your current occupation?

18 A. My current occupation (Redacted).

19 Q. Were you also (Redacted) in 2002 and in 2003?

20 A. I'm not sure I understood this question as it was translated into Sango.

21 Q. I will try it again. Were you also (Redacted) in 2002 and in 2003?

22 A. Yes, that was what I was doing.

23 Q. Without referring to the specific neighbourhood, can you tell us the town where

24 you are presently living?

25 A. I live in the 4th arrondissement.

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1 Q. Sir, in a moment I am going to ask that the Chamber go back into public session.

2 Before I ask them, though, I just want to mention one thing about (Redacted)

3 (Redacted)

4 (Redacted)

5 If at any time, while we are in public session, you need to mention (Redacted)

6 (Redacted) you can either request that we

7 go into private session or you can use the term (Redacted)

8 (Redacted) Do you understand?

9 A. Yes, I understand you fully, but the person who is speaking to me in Sango,

10 could you please talk to me in an intelligible manner because, otherwise, I might

11 misunderstand you and make a mistake.

12 MR IVERSON: Okay. I believe that is clear. Madam President, may we move

13 into public session, please?

14 PRESIDING JUDGE STEINER: We will, Mr Iverson. The Chamber is, however,

15 concerned about the fact that mention -- to the fact that the witness (Redacted)

16 (Redacted) cannot be revealed in public session. So I think it will be quite difficult for

17 the witness to give his testimony and I would ask, please, the Prosecution to be

18 doubly careful in relation to that; otherwise, we will have to start redacting the

19 transcripts. It's quite -- it is going to be quite a difficult questioning, I suppose.

20 MR IVERSON: Indeed, Madam President. In developing some of the questions, I

21 paid particular attention to that so I will do my best to avoid situations where the

22 witness has to or is required to mention (Redacted)

23 (Redacted). That said, if it comes up, we will do our best to avoid it.

24 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, if you continue

25 having problems with interpretation into Sango, you please let us know. We will

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1 adjust. We are trying to do our best in that respect. Could, please, court officer,
2 turn into public session.

3 (Open session at 2.11 p.m.)

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

5 MR IVERSON:

6 Q. Sir, are you familiar with the term "Banyamulengue"?

7 A. I have heard about the Banyamulengue; I heard this on the radio in Bangui.

8 That was when the news was being broadcast over the radio.

9 Q. What does the term "Banyamulengue" refer to?

10 A. When one refers to the Banyamulengue one is referring to the rebel soldiers, yes,
11 but you asked me not to mention any name here so how can I do that?

12 MR IVERSON: Your Honour, I would ask that we could move briefly into private
13 session to discuss this matter.

14 PRESIDING JUDGE STEINER: Court officer, please.

15 *(Private session at 2.14 p.m.) Reclassified as Open session

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

17 MR IVERSON:

18 Q. Sir, we're now in private session. What names would you like to mention
19 when I asked the question, "What does the term 'Banyamulengue' refer to?"

20 A. Well, you asked me that question. You asked me what "the Banyamulengue"
21 means and that was when I said could I use that name. But if you will allow me
22 now, I can do so. In other words, if what you are asking me is that when we refer to
23 "Banyamulengue," who we are referring to, well, I can answer you now.

24 Q. Okay, I understand. I think there may be a bit of a misunderstanding as to
25 what is meant by "don't mention names in public session." And with the Chamber's

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1 leave, maybe I could just go into a bit of specifics here.

2 So, we're not talking about proper place names or names referring to groups of
3 people; we're talking about the given names of specific individuals, such as yourself
4 or your family or acquaintances, if that information could be used by an outside
5 person in your testimony to understand who you are, what your identity is. Is that
6 clear?

7 A. Yes, that's perfectly clear now. However, I'm just thinking. If what you are
8 asking me is who these soldiers were and who was their commander, well, in that
9 case, I would have to give you the person's name, the person who commanded the
10 Banyamulengue. Am I allowed to do that, give the name of the person commanding
11 the Banyamulengue? Or am I not supposed to do that?

