

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 25 May 2011
9 (The hearing starts in open session at 9.40 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning the
19 Prosecution team, legal representatives of victims. Good morning for the Defence
20 team, good morning Mr Jean-Pierre Bemba Gombo. Good morning and welcome
21 our interpreters and court reporters. We will continue this morning with the
22 questioning of Witness 63 by the Defence, and for that purpose I ask, please, court
23 officer to turn briefly into closed session in order for the court usher to bring the
24 witness in.
25 *(Closed session at 9.42 a.m.) Reclassified as Open session

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

2 (The witness enters the courtroom)

3 PRESIDING JUDGE STEINER: Could we turn into open session, please.

4 (Open session at 9.44 a.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much.

7 WITNESS: CAR-OTP-PPPP-0063 (On former oath)

8 (The witness speaks Sango)

9 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

11 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with
12 your testimony?

13 THE WITNESS: (Interpretation) There's no problem, your Honour.

14 PRESIDING JUDGE STEINER: We hope that today we'll finish with your testimony
15 and finally you will be able to go back home. Before I give the floor to the Defence to
16 continue questioning you, I need to remind you that you are still under oath. Do
17 you understand that, sir?

18 THE WITNESS: (Interpretation) Perfectly, your Honour.

19 PRESIDING JUDGE STEINER: I just very briefly remind you of the protective
20 measures and ask you to do your best in order not to mention in public sessions any
21 information that could lead to your identification. And finally, I remind you that if
22 you need a break for any reason, you just let us know. Is it fine with you, sir?

23 THE WITNESS: (Interpretation) Perfectly, your Honour.

24 PRESIDING JUDGE STEINER: Thank you very much. I will then give the floor to
25 Mr Haynes. Please, Mr Haynes.

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1 MR HAYNES: Thank you, your Honour, and good morning to you.

2 QUESTIONED BY MR HAYNES: (Continuing)

3 Q. And good morning to you, sir. How are you?

4 A. Thank you. I feel very well.

5 Q. I am very pleased to hear that. Now, I'm going to ask you some questions in
6 open session now, so please be very careful about how you respond to these
7 questions. I don't believe you should feel the necessity to say anything that might
8 disclose your identity but, if you feel it is necessary, then give us a warning before
9 you say anything. Will you do that for me and for the Court, please?

10 A. Very well.

11 Q. Good. Yesterday, I was asking you some questions about the geography of
12 your country. Do you remember that?

13 A. Yes.

14 PRESIDING JUDGE STEINER: I am sorry.

15 MR HAYNES: No, not at all.

16 Q. It was your impression, wasn't it, that the Banyamulengue did not understand
17 the geography of your country?

18 A. Thank you very much. It's true, Counsel, the geography is different and the
19 map that they had was also different, so I don't know which of your questions I can
20 answer.

21 Q. Thank you. I think you already have and you've introduced the next one for
22 me. The first time you saw them with a map was in Nguerengou, wasn't it?

23 A. Yes. Yes, it was Nguerengou. It was there that they got the map out.

24 Q. I think you told us that it was quite an event, the arrival of the map?

25 A. The map hadn't been brought. They got it out from their bag but, when you

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1 speak about an important event, I don't know what I can say with regard to that.

2 I don't know.

3 Q. Without a map prior to that point, and without any understanding of the
4 geography of the country, can you help as to how they were able to advance as far as
5 Nguerengou?

6 A. That's a good question, Counsel. I think that it was the soldiers. If I reflect on
7 this, I suppose that in your country when somebody is 18 they have to have military
8 service. Now, before soldiers arrive, they already know the map of the area. I don't
9 know why you're asking me this question. You already know the answer.

10 Q. Thank you. You were aware, of course, that the Banyamulengue used
11 intelligence about the enemy, weren't you?

12 A. Thank you very much, Counsel. A Head of State, such as Patassé, if he decides
13 to call upon Mr Bemba then certainly Mr Bemba must have given instructions to his
14 soldiers before they arrived in the Central African Republic, and you know well that
15 when you want to send a child to go to buy bread for you from the bakery, if when
16 the child returns he brings you meat and you know they don't sell meat from the
17 bakery, well, what would your reaction be?

18 Q. Well, it probably wasn't a very good question that I asked you, but so that I can
19 focus you on what I want to talk about, I'm going to show you a section from your
20 interview with the Prosecution. Again, I think it's document 3 on the Defence list,
21 but the ERN number is CAR-OTP-0034-0337. It is a confidential document, and thus
22 should not be broadcast, and can we look at the top of the page. Thank you very
23 much.

24 Now, again I am going to read this to you nice and slowly so that the translators can
25 translate it to you and, when I have read it to you, would you indicate that the

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1 translation has finished to me, please? This is what you said during your interview:
2 "In the first place, they sent an advance troop to check the position of Bozizé's rebels
3 and people coming from Damara were informing the Banyamulengue about the
4 position of the rebels and they were advancing, shooting guns on the way. Most of
5 the time children were the people giving them information. Grown-ups did not
6 want to come close to the Banyamulengue." Would you tell me when the translation
7 has finished, please?

8 A. Thank you very much, Counsel. The statement which you have just read is
9 true. I shall explain it. I would say the following: Among the Banyamulengue
10 who were the rebel soldiers of Mr Bemba, among them there were small children. If
11 I speak about small children, I am referring to a person who is not yet 18 years old.
12 They were 14, 15 and 12 years old, and you will have noted that in the different
13 photographs that you have seen. They were small Banyamulengue children. They
14 were dressed in military uniform and they were armed, and when they were sent on a
15 mission as a scout they wore civilian clothing and they behaved as the children of the
16 locality would do. They could carry -- they could go 15 kilometres and return and it
17 was on the next day that the adults - the adult soldiers - could advance.
18 It wasn't Central African Republic citizens. It wasn't the Central African
19 Republicans who were carrying out this role as scouts. It wasn't they who went on
20 these missions and came back with information, providing information to the soldiers.
21 That's how you have to understand it, Counsel. So if you have any other questions
22 to put to me, please put them to me. I am ready to answer them.

23 Q. Who were the people coming from Damara giving the information to the
24 Banyamulengue that you referred to in your interview?