12 Q. That is an excellent question and the answer is, yes, you can give the name of
13 the commanders within the Banyamulengue.

14 A. When one speaks about the Banyamulengue, in my country, in the Central
15 African Republic, when we hear talk about the Banyamulengue, we know that the
16 leader of the Banyamulengue is, indeed, Mr Bemba.

17 PRESIDING JUDGE STEINER: Mr Iverson, could we turn into open session?

18 MR IVERSON: Yes, your Honour. I was just about to suggest that. Thank you.

19 PRESIDING JUDGE STEINER: Mr Witness, whenever you have a doubt, as I said,
20 you just ask and the Prosecution or the Chamber will provide you with a clarification.
21 But, in principle, you can mention names of officers, soldiers, commanders,
22 authorities, members of the government, because all these names are well-known to
23 the public. When you said to you not to mention names, it's in order to protect your
24 identity. I hope that helps.

25 THE WITNESS: (No interpretation)

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1 PRESIDING JUDGE STEINER: I apologise to the interpreter.

2 (Open session at 2.19 p.m.)

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

4 MR IVERSON:

5 Q. Now, I'd like to pose the same question to you again with the question that
6 what does the term "Banyamulengue" refer to?

7 A. When one speaks about the Banyamulengue, one is referring to Mr Bemba's
8 rebels.

9 Q. Sir, did you ever have an opportunity to personally observe the
10 Banyamulengue?

11 A. Yes, I did have opportunities.

12 Q. I'd like for you now to describe your first encounter with the Banyamulengue;
13 that is, the first time that you happened to meet Banyamulengue.

14 A. To tell the truth, I cannot remember the exact date and time but I saw them for
15 the first time on the river bank at a place called the River Port; that is the military base,
16 the military men who drive the presidential escort motorcycles in Bangui.

17 Q. You say you cannot remember the exact date. How is your memory with
18 regards to dates, in general?

19 A. No. I know -- well, I didn't go to school. I'm not educated, so I cannot write
20 down what is going on and I could not, so I cannot remember the dates.

21 Q. When you saw the Banyamulengue on the river bank at a place called River
22 Port, do you remember what year that was?

23 A. I maintain before this Court that I am not capable of remembering dates, but
24 I can assert that I saw them in that particular place.

25 Q. I would like to understand the kind of the context and the time-frame when this

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1 happened, and so I might -- I'd like to ask you a different question so we can try to
2 place in time, in context, when you saw this happen. What was going on in the
3 Central African Republic at the time of this event when you saw the Banyamulengue
4 on the river bank at the place called River Port?

5 A. At that time Bozizé, who was the Chief of Staff for President Patassé, when
6 Kolingba made an attempt to topple President Patassé, Bozizé was not at work, he
7 was in his own home. The military men who were close to Kolingba attempted to
8 topple President Patassé and, hence, Patassé asked Bozizé to come back so as to
9 recover his position as Chief of Staff. And when that was done, Patassé gave
10 instructions to Bozizé to repel Kolingba and his men. This is what Bozizé did, in
11 fact.

12 Some time later Patassé attempted to have Bozizé arrested, but at that time Bozizé
13 lived towards PK12, surrounded by a number of soldiers that were loyal to him, and
14 those soldiers prevented the soldiers sent by Patassé from arresting Bozizé, and that
15 is when shooting began on both sides. Bozizé was being shot and Bozizé's troops
16 also fight back at the Patassé soldiers in PK12 and PK10.

17 In view of the intense fighting, President Patassé declared over the radio, but before
18 that we didn't know what was going on. And the Banyamulengue were -- had
19 already intervened. In the country, we heard about the Banyamulengue, and that is
20 why we went out looking for them and this is how we saw them for the first time.

21 Q. During this period, and we'll call it the "Kolingba coup d'état attempt" - that's
22 the name we'll give the period that you're talking about - did you have a chance to
23 interact with any members of the Banyamulengue?

24 A. During Kolingba's coup, the Banyamulengue came and stayed towards the
25 Ouango district. They went through the centre of town, but they didn't do any harm

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1 to anybody. They only operated towards Ouango.