25 A. Thank you. When you stand by the side of the road -- I would repeat that. If

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1 you are next to the road and you have a weapon in your hand, and given that all the
2 population knew that the soldiers who were on the road were Bemba's soldiers, and
3 they had entered the Central African Republic because of Mr Bemba and Mr Patassé,
4 and these soldiers took the Damara road and Bossembélé, Kangolo --

5 THE INTERPRETER: The interpreter corrects: Kangolo.

6 THE WITNESS: (Interpretation) -- but if you leave a region and you go in the
7 opposite direction, in the direction of the Banyamulengue, while saying to yourself
8 that you are going with all the risks that go along with that, if you arrive to -- at where
9 they are and they question you, saying, "Have you seen soldiers of Bozizé over
10 there?", if you are brave you can say the truth. If not, you will say something else,
11 and you will say, for example, that they are ten kilometres away and that's the reason
12 why I spoke to you about persons, women and men, who were coming and who were
13 arriving there, and who answered the questions of the Banyamulengue. It could
14 have been adults or children. So if you don't understand very well what I have just
15 said, please feel free to ask more questions. I am here to answer them.

16 Q. I think I understand very well what you've said now and I just want to ask you
17 why it was when you were interviewed by the Office of the Prosecutor you told the
18 interviewers that the Banyamulengue received their information from children
19 coming from the combat zone, and you have told this Court that the Banyamulengue
20 used child scouts. They are quite different things, aren't they?

21 A. Thank you, Counsel. This is what I meant. When I said that the
22 Banyamulengue would receive information from young children, or from the kadogo,
23 the two -- those two things are true. Someone -- if someone comes from the other
24 side and asks the person "What is going on over there?", and sometimes they too, they
25 were in the habit of sending the kadogo ahead to see what was going on ahead of

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1 them. So, you see, both things happened. These two situations are both true.

2 Q. Why did you not mention the use of child scouts when you were being
3 interviewed by the Prosecution?

4 A. Thank you. In the statement that you read out to me, well, this statement
5 contains exactly what I just said and I've just repeated what you read out in the
6 statement. I really have nothing to add.

7 Q. Very well, then we'll move on. Soldiers of the Central African Army were
8 present in Fouh, weren't they, at the same time as the MLC forces?

9 A. Thank you. There is no -- there are no military barracks in Fouh, in the Fouh
10 neighbourhood. I don't know, could you repeat your question? I'm telling you that
11 there are no military barracks in Fouh.

12 Q. Didn't you see soldiers from the Central African Army helping ENERCA restore
13 the electricity supply?

14 A. The ENERCA staff, along with the soldiers, arrived in Fouh two weeks after the
15 departure of the Banyamulengue.

16 Q. And soldiers from your country patrolled the area after Bozizé's rebels had left,
17 didn't they?

18 A. Thank you. I think perhaps I didn't express myself very well. I will repeat
19 what I said somewhat earlier. You asked me a question. You asked me why I
20 didn't make that statement to the investigators. You see, when the investigators
21 were asking me questions, it was not in the way that questions are being put to me
22 today in this courtroom. I told you that -- well, Counsel, I thank you very much,
23 because you are helping me remember certain things that I had forgotten, and your
24 way of asking questions leads me to remember certain details.

25 I told you I lived in Bangui. I know the town. I've told you that when the

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1 Banyamulengue arrived, there was no understanding between the Banyamulengue
2 and the Central African Republic soldiers, so when the Banyamulengue were
3 conducting operations these soldiers of the Central African Republic were not armed
4 and so they went into the 4th arrondissement to re-establish the electricity supply and
5 that was a different situation.

6 I gave you the example yesterday. Now, today we have security officers right here
7 in this courtroom. If there is an emergency outside, and the security officers are
8 needed outside, the people who are already with us here in this courtroom will stay
9 with us in this room to ensure our protection. So, you see, that's how it was.

10 The soldiers who had been earlier deployed to ENERCA stayed with ENERCA
11 during the events. That's what I can tell you. I really have nothing to add.

12 Q. I'm sorry if I've confused you. I had moved on from the question about the
13 soldiers who worked with ENERCA. I was asking you about soldiers from the
14 Central African Army who patrolled the streets of Fough at the same time the
15 Banyamulengue were there. Do you recall seeing that?

16 A. Thank you. There were no Central African Republic soldiers patrolling in the
17 Fough neighbourhood. What you're saying is false. There were no organised patrols
18 conducted by the Central African Republic soldiers.

19 Q. Let's move on. Did you see anywhere during the conflict units of the garde
20 présidentielle of the Central African Army?

21 A. Thank you. I told you that if you ask me questions that are clear and objective,
22 without trying to trap me, I will answer clearly. (Redacted)

23 (Redacted) I saw two members of the Presidential Guard in a vehicle.

24 I don't really know their names, (Redacted)

25 (Redacted) I don't know, were they sent to conduct patrols? Were they patrolling?

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1 Were they looking around and seeing what was going on in the field? I didn't know.

2 I didn't know what they were doing.

3 Q. What are the Balawa militia?

4 A. Thank you. Well, that's a very fine question. Counsel, I'm sure that you are
5 well aware of how the Banyamulengue behaved in Bangui, the murders, the rapes,
6 the looting, mistreatments. Now, if you mention the Balawa to me today, that means
7 that you are very familiar with the situation. So, there you have it. There you have
8 it. What you just said is the truth and I have no answer to give you on that point. I
9 am willing to answer other questions.

10 Q. Where did you see the Balawa militia?

11 A. Thank you. I am not aware, I don't understand what you are saying. If you
12 have a clear and objective question, ask it and I will answer, but if you try to trap me I
13 refuse to answer you. I'm willing to answer your questions, but don't try to mix me
14 up, or trap me. If that is what you are doing, I won't be able to answer your
15 questions properly.

16 PRESIDING JUDGE STEINER: Mr Witness, the Defence asked you if you know
17 what a Balawa militia is. Your answer that Defence should be well aware about that,
18 but your answers are to clarify the Chamber. It's a valid question. If you know the
19 answer, the Chamber would like to know. So please ask the answer or explain in
20 case you don't know what the Balawa militia is.

21 THE WITNESS: (Interpretation) Thank you, your Honour. I didn't refuse to
22 answer his question. In the first statement that he read out to me, he asked me a
23 question and he misled me before resuming the question and then trapping me.
24 I know -- I know what his technique is. He is trying to trap me. I know that the
25 Balawa were a militia group belonging to the former President, President Patassé. If

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1 he has a clear and objective question, he should ask it and then I will answer.

2 MR HAYNES:

3 Q. Do you know what the relationship was between the garde présidentielle and
4 the Balawa militia?

5 A. No, I have no idea. I'm not a soldier and I'm not a member of the Balawa
6 militia.

7 Q. Very well. Can we have a look then, please, at Defence document number 3, a
8 confidential document so it should not be broadcast, and it is CAR-OTP-0034-0307 in
9 the English. Thank you very much. Sir, you know the process now. I am going to
10 read out what you said in your interview and, when the translation has finished for
11 you, will you please let me know? What you said in your interview was, "The GP
12 are the garde présidentielle, those in charge of the protection of the president, Patassé.
13 They were mixed with militiamen known as Balawa." And you were asked, "Can
14 you please tell us what type of uniform the GP had?", and you said, "They were
15 dressed in military uniform, the type worn by French soldiers, and they had helmets
16 instead of berets." And you were asked, "How do you know that the GP were mixed
17 with militiamen known as Balawa?", and you said, "As I told you before, I crossed the
18 barrier and went to PK12 to buy cassava leaves and manioc for my family. When I
19 went there, I passed among them. When the shooting started, I was there. We did
20 not cross the barrier on the bridge, but we had to find a way across the river to reach
21 PK12." Would you tell me when the translation finishes, please?

22 A. Thank you.

23 Q. So I will now put my question to you: Do you know what the relationship was
24 between the garde présidentielle and the Balawa militia?

25 A. Thank you. You see, I am saddened. If I -- if I answered you earlier in a

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1 hurry, you see, you are going to trap me. You should start with the question directly
2 and I would have given you a direct answer. All right, I'll answer. I went to PK12.
3 I did not go by way of the main road, because you see there is a bridge at PK10, from
4 PK10 to PK11. No one was going by way of the main road. I went through the
5 bush.

6 When I was going along, there were not yet any Banyamulengue there; there were
7 only Bozizé's soldiers at PK12. I crossed the river. You see, you have not been in
8 our country. You're not familiar with the geography, or the topography of the
9 country. How can you understand? I crossed, I got there, I got to the golf course
10 and, once I got to the PK12 market, I bought cassava tubers and then I heard gunfire
11 from PK11 and PK12. I could hear the gunfire from PK12 and PK11. It was chaos.
12 People were fleeing the market. What I saw -- well, I saw the Presidential Guard and
13 I saw the Balawa.

14 The Balawa were exactly like Bemba's soldiers; that is to say the Banyamulengue.
15 They were not from the regular army, which were dressed like the SAPS. Well, since
16 they all belonged to the ethnic group of the President of the Republic, that is why they
17 were armed and they were shooting. They had to shoot to fight. That's what
18 I know about this militia group. They were in the country. They lived in the
19 country. We know what they were called. They were referred to as "the Balawa".

20 Q. Were they armed?

21 A. Mr Patassé was the Head of State. He was able to do anything. So, yes, they
22 were armed.

23 Q. Thank you. And did you see the garde présidentielle with them?

24 A. The vehicles or the tanks that were stationed, there were Presidential Guard
25 members in them. It was them.

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1 Q. And were they armed?

2 A. When a tank takes a position, does it not have weapons?

3 Q. Do you know who the commander is of the Presidential Guard? I should say
4 "was".

5 A. I have no idea.

6 MR HAYNES: Now, Madam President, can we go very briefly into private session
7 just so that I can preface a question I want to ask in open session?

8 PRESIDING JUDGE STEINER: Court officer, please.

9 *(Private session at 10.26 a.m.) Reclassified as Open session

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

11 MR HAYNES:

12 Q. Sir, I am going to show you one of the photographs (Redacted)

13 (Redacted) and I'm going to ask you questions about what the photograph
14 depicts, (Redacted) Do you understand?

15 PRESIDING JUDGE STEINER: Mr Iverson.

16 MR IVERSON: With respect to the Defence, (Redacted)

17 (Redacted)

18 (Redacted) Thank you.

19 PRESIDING JUDGE STEINER: Mr Haynes, (Redacted)

20 (Redacted)

21 MR HAYNES: I am absolutely in your Honour's hands. Then can we therefore
22 look at document 41 on the Defence list, and that's CAR-OTP-0035-0321. Thank you
23 very much.

24 Q. Can you see the photograph on the screen, sir?

25 A. Perfectly.

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1 Q. In what location or what location is depicted in that photograph?

2 A. Thank you. I was about to answer you with regards to Balawa and the
3 Presidential Guard when you interrupted me to show this photograph, but firstly I
4 would like to go back to the Balawa and the Presidential Guard before speaking about
5 this photograph. At the time that the Balawa and the Presidential Guard were at
6 PK11, towards PK12, because these two sectors are called PK11, when they were in
7 that place, the Banyamulengue had not yet entered the Central African territory. It
8 was five days before President Patassé gave the order to go and arrest Mr Bozizé, so
9 that had nothing to do with this photograph.

10 Now, coming back to the photograph, this photograph that you can see is something (Redacted)

11 (Redacted) in PK12, and

12 the houses which are next to the road are lived in by Muslims, and where you see the
13 wife -- where you see the woman carrying a child, you can see a road.

14 THE INTERPRETER: You can see a path, rather, corrects the interpreter.

15 THE WITNESS: (Interpretation) And there is a path which goes through the
16 neighbourhood to Begoua school, and the Banyamulengue took this path to go to
17 Boali road and to continue towards Begoua football pitch and this whole sector was
18 taken over by the Banyamulengue. (Redacted)

19 (Redacted)

20 (Redacted)

21 Now, the question that you want to ask me with regards to this photo you can go
22 ahead and ask and I am ready to answer it.

23 MR HAYNES:

24 Q. Well, you have answered the first one. (Redacted) The second one

25 is: The man in the khaki uniform, with the green beret, is wearing the full uniform

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1 of the garde présidentielle, isn't he?