2 Q. So I asked if you had any interactions with them and, from your answer, I
3 understand that you may have had the opportunity to observe them. Let me ask
4 you this: Did you have any personal interactions with any members of the
5 Banyamulengue at that time during the Kolingba coup d'état attempt?

6 A. No, absolutely no contact. Not at all.

7 Q. And what about observing the Banyamulengue, were you able to see them?

8 A. Yes, I saw them in the centre of town. When they would make purchases,
9 I would see them going about in the centre of town.

10 Q. And could you describe to the Chamber what the Banyamulengue looked like,
11 the type of clothing they wore, for example? What was their appearance like?

12 A. The Banyamulengue who crossed the river from Zongo and came into the
13 Central African Republic, I don't know. I really don't know what to say. I don't
14 know whether some of the Judges here had an opportunity to travel in Africa, but if
15 you go to the little places in Africa you will see people who will walk around with
16 zayon (phon) without wearing any shoes, bare-chested, wearing rags, really, and
17 people who live in good conditions, like here, well those people if you see
18 people -- those people might have nausea and vomit when they see them.
19 But when the Central African -- when they came, the Central African people were
20 hospitable, they were civilised. They were people who were coming. They had no
21 shoes, their clothing was in rags, they were wearing rubber boots. They were in rags.
22 They had canes, sticks, odds and ends of things, home-made rifles. That is what
23 they looked like. So they were true villagers, so to speak, villagers who had come to
24 our country at that time.

25 Q. During this time, during the Kolingba coup d'état attempt, were you able to

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1 observe the behaviour of those Banyamulengue that you saw?

2 A. I didn't see them with my own eyes, but we have acquaintances and friends
3 who were living around Kasai, the Ouango neighbourhood. I was around the
4 Ouango neighbourhood and I often walk around there. I have friends there and
5 acquaintances there, and those people told me what was going on there. They
6 reported to me how those people, how those Banyamulengue, were behaving.

7 Q. And what exactly did they tell you?

8 A. They told us that those people who had come were like villagers. They were
9 wearing rubber boots. They would go into houses and take away foam mattresses
10 which they thought of as diamonds because they are used to sleeping on palm leaves
11 and they would fight amongst themselves when they saw foam mattresses. And
12 they had various trunks or suitcases to take things across to the other side of the river.

13 THE INTERPRETER: Correction, they took suitcases or trunks and took them across
14 the other side of the river.

15 MR IVERSON:

16 Q. Previously, I think you stated that you did see the Banyamulengue and then
17 later you stated you didn't see them with your own eyes. What do you mean by
18 this?

19 A. A few moments ago I said that the Banyamulengue came twice to Bangui. I
20 answered your first question. You asked a second question and I answered. And
21 you asked me the very first question again and so I answered. I said: The
22 Banyamulengue came into our country twice; the first time we saw them at the River
23 Port. People came and told us about their behaviour, and that's why I talked to you
24 about that.

25 As for the second time when they came, if you asked me the question about the

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1 second time they came, I would have told you. But if you ask me the question about
2 the first question, I'll have to answer you.

3 Q. That's right. And as you correctly identified, I'm confining my questions right
4 now to the first time that you saw or encountered the Banyamulengue; is that clear?

5 A. Very well.

6 Q. Okay. So during the first time that you encountered the Banyamulengue, did
7 you actually see with your own eyes the Banyamulengue?

8 A. The first time when they arrived they stayed around Ouango. We saw them in
9 the centre of town, when they would come to the centre of town to buy things to eat.
10 The people living in the Ouango neighbourhood talked about the Banyamulengue
11 who were stealing foam mattresses, suitcases, trunks and taking them across. That
12 is what I can tell you about the first time they came.

13 Q. When the Banyamulengue came to the centre of town to buy things to eat, how
14 did you know that those people were Banyamulengue?

15 A. When they arrived in the centre of town, the women who were selling soup or
16 *Kebabs were already speaking of them. Our town is not very big, and when
17 someone arrives and they are five metres away and they are staring, well, people
18 were staring, and I myself went to see them with my own eyes.