2 A. Thank you very much. The uniform shows that this -- well, you can see from
3 the insignia that this is the uniform of the Presidential Guard.

4 Q. Thank you. And to use a phrase common in English, right down to the boots.
5 Those are the boots they wear too, aren't they?

6 A. Perfectly.

7 Q. And do you know what rank is indicated by the pips on his shoulders?

8 A. Thank you very much. I can't know how he got this uniform. In this photo,
9 we can all see that he has insignia. Is it a sergeant, whatever? I don't know. We
10 all can see this photograph. It's a Banyamulengue who's wearing a uniform. Now,
11 did he have that level beforehand? That's not something I can know. All of us, we
12 are looking at this photo.

13 Q. Well, help us. We can see what's on the photo, but from looking at the photo it
14 looks as though the cap fits his head, doesn't it?

15 A. Thank you. If you are a thief and you break into a house and you kill all the
16 inhabitants and you take their property, even if you wear their clothing afterwards,
17 well, if somebody questions you with regards to this clothing you can say it's your
18 clothing because nobody can see that you stole it. You come from Zaire, but how
19 did you manage to get this military uniform from the Central African Republic?

20 Q. And the tunic is the right size for his body and the trousers the right size for his
21 legs; would you agree?

22 A. I don't disagree. If you send a child to go and steal, if he steals and he finds
23 clothing that perfectly fits him, well, he'll wear it and he'll bring you back the other
24 clothing.

25 Q. And the boots too?

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1 A. Thank you, Counsel. As I've just said, it's the same answer. If you send a
2 child to go and steal, to go and destroy something, if he finds something that he likes
3 that fits him perfectly, well, he takes it. If it's food, he will take it. If it's clothing,
4 he'll take it and he'll wear it. And if there's other property which he wants to bring
5 to you, his father, well, that's something else, but in the field he's the one who decides
6 what he's going to take. That's the way it is. I'm also telling you that the money
7 that Bemba received is something else, but what the soldiers received or what they
8 acquired in the field, this was for them. That's something else.

9 Q. The man behind in the black coloured beret with the badge on the side (Redacted)
10 (Redacted)

11 A. Thank you very much, Counsel. I don't know what more I can say. I already
12 told you that all these people who you can see in the photograph are Banyamulengue.
13 There are in fact three people in this photograph: One has a dark green beret, the
14 other has a yellowish beret and the other one has a black beret. Counsel, in reality, is
15 this the way that a professional soldier behaves or dresses? You're asking me the
16 same question. From the moment that these soldiers came as murders, pillagers,
17 thieves, I already gave you the answer to all these questions, but you are asking me
18 the same question. What am I supposed to do? How are we going to proceed?

19 MR HAYNES: Can we please go back into open session and take the photograph off
20 the screen.

21 PRESIDING JUDGE STEINER: Court officer, please.

22 (Open session at 10.41 a.m.)

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

24 MR HAYNES: Thank you very much.

25 Q. Now, on 18 May when you were giving evidence, and the real-time transcript

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1 reference in English is page 34, line 20 and following, you told us that sometimes the
2 Banyamulengue bought uniforms from the soldiers of the Central African Republic.
3 Do you remember telling us that?

4 A. Perfectly.

5 Q. Did you see that happen?

6 A. I stated that because (Redacted) who
7 were well dressed and who were wearing Chadian army uniform, were from the
8 Central African Army. When I saw these two persons I asked them the question
9 why was their uniform different, and they replied to me that they had bought this
10 uniform, which was brand new, and that's how I knew that they had purchased it,
11 and I suspected that only our soldiers could have sold them this uniform and that's
12 the reason why I made this statement.

13 Q. Well, I'm not quite sure of the answer to the question. Did you see transactions
14 take place in which Banyamulengue bought uniforms from soldiers of the Central
15 African Republic?

16 A. Thank you very much. I didn't see it with my own eyes.

17 Q. Do you know in what areas it happened?

18 A. Thank you very much. I said I didn't see that. How could I know the place
19 where the transaction took place?

20 Q. Very well. Did you learn how such transactions took place?

21 A. I didn't hear it and I didn't see it.

22 Q. Then why did you tell us that it did happen, from time to time?

23 A. It was the Banyamulengue themselves that told me that they had bought this
24 uniform.

25 THE INTERPRETER: And the interpreter adds that he stated previously that they

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1 were purchased from a bar.

2 MR HAYNES: Very well.

3 Q. I want to move on. I want to ask you about a particular aircraft. It was used
4 to attack Mr Bozizé's forces both in Boy-Rabé and later on in the Damara area. Do
5 you remember this aircraft?

6 A. Perfectly.

7 Q. And do you know where usually it was kept, the aircraft?

8 A. I don't know.

9 Q. Do you know who owned it?

10 A. I don't know.

11 MR HAYNES: Well, can we have a look then at I think document 4 on the Defence
12 list, ERN number CAR-OTP-0034-0353.

13 Q. Again, the same procedure. I'm going to read little sections of what you said in
14 your interview and then, when it's been translated to you, I will ask you a question.
15 You were asked, "Did you see the aircraft flying from Bangui?", and you said, "Yes, I
16 saw it." Is that correct?

17 A. Thank you very much, Counsel. You promised you would read the whole
18 page. I would prefer you to read the whole page and then, when I have listened to
19 the interpretation, I will make a sign to you and then we can discuss it.

20 Q. Thank you. I didn't do that, because I thought yesterday when I read a large
21 section you preferred me to read short sections, but I will read a longer section if you
22 like. The question, "Did you see the aircraft flying from Bangui?" Answer: "Yes,
23 I saw it." Question: "What did it look like?" Answer: "A little one like the
24 Broussard." Question: "Can you please give us more details?" Answer: "It was a
25 kind of metallic colour and we heard that the aircraft belonged to Paderel." "What is

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1 Paderel?" "It is a company in charge of forests." "It is a Central African company?"
2 Answer: "I do not know for sure, but they are here in Bangui in Ndélé". "What is a
3 Broussard?" Answer: "It is an aeroplane known by this name." Question:
4 "Can you remember anything else about this aircraft?" Answer: "It was far away in
5 the sky and I could not identify it. I knew this aircraft because at the time the rebels
6 of Bozizé were in Boy-Rabé, this aircraft was shooting at the rebels. That is how I
7 recognised the aircraft." Thank you, sir. So does that refresh your memory that
8 you knew the aircraft belonged to a company called Paderel?

9 A. Thank you very much. I remember. I stated that some of your questions had
10 the objective of getting me to lie and that's the reason why I didn't want to answer
11 some of your trap questions. What you've just read to me are statements which I
12 gave in Bangui. It's true the plane belonged to Paderel. It had shot on Boy-Rabé
13 and on Damara. If you go to Damara you will see the impact of projectiles on the
14 bitumen road surface, and I know that this aircraft was stationed at Bangui-M'Poko
15 airport.

16 Q. Thank you. I have to ask why didn't you tell us that when I asked you the first
17 time?

18 PRESIDING JUDGE STEINER: Mr Iverson.

19 MR IVERSON: I would like to object to this question. As Defence counsel pointed
20 out, he was refreshing the witness's memory. If the Defence admits that they are
21 refreshing his memory, there's no necessity to ask this question.

22 MR HAYNES: I'll move on.

23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

24 MR HAYNES:

25 Q. When this aircraft was used in the area of Damara, some people were killed by

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1 its shells, weren't they?

2 A. Thank you. The plane was flying towards Damara. I was still in Bangui. I
3 heard it said that the aircraft had shot on Damara. Myself, I heard the sound of the
4 bombing and when I went there I saw four bodies on the ground. These bodies were
5 bodies of Bozizé's rebels. At that precise time, the Banyamulengue, Bemba's rebels
6 were -- had not arrived in Damara. They were still on the way.

7 Q. And do you know or did you find out who sent this aeroplane from Bangui to
8 fire shells at Bozizé's rebels near Damara?

9 A. Thank you, Counsel. At the start of my testimony before this Court, I said that
10 (Redacted) and you were well informed of what I did. How can you
11 want me to speak about the person who might have given an instruction to take some
12 kind of decision with regards to this aircraft? I don't have God's confidence in this
13 regard. I'm just (Redacted)

14 MR HAYNES: Thank you. And just lastly, before we go to the break, can we,
15 Madam President, go into private session?

16 PRESIDING JUDGE STEINER: Court officer, please.

17 *(Private session at 10.58 a.m.) Reclassified as Open session

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

19 MR HAYNES: And can we place into e-Court, please, document 28 on the Defence
20 list. It's a photograph. The last four numbers of the ERN are 0242.

21 Q. What uniform is that?

22 A. Thank you, Counsel. Before answering your question concerning the uniform
23 that this person is wearing, in our country we've already had six heads of state. Each
24 head of state dressed his Presidential Guard as he wished. After he left, these
25 soldiers could continue to wear these uniforms. The soldiers of our country --

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1 THE INTERPRETER: The witness has stopped speaking, says the Sango
2 interpreter --

3 THE WITNESS: (Interpretation) -- the Central African soldiers also have the
4 possibility to go to different countries for training, and these soldiers, when they
5 come back, they also bring back uniforms from the countries in which they have had
6 their training. This uniform here is the regulation uniform of the Presidential Guard.

7 Q. Thank you. And if I may be forgiven an indulgence to finish this particular
8 topic before the break, I want you to pay particular attention to the way in which the
9 man is standing and the boots that he is wearing. Would you just look at them and
10 make a mental note of them and of his sunglasses. Have you done that for me?

11 A. Perfectly. As you can see as well, there were all kinds of different military
12 uniforms. What do you want me to say exactly? You see, when you're called a
13 rebel, if someone calls you a rebel, that has a meaning. You go off and you behave
14 accordingly. So there you have it. That's why you're called a rebel. This uniform
15 is not his, not really. If you have other questions, I can answer.

16 MR HAYNES: I just want to go back, please, to document 46; the last four letters of
17 the ERN number 0321.

18 PRESIDING JUDGE STEINER: Mr Haynes, the indulgence has a limit.

19 MR HAYNES: It is literally one question once the --

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) I told you that, when someone is called a rebel, that person behaves

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1 differently. Exactly what do you want me to tell you, Counsel? Let us take the
2 example of let's say you're one of Bemba's soldiers. Is Bemba a general, a colonel, a
3 lieutenant-colonel? If Bemba had got his men with the regulatory uniforms, if
4 someone calls upon Bemba to help him with his men, his men are not going to dress
5 in all kinds of different uniforms. They will all be wearing the same uniform and
6 they will be identifiable because of their uniform. If their commander sends them
7 and they are not clothed properly, what do you want me to tell you? You have
8 children. If you are a child and your father can't dress you properly, out of jealousy
9 you will try to steal the clothing of other children. So, there you have it. That is
10 how Judas betrayed Christ on the cross.

11 MR HAYNES: Sir, I thank you for allowing me to ask you questions for more than
12 the regulated session. I thank your Honour for your indulgence, but that is now a
13 good moment.

14 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness, we'll have
15 now a break, a half-an-hour break, in order for you to take some rest and in order to
16 give our interpreters and court reporters as well some time for rest. It's almost 11.10,
17 so we will resume at 20-to-12.

18 I ask, please, court officer to turn into closed session for the witness to be taken
19 outside the courtroom and, in the meantime, we are going to suspend and resume at a
20 quarter-to -- at 20-to-12.

21 *(Closed session at 11.08 a.m.)Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 11.08 a.m.)

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1 *(Upon resuming in closed session at 11.45 a.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
4 the witness in.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE STEINER: Court officer, let's turn into open session, please.

7 (Open session at 11.47 a.m.)

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

9 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back.

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

11 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?

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

13 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

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

15 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes, you have the
16 floor.

17 MR HAYNES: Thank you very much, your Honour. Welcome back, sir. Can we
18 please go straight into private session?

19 PRESIDING JUDGE STEINER: Court officer, please.

20 *(Private session at 11.49 a.m.) Reclassified as Open session

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

22 MR HAYNES: And can we display document 8 on the Defence list, which is one of
23 the (Redacted). The last four numbers of the ERN are 0141.

24 Q. Sir, I don't want any great explanation about any of the (Redacted) I'm going
25 to show you now. They're all going to be of (Redacted) All I want to know is

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1 does that motor vehicle appear to have any sort of antenna?