19 Q. And did you know at that time from which country the Banyamulengue came?

20 A. If I remember properly, the Banyamulengue were from the Democratic Congo.

21 Q. Now, during this first event when you observed the Banyamulengue, did you
22 ever have an opportunity to speak to any of the members of the Banyamulengue?

23 A. When they arrived for the first time, I spoke to none of them. I only saw them
24 and then they went away.

25 Q. Okay. You've spoken to us about your first encounter with the

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1 Banyamulengue. I would like to now ask you a few questions about your second
2 encounter with the Banyamulengue. Can you please describe your second
3 encounter with the Banyamulengue?

4 A. The second time they came to the Central African Republic that began as of the
5 second coup, when President Patassé wanted to arrest Bozizé, and that was the time
6 when they came for the second time. When they arrived, they crossed the river from
7 Rokotel (phon). They were in canoes and in ferryboats and they set up operations
8 opposite the French embassy.

9 Some of them stayed in the Hotel Sofitel, that is now called the Hotel Bangui; others
10 stayed at military camps just beside the port, the Ubangi Port.

11 Q. How do you know where the various Banyamulengue groups stayed when
12 they arrived to Central African Republic?

13 A. I said that (Redacted) When we learned that they were there, we
14 were at a cross-point (Redacted) There were many of us
15 and we said to ourselves for the -- well, the first time that they came they set up
16 operations in Ouango and we didn't have a chance to meet with them, but this time
17 we should go closer to them to see them, because the first time we didn't have an
18 opportunity (Redacted) So that time, the second time, the second time they came,
19 I had to draw closer so (Redacted)

20 I went to the port and I saw one of them and I was chatting with him, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Sorry to interrupt you. Could, please, the court
25 officer turn into private session for a while.

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1 *(Private session at 2.45 p.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, this is exactly
4 the kind of information that you cannot reveal in public sessions because it relates to
5 (Redacted) and could potentially lead to your identification.

6 We are going to order the redaction of the transcripts, but try not to repeat this kind
7 of statement in public session, please. Do you understand that?

8 THE WITNESS: (Interpretation) I have understood, but you should know that it will
9 be difficult if the Prosecutor asks me the question -- well, first of all, you asked
10 me -- you told me to tell the truth and I said yes. And if you want, well, you just
11 have to go into private session and that way we will be able to record my testimony
12 and you'll know what -- and you can take it or leave it.

13 PRESIDING JUDGE STEINER: Mr Iverson.

14 MR IVERSON: Madam President, if I just might reiterate my suggestion that I put
15 earlier to the witness.

16 Q. Sir, I think that this problem can be solved if instead of referring to the fact that
17 (Redacted)

18 (Redacted) and in that way, the parties and

19 participants and the Chamber will understand what it is you're saying, but the public
20 will not. It's kind of like a code, if you want to understand it that way.

21 A. I've understood.

22 PRESIDING JUDGE STEINER: Mr Iverson, do you think that for this question in
23 particular, it would be better to have it in private session, or can we go back into open
24 session?

25 MR IVERSON: Madam President, I would have to say that there's -- there's nothing

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1 unique about the questions that I intend to pose that would necessarily elicit the fact
2 that the witness (Redacted) I think there may be unanticipated areas where
3 he may say, or may want to say, (Redacted) and
4 in that instance I would hope that he just refers (Redacted) There are a few
5 areas where I would ask for private session, but that's later on in his testimony, when
6 I anticipate that we will actually (Redacted)

7 PRESIDING JUDGE STEINER: So, Mr Witness, we will try again to go into open
8 session. So you can say that (Redacted) sometimes, but not that you (Redacted)
9 (Redacted)

10 Court officer, please.

11 (Open session at 2.50 p.m.)

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

13 MR IVERSON:

14 Q. Sir, you've mentioned that you saw a Banyamulengue and you chatted with
15 him. What language did you use to communicate?

16 A. He spoke a bit of French, and we spoke in French. (Redacted)
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Did you ever have occasion to speak any other languages with the
24 Banyamulengue?