2 A. Thank you very much. I wasn't paying attention. Well, you see, there's a bag.

3 There's no antenna. In any event, not on this one.

4 MR HAYNES: Can we go to document 10, that's 0150.

5 Q. Again, the same question: Any antennae (Redacted)

6 A. There isn't an antenna.

7 MR HAYNES: Document 17, that's 0178.

8 Q. The same question about the (Redacted)

9 Any antenna?

10 A. (Redacted) an antenna.

11 Q. Really? Where?

12 A. Thank you very much. In the (Redacted) well, admittedly we don't have an

13 opportunity (Redacted)

14 (Redacted) indeed an antenna.

15 Q. Would you care to (Redacted) where?

16 A. Thank you very much. (Redacted) an antenna (Redacted)

17 (Redacted) an antenna.

18 MR HAYNES: Very well. Can we go to (Redacted) 0199. That's document 20.

19 Q. Any antenna (Redacted)

20 A. Thank you very much. (Redacted) generally speaking, usually

21 the antenna is behind at the rear. The owner (Redacted) had died and (Redacted)

22 was put to other uses and, when he retired, (Redacted) he bought (Redacted) which

23 was remodelled and he couldn't use (Redacted) -- the antenna. The antenna was for

24 military purposes, so that's the information I can give you about (Redacted).

25 Q. So your evidence is that (Redacted) belonged to whom?

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1 A. Thank you very much. (Redacted) belonged to a soldier who was retired. I
2 believe that in one of my statements I said that he had died and that (Redacted) was
3 amongst his possessions and the Banyamulengue moved (Redacted) in
4 the place where he was housed -- they were housed. They brought some (Redacted)
5 (Redacted) and then they would move around, they would go about, in
6 (Redacted)

7 Q. Do you genuinely not know what the letters "ALC" stand for (Redacted)
8 (Redacted) ?

9 A. Thank you very much. I think I've answered such a question and I answered
10 by saying "No, I don't know".

11 Q. You have never heard of the Armée de libération du Congo?

12 A. No, I don't know.

13 MR HAYNES: Very well. Can we go to document 21. The last four letters of the
14 ERN are 0207.

15 Q. Again, any antenna (Redacted)

16 A. Thank you very much. Counsel, the (Redacted) It's
17 not an (Redacted) an antenna. All the accessories were
18 included, including (Redacted) and the Banyamulengue were the ones who took the
19 (Redacted) apart and took the various parts away individually.

20 MR HAYNES: Can we move on to document 35. That's 0277.

21 Q. Any antenna (Redacted)

22 A. Those (Redacted) new (Redacted) and (Redacted) an antenna on the (Redacted), but it is within
23 (Redacted) at the point where (Redacted)

24 Q. You mean the sort of antenna that might receive a local radio station?

25 A. I do not know. I really do not know.

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1 MR HAYNES: Now, I want to move on to another topic, please, and I think we can
2 go into open session.

3 PRESIDING JUDGE STEINER: Mr Witness, we'll go now into open session. Please
4 remember not to mention anything about the fact that (Redacted)
5 (Redacted) Please be very careful in relation to this kind of information. Is that fine
6 with you, sir?

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

8 PRESIDING JUDGE STEINER: Court officer, please let's turn into open session.
9 (Open session at 12.04 p.m.)

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

11 MR HAYNES: Thank you very much.

12 Q. I want to move on now to some of the commanders who you saw in various
13 places. Who in your view was the senior commander of the Banyamulengue in the
14 Central African Republic?

15 A. Thank you very much. The supreme commander of the Banyamulengue,
16 going by the resources available to that person, is Jean-Pierre Bemba. The supreme
17 commander is Jean-Pierre Bemba. He is the one who was called upon.

18 Q. And who was the commander of the forces on the ground, according to what
19 you saw in the Central African Republic?

20 A. Thank you. In Bangui, when we went to PK12, they broke up into two groups
21 actually: One of them at PK12 and the other at Damara. The PK12 group
22 ultimately went to Bossembélé and at that location it was Mustapha. Now, I did not
23 have the opportunity to find out the name of the person who went to Bossembélé, but
24 he was a very tall person and he wore a beard.

25 Q. Did you see Mustapha both in PK12 and in Damara?

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1 A. I saw Mustapha in Damara riding a bicycle, I saw him in a vehicle, and I saw
2 him seated or sitting down with other people.

3 Q. Did you also see him in PK12?

4 A. I did not see him at PK12.

5 Q. The vehicle that he drove around in, what sort of vehicle was it?

6 A. Thank you. He drove around in one of the vehicles we have just seen. It was
7 a white Pajero.

8 Q. And who gave that vehicle to him?

9 A. The vehicle was given to him by the person who called him. The one who
10 called him gave him the vehicle.

11 Q. Do you mean President Patassé?

12 A. I do not know, but it is the person who called upon him who handed that
13 vehicle over to him. I was not close to Patassé to see him handing over that vehicle
14 to them, or making it available to him.

15 Q. I would just like to go to something you said in your interview to help you a
16 little bit here, and can we please go to CAR-OTP-0034-0335, and of course it's a
17 confidential document and should not be broadcast. Sir, you know what this is by
18 now. This is the transcript of one of your interviews with the Office of the
19 Prosecutor and I just want to see if you can help us clarify a few of the answers you
20 have just given. You were asked, "Do you know the name of the chief of all chiefs?",
21 and you answered, "Mustapha. Patassé provided him with a Pajero. Mustapha
22 was the main chief of all of the Banyamulengue, not only those of PK12. I know
23 some of the chiefs in PK12, but Mustapha was the commander of them all." You
24 were asked, "Did you see Mustapha in PK12?" You said, "I saw him in PK12 in town,
25 even in Damara." So did you or did you not see Mustapha in PK12?