25 A. At that time, I couldn't speak any other languages because -- well, amongst

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1 them, they spoke Lingala. Some of them spoke Lingala and others spoke English.

2 There was another one amongst them who could manage to speak a bit of French,
3 and I spoke with him.

4 Q. The second time that the Banyamulengue came to your country, did the
5 Banyamulengue have a reputation among Central Africans?

6 A. Even before they came to our country -- well, I said at the beginning that we
7 had heard about them on the radio, on RFI Central African radio, and on many other
8 radio stations. We had heard what they would do in the Democratic Congo. When
9 they arrived in our country, we all wanted to go see them because everyone was
10 talking about them, and that is what drew us towards them. That is what I can tell
11 you.

12 THE INTERPRETER: Correction from the English interpreter, one radio station
13 mentioned was Radio Ndeke Luka.

14 MR IVERSON:

15 Q. Why was it that you and other people wanted to see the Banyamulengue after
16 you heard this information on the radio?

17 A. What drew me to go see them? Now I can't tell you why. I could say so a bit
18 later. I could tell you why or what reason or what drew me towards them. I can
19 tell you that later.

20 Q. Okay. Well, I will come back to that and ask you about that later. Okay?

21 A. Fine.

22 Q. During this second event when the Banyamulengue came, do you happen to
23 know the year when that was? I know you already said you're not good with dates,
24 but I just want to ask you that question if you knew the year when they came to your
25 country.

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1 A. I'll say what I already said: It's difficult for me to remember dates, various
2 years. It's very difficult for me to answer that question.

3 Q. Okay. So when we're talking about that period, I'm just going to refer to it as
4 "the second event" or "the second time the Banyamulengue arrived." Is that
5 acceptable to you, sir?

6 A. Yes, that's fine.

7 Q. Okay. During this second event, do you know how the Banyamulengue
8 arrived to the Central African Republic?

9 A. When they came to the Central African Republic, to our country, for the first
10 time they crossed the river, the Ubangi, Ubangi-Chari river, they crossed that river at
11 Sofitel, opposite the embassy. It was at night. The next day, the next morning, the
12 Ouango inhabitants who were coming to sell soup in the centre of town said that they
13 had come back. They had seen the Banyamulengue along the river, just
14 around -- just right by the river port.

15 Q. And what did you do once you received this information that the
16 Banyamulengue had returned?

17 A. When we learned that they had come back, I said to myself -- well, when they
18 came the first time, we didn't have an opportunity (Redacted). But this
19 time, the second time, I'm not going to miss them. So, at 7 or 8, when I arrived in
20 town, I went to the river, alongside the river, and I met one of them. I said to him,
21 "Good morning." I spoke to him in French. He didn't speak to me. Another one
22 came up to me and spoke to me in Lingala, and I didn't answer. And then, in French,
23 (Redacted)
24 (Redacted)

25 Q. Do you know where the Banyamulengue were staying at this time?

1 A. After they crossed the river they were in a very large military installation, but
2 their commanders were housed elsewhere. They spent several days in the military
3 installation before they moved on.

4 Q. Sir, do you happen to know the name of the military installation where they
5 stayed?

6 A. It was next to the river. They were at the base marine, the naval base.

7 Q. During that time, were you in a position to know what happened in the days
8 following their arrival?

9 A. After their arrival, they were billeted in the base marine, the naval base, and
10 then they were moved to Camp Béal. That was the second military installation near
11 the 4th arrondissement. Bozizé's rebels were in the same place. They were just at
12 the Martyr intersection. The Banyamulengue spent three days at Camp Béal.
13 One night, around 10 p.m., they started shooting towards the 4th arrondissement and
14 there was very heavy firing and it continued until the following morning. Around 7
15 or 8 in the morning, Mr Bozizé's rebels withdrew and they took up positions around
16 PK12. The Banyamulengue remained at the Martyr crossroads, that's where they
17 remained positioned.

18 Q. When you say that they started shooting towards the 4th arrondissement and
19 there was heavy firing, do you know what types of weapons they were using, or can
20 you describe the sounds that you heard? Or, excuse me, let me ask a different
21 question first. Are you familiar with the different sounds of small arms and artillery
22 fire?

23 A. I cannot distinguish between the different kinds of weapons, but you can
24 distinguish between heavy weapons and light weapons. We were used to seeing
25 Kalashnikovs, but as for heavy weapons, we heard those when the Banyamulengue

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1 fired.

2 Q. So could you tell us, based on your knowledge of the different sounds, could
3 you tell us, based on that, what types of weapons were -- or, generally, what types of
4 weapons were being fired into the 4th arrondissement?

5 A. It was very loud. I'm not a soldier so I can't tell you exactly what kinds of
6 weapons were employed, but in any event, you could hear heavy weapons - artillery
7 in other words - and also small-arms fire.

8 Q. And how do you know that it was directed at the 4th arrondissement?

9 A. I happen to live in the 4th arrondissement and a round even struck my house.
10 In any event, everybody in the neighbourhood left, and the following morning, (Redacted)
11 (Redacted)

12 So the following morning (Redacted)

13 (Redacted)

14 (Redacted) I met two of my friends and I said to them that there had been a lot of
15 firing and that it was time for us to leave the quartier, to move elsewhere.

16 So we climbed over -- I suggested that we climb over the rocks behind the house to
17 get into the 8th arrondissement, but they didn't want to. They thought that, given
18 the situation, that it was up to each person to protect himself as best he could, but it
19 was my intent to leave the quartier and that's what I did. I took a number of
20 shortcuts, and so on and so forth, to get to the 8th arrondissement. And as I went
21 along, (Redacted)

22 I got to the Miskine market and there (Redacted)

23 (Redacted) was used by women who sell fruits, usually, and since I was
24 trembling because of all the firing, (Redacted)

25 (Redacted)

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1 (Redacted) And there were people around me who were asking
2 questions, they were asking where I'm from, (Redacted), and so on
3 and so forth. That's basically the way things were going.
4 And when you go through something like that, your memory is very partial. And I
5 explained as best I could to the people (Redacted) I said
6 that the people that (Redacted) were not Bozizé's rebels, that they were the
7 Banyamulengue. They were short people, short in stature, and people wanted to
8 come up and (Redacted)

9 PRESIDING JUDGE STEINER: Court officer, please let's go into private session.

10 *(Private session at 3.10 p.m.) Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: Mr Iverson, you can continue, please.

13 MR IVERSON: Thank you, Madam President.

14 Q. What happened to the Bozizé rebels that were purportedly in the 4th
15 arrondissement after the Banyamulengue had fired on them?

16 A. I think that they were out-numbered. From Camp Béal to the 4th
17 arrondissement there were several houses, and given that the loyalists troops
18 supported President Patassé, and given that there were more of them than there were
19 of Bozizé's rebels, they decided to withdraw to PK12.

20 Q. Once the Bozizé rebels withdrew to PK12, what happened? What did the
21 Banyamulengue do next?

22 A. As I had already said, (Redacted)
23 (Redacted) we could see that they began stealing
24 things out of the houses. The houses belonged to the civilian population. They
25 were also stealing a number of things from other houses; they were taking everything

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1 out of the palm warehouse, for example, and they were loading all of their stuff into
2 their vehicles. I watched what they were doing, I observed, and I went into a house
3 which belonged to a woman who worked in (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Mr Iverson, Mr Witness, can we try to go again into
11 open session?

12 THE WITNESS: (Interpretation) It's up to you to decide. I'm simply the witness.
13 There might be elements which I'll reveal during my testimony, and it's up to you to
14 determine whether or not we should be in open or closed session, your Honour.

15 PRESIDING JUDGE STEINER: Of course, Mr Witness, it's up to the Chamber to
16 decide but we are trying to keep the protective measures that we imposed in order to
17 protect your identity. But you need to help us to help you. If you give information
18 that makes it clear that (Redacted)
19 (Redacted) your
20 identity can be easily revealed. That's why we were in private session. But the rule,
21 Mr Witness, is that we have open session.