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1 A. Thank you. (Redacted)
2 (Redacted) Let me tell you that
3 Bangui is not a very big city. I told you this morning that I was not able to
4 understand some of your questions, maybe because the interpretation was not
5 properly conveyed, but let me say that I saw Mustapha in Bangui at the Sofitel Hotel
6 in a Pajero vehicle driving several times around the city of Bangui. A moment ago
7 you asked me whether Mustapha was the first person to go to Damara, and I told you
8 in one of my statements at the beginning of this hearing that there were some small
9 people who were called kadogo, namely, Mboui Sambo and Cercueil, but they
10 belonged to different groups and they were the ones in the forefront who went
11 around as scouts and who shot down people, who pillaged, destroyed and raped,
12 after having done a reconnaissance of the area, and then the others would follow.
13 But by that time they would have already done some acts of destruction and pillage.
14 What else can I say? You see, when a chief sends the troops to the field, he is not the
15 one who is at the forefront. The chiefs usually come after. But, you see, when these
16 people came to Bangui, they did not have any relatives, no aunts, no brothers and
17 what have you in Bangui, so they had no respect for the inhabitants of the city. They
18 were at the forefront divided into several groups and they did not respect anyone.
19 When they came, they didn't wear any uniforms and they were not bearing any
20 particular ranks of the army, so to speak.
21 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me. Mr Witness,
22 Mr Witness, we are just trying to check whether there has been a problem with the
23 transcript, the interpretation, because Defence put to you a question on whether you
24 saw Mustapha at PK12, and your answer is -- and we are talking about page 32, line 7.
25 Your answer, the way it is here, is "I did not see him at PK12".

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1 Now the Defence is showing that in your written statement you said that you saw
2 him in PK12, so this is the Defence question for you to clarify whether or not you saw
3 him in PK12, because there is a mistake here, or in your written statement, and this is
4 what the Chamber wants to know.

5 THE WITNESS: (Interpretation) Thank you, Madam President. The question that
6 Jean-Pierre Bemba's lawyer put to me a while ago was somewhat confusing. I did
7 not want to answer that question, because it was not clear to me. From the very
8 onset of his examination, I have had to be careful not to answer him carelessly, but I
9 have done my very best to answer his questions. He asked me whether I saw Bemba,
10 and I said that I saw Bemba in Bangui in a vehicle. I saw him in Bangui, but I did
11 not know that he was the one.

12 THE INTERPRETER: From the booth. Could the witness, again, Madam President,
13 be invited to slow down when he answers questions. Thank you.

14 PRESIDING JUDGE STEINER: Mr Witness, the Sango interpreter is asking you to
15 slow down, to speak a little bit slower, in order for him to follow your answers.

16 Apparently there was a misunderstanding in relation to the question, so I will ask
17 Mr Haynes to put the question again.

18 MR HAYNES: Thank you very much, Madam President.

19 Q. Sir, the question I am asking you is about Mustapha. Are you clear about that?
20 It's about Mustapha and nobody else.

21 A. Yes, I have understood you very well.

22 Q. Did you, or did you not, see him in PK12?

23 A. Thank you. I saw Mustapha at PK12, close to the football stadium at PK12.

24 That place was like a meeting point for them and their chief was there. I saw

25 Mustapha in a vehicle, but it was in Damara that I became aware that that person was

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1 Mustapha, and I also found out in Damara that Mustapha was from Rwanda.

2 Q. Just so that we can as it were give some context to your earlier answer, did you
3 ever see Mr Bemba riding a bicycle in Damara?

4 A. Are we talking about Bemba, or about Mustapha? You see, a short while ago I
5 said that, when you put questions to me in this manner, then it is not good (Redacted)
6 (Redacted) not Bemba.

7 Please.

8 Q. Thank you. Did you know that President Patassé provided Mustapha with a
9 Pajero?

10 A. I saw him driving in a Pajero vehicle, but I do not know the person who gave
11 him the vehicle.

12 Q. Why did you tell the interviewers that Patassé provided Mustapha with a
13 Pajero?

14 A. Thank you. When Mustapha arrived in Bangui, on whose behalf had he come?
15 I can say that he had been sent by Bemba, he being the chief, and even though
16 Mustapha may have had a vehicle at that time, the question must be who gave him
17 the vehicle and the answer must be Patassé.

18 Q. And how did you know that?

19 A. Thank you. I am not blind. I have two eyes and I can see and I can remember
20 the colour of that vehicle. That is why I can tell you right away that it was a blue
21 vehicle.

22 Q. And did you understand that there was no MLC commander superior to
23 Mustapha?

24 A. Only Bemba.

25 Q. But in the Central African Republic there was no MLC army officer superior to

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1 Mustapha; did you understand that?

2 A. Thank you, Counsel. You are defending Bemba. Before Bemba sent those
3 troops to Bangui, I was not with him or with them to determine whether there was an
4 MLC chief in that group. The men whom Bemba sent to Bangui we knew them to be
5 Banyamulengue, and it is only now that reference is being made to the MLC. Let me
6 repeat that in Bangui Bemba's men are known as "Banyamulengue" and the
7 expression "MLC" I am only finding out about it now. It is a new expression for me.

8 Q. Thank you. I just want to remind you of what you said in that interview: "Do
9 you know the name of the chief of all chiefs?" You responded, "Mustapha." What
10 gave you to believe that he was the chief of all chiefs?

11 A. Thank you very much. Why? Why is it that I did not say in my statement
12 that a vehicle was made available or provided to Cercueil? Why was Major given a
13 vehicle? Why was a vehicle made available to Mustapha? Two vehicles were made
14 available. The house in which he lived in Damara belongs to Mr Sorongope and he
15 had several soldiers under his orders, some speaking French, while others spoke
16 Sango and others still Mandja. (Redacted)
17 (Redacted) and that is how I found out that he was the chief.

18 Q. Thank you. Can we go a little further down the page in this document, please.
19 I'm just going to read out an answer you gave in your interview. You said, "I was in
20 front of the school in PK12. There was another chief just close to the football
21 stadium in PK12 and Mustapha came there. The compound belonged to someone
22 and they took it by force. That place was used as their état-major. It was there that
23 the Banyamulengue took all decisions, the chiefs and all the Banyamulengue. With
24 the money they were given, they bought food and shared it with the others. The one
25 who called them here was the one who provided the food. Who called them here?

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1 Patassé." Did you know that President Patassé provided the Banyamulengue with
2 food and money?