22 The private session should be an exception, in order to protect you. That's why I'm
23 asking you whether you think you can continue answering to the Prosecution's
24 questions without mentioning (Redacted)

25 THE WITNESS: (Interpretation) I think that that will be difficult. It will be hard for

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1 me to provide explanations without going into detail. A certain amount of
2 information will have been to be revealed if I'm to explain fully; that is my concern,
3 your Honour.

4 MR IVERSON: Your Honour, unfortunately, I have very little to suggest here. In
5 looking at the types of questions that I intend to ask, I can say that there is a very low
6 risk that it should elicit identifying information, (Redacted)

7 Those questions that have a moderate-to-high risk of eliciting that information, I have
8 set aside for private session.

9 Q. It may help you, sir, to know that at a certain point during the examination, I do
10 intend to ask you specific questions about (Redacted) and about (Redacted). So at that
11 time you'll have full opportunity to provide the Chamber with information regarding
12 any (Redacted)

13 Now, I don't know if that will help the situation but I just want you to understand
14 that. So I don't want you to feel the need to discuss (Redacted) when
15 I'm asking you general questions about what was happening at the time, because we
16 will get to that point later in the testimony. Is that clear?

17 A. Perfectly clear, sir.

18 PRESIDING JUDGE STEINER: So, please, court officer, let's try again to go into
19 open session.

20 (Open session at 3.20 p.m.)

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

22 MR IVERSON:

23 Q. Sir, you've previously mentioned that at some point the Banyamulengue were
24 at PK12. How did they arrive to PK12?

25 A. As I've already said, after they went through the Martyrs intersection, which

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1 is to say a day later, they left Camp Béal and they sent a group that arrived at PK12.
2 Certain inhabitants of PK12 provided us with that information and there were also
3 people from the Gobongo neighbourhood who provided that information. Some
4 authorities also provided information, according to which the rebel troops who had
5 been at PK12 withdrew.
6 So going to PK12, they went through the 4th arrondissement, especially through the
7 Fough neighbourhood. They proceeded in two columns. And the inhabitants of the
8 Fough quartier, the Fough neighbourhood, said that they did not want them to come
9 into the neighbourhood. They could move down the main thoroughfare but they
10 couldn't move through the neighbourhood itself. So they continued on foot, in
11 columns, until they reached PK10.
12 At PK10, we started hearing explosions. There was firing which lasted for a certain
13 time, quite a long time, in fact. After that, we couldn't hear any firing coming from
14 PK12. That's where they understood that Bozizé's rebels had withdrawn.
15 The Banyamulengue continued on to PK12 and there we found a certain number of
16 soldiers -- they found a certain number of soldiers who had not left, so they deployed
17 into the -- they moved through the neighbourhoods, basically pillaging, taking
18 property. They were taking cell phones. They were taking clothes. They were
19 taking shoes, and they were also particularly keen to take foam mattresses. And
20 they would take other objects, other items, as well.
21 Some of them occupied the school, and at night they would go out into the
22 neighbourhood, plundering, and they would took their loot back to that school. So
23 they moved -- they also moved into a very nice house which belonged to an
24 inhabitant and they made that their leader's housing, basically. And all the houses
25 along the road to Damara were occupied. There were also a number of stands that

1 belonged to Muslims along the road, and they were also plundered.
2 On the second day, I went to PK12 (Redacted)
3 (Redacted) and somebody told me that the owner of this
4 item belongs there and he is there, and so on and so forth. I had met a number of
5 people that I knew and they asked what they should do and they asked me where
6 I was going. And I said that I was following those people. And they said that,
7 given the way that they were behaving, it's not a good idea to follow them. I said
8 that I would follow them anyway.
9 I found the group. There was one - I forgot his name, but it's all coming back to me
10 now, and I don't know if I should say this to you here and now. I met him and he
11 said, "Oh, you're here." And I said, "Yes, I'm here." (Redacted)
12 (Redacted)
13 (Redacted)
14 So I was with the whole group of people who were in -- who had occupied houses.
15 I was in the neighbourhood. I was taken down to the river. I was able to skirt the
16 house until I got to the athletic field and then I saw where they had taken a positions.
17 They were not far at all from the market which is on the road to Damara and I
18 continued on foot and I entered. And I approached the school. The school is at the
19 middle, between the road to Boali and the road to Damara, so I took a shortcut to the
20 road to Damara and I then met a group there, as well, (Redacted)
21 (Redacted)
22 I left. I took the major thoroughfare and I arrived at the house of a judge which was
23 occupied. I arrived there. (Redacted) I crossed the water. Then I
24 moved back towards the road to Boali, there where they had taken up positions,
25 which is to say on the athletic field. And, there again, (Redacted) to the

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1 people or to the groups that were assigned to protect their leader's house. And they
2 told me to come back the following day. And that's when I left and that was about
3 4 o'clock in the afternoon. And I went directly (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted) And I had to get around on foot because there was no other way to
9 get around. I went towards Benz-Vi -- to where -- I went from there to where I lived,
10 which is the 4th arrondissement. The next morning, very early, I went towards the
11 4th arrondissement. I was picked up by a car. And when I got to the barriers,
12 when I got close to the barriers, (Redacted) And I met a
13 woman, and I asked how she was doing, and she said that things were not going very
14 well. That they had been chased out by the people who had come, that there was
15 nothing left in their house, and I told her to keep her chin up. In any event, there's
16 nothing to do. And I continued on my way (Redacted)
17 (Redacted) And at that point, I could see that there were a
18 number of girls who were in the leader's house, who were there against their will.
19 They were very attractive young women, half-caste as we say in English, and I said
20 that I wanted to see the girls but I was not able, of course, to force my way in there
21 and to demand an answer to determine how the girls were doing.
22 So I, once again, (Redacted)
23 (Redacted)
24 (Redacted)
25 I went back down to the downtown area (Redacted)

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1 (Redacted) And then I decided to go home and spend the night.

2 The next morning, very early, I took the road that leads to PK12 and one of their cars
3 which was going by knocked over a -- one of the -- (indiscernible) and ran over a
4 child, knocked over a child right there nearby a house.

5 PRESIDING JUDGE STEINER: If I may, Mr Iverson, first, Mr Witness, thank you
6 very much for your efforts. We could have this last part of our hearing in open
7 session, thanks to your efforts.

8 Unfortunately, we need to stop now. We have only two-hours' tape and our tape is
9 coming to an end. We will continue, Mr Witness, tomorrow morning at 9.30 in the
10 morning. We thank you very much and wish you to have a wonderful night, that
11 you take a good rest and be ready to continue giving your testimony tomorrow
12 morning.

13 I ask, please, court officer to turn into closed session in order for the witness to be
14 taken outside the courtroom.

15 *(Closed session at 3.32 p.m.) Reclassified as Open session

16 THE COURT OFFICER: We are in closed session, Madam President.

17 (The witness stands down)

18 PRESIDING JUDGE STEINER: We can turn very briefly into open session.

19 (Open session at 3.34 p.m.)

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

21 PRESIDING JUDGE STEINER: Thank you very much. Very briefly, thank you
22 very much Prosecution team, legal representatives of victims, the Defence team, our
23 court reporters and interpreters. Tomorrow we will have only morning session, 9.30
24 to 11.30. We won't have a session in the afternoon. I hope you have already been
25 informed; if not, consider yourselves informed.

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1 This hearing is adjourned.

2 THE COURT OFFICER: All rise.

3 (The hearing ends at 3.34 p.m.)

4 CORRECTIONS REPORT

5 The Court Interpretation and Translation Section has made the following corrections in
6 the transcript:

7 * Page 39 line 16:

8 "bread already were speaking of them " is corrected by "Kebabs were already speaking of
9 them".

10 * Page 20 line 19:

11 "defence premises for their meals" is corrected by "defence commissariat for their meals".

12 RECLASSIFICATION REPORT

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

14 ICC-01/05-01/08-3038 and the instructions in the emails dated 24 October 2014 and 9

15 January 2015, the version of the transcript with its redactions becomes Public