3 A. Thank you. I know. I saw it. I saw them buy food. I saw them buy a cow
4 and cook it. I saw this happening at PK12. I saw rice being brought to them in a
5 bag, or in bags. I saw beans being brought to them near Matisu (phon) and I believe
6 that I knew these things and that I have already answered these questions and you
7 are asking me the same questions again. I told you that I saw Mustapha at PK12,
8 near the field. I am under the impression that you are twisting your questions.
9 You are going forward one step and going backward two steps and I think I have
10 already answered your question.

11 Q. Did you see the delivery of money to Mustapha in PK12?

12 A. Thank you very much. Now, if this is the kind of question that even a toddler
13 could answer. Now, if there are other questions, you can ask me. I wasn't in a
14 position to stand beside Patassé and be present when he gave the money.

15 Q. Did you learn from any of the soldiers you met how much money they were
16 paid?

17 A. Thank you very much. I can't know that.

18 Q. Other than buying a cow, did you see how the soldiers spent their money?

19 A. Thank you very much. (Redacted)
20 (Redacted)That's how I know, but what

21 quantities they purchased I don't know. The meat was cut up into pieces and shared
22 amongst the various groups. I saw that.

23 Q. Other than meat, did you see them spending their money on anything else?

24 A. It is difficult to answer that question. In my opinion, it's difficult to answer
25 these questions about their purchases. As for the food supplies I saw that, but other

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1 kinds of purchases I don't know.

2 Q. Well, were there markets in PK12 and Nguerengou and Damara?

3 A. At PK12 there is a large market. In Nguerengou, well, that's a small village.

4 There were stalls where people would sell various goods. In Damara, there is a large
5 market.

6 Q. And let's just concentrate on PK12 for a short while. At the market there, was
7 it possible to buy items of clothing?

8 A. Thank you very much. I believe that at the market people sold a little bit of
9 everything. If you had the money, you could buy whatever you wanted.

10 Q. Could you buy, for example, Muslim prayer beads?

11 A. No, those prayer beads were not sold at PK12. Ever since I have lived in
12 Bangui, I haven't heard of any place where those are sold. However, those chechia
13 were sold at the market.

14 Q. Thank you very much. Could you buy electrical goods at the market, such as
15 radios?

16 A. At PK12, there were various street pedlars who would buy -- correction, who
17 would sell such goods. After the Banyamulengue went throughout the
18 neighbourhood, it was difficult to find any street pedlars.

19 Q. And if you don't know you don't know, but at that time how much would a
20 radio have cost from a street pedlar, or at a market?

21 A. Well, I'm not in the habit of selling radio sets. I'm not really in a position to
22 say.

23 Q. That's fair enough. I want now, please, to move on to another section of your
24 interview. It's CAR-OTP-0034-0409, again confidential.

25 PRESIDING JUDGE STEINER: Court officer, let's turn very briefly into private

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1 session, please.

2 *(Private session at 12.39 p.m.) Reclassified as Open session

3 THE COURT OFFICER: Were in private session, Madam President.

4 PRESIDING JUDGE STEINER: Thank you. Mr Haynes, just to inform you that for
5 the next 15 minutes at least we cannot have more redactions in the transcript in the
6 broadcast, so pay attention to the kind of questions you are going to answer, and to
7 the possible answers, because if maybe it is more appropriate if we stay in private
8 session, but I will count on your anticipation of the possible answers to the questions
9 you are going to put.

10 MR HAYNES: Your Honour's intervention is timely and excellent, because it does
11 occur to me that there is a name that is going to arise here that probably I need to
12 raise in private session and to warn the witness that we will not refer to again.

13 PRESIDING JUDGE STEINER: So should we continue then in private session?

14 MR HAYNES: For the time being, if you don't mind.

15 PRESIDING JUDGE STEINER: No, I prefer. Thank you.

16 MR HAYNES: Thank you. Can we go down the page a little bit.

17 Q. I'm going to ask you some questions about (Redacted) do you understand?

18 A. Yes, I understand.

19 Q. And I'm not going to mention his name when we go into open session. Will
20 you make sure you don't do the same?

21 A. Agreed.

22 Q. I will call him a commander (Redacted) in Nguerengou; do you understand?

23 A. I understand.

24 Q. And will you call him the same thing?

25 PRESIDING JUDGE STEINER: One minute, Mr Haynes. Mr Iverson.

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1 MR IVERSON: Thank you, Madam President. We appreciate what Mr Haynes is
2 trying to do here, but again we have the same concern. I think that if there is (Redacted)
3 displayed on the screen the risk becomes very high that if we are in open session that
4 he will -- that the witness will discuss information that should be in private session.
5 Of course, we will take your guidance, Madam President, but that -- I just wanted to
6 address that concern again.

7 PRESIDING JUDGE STEINER: But we are in private session, Mr Iverson.

8 MR IVERSON: I was under the impression that Mr Haynes was going to propose
9 open session to talk about this document. Perhaps I was wrong.

10 MR HAYNES: Only after a point.

11 Q. Sir, there are (Redacted) on the screen. Do you (Redacted)?

12 A. Yes, (Redacted)

13 Q. And is that (Redacted)

14 A. Yes, (Redacted)

15 Q. And I am now going to read something you said in that interview. You said,
16 "He was the chief of the Banyamulengue group in the advance post who launched the
17 first attacks." Tell me when that's been translated to you.

18 A. That is my statement.

19 Q. And is that correct?

20 A. Those are the first people who arrived in Nguerengou.

21 Q. Right. Well, we are going to go into open session now, if everybody is
22 comfortable with that. Please don't refer to that man as (Redacted) but as
23 the commander in Nguerengou. Do you understand?

24 A. I have understood perfectly well.

25 MR HAYNES: Then can we go into open session and remove the document from

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1 the screen?

2 PRESIDING JUDGE STEINER: Court officer, please.

3 (Open session at 12.46 p.m.)

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

5 MR HAYNES:

6 Q. The commander in Nguerengou, what nationality was he?

7 A. Thank you very much. He crossed with the Banyamulengue and I thought of
8 him as being from Zaire.

9 Q. Did he lead the attack towards Damara, as well as towards Nguerengou?

10 A. Thank you. The group of Banyamulengue who left Bangui and went to
11 Damara had a number of leaders and he himself had his own particular group.

12 Q. What language did he speak?

13 A. (Redacted) as I am doing right now.

14 Q. And what unit did he command?

15 A. I'm not in a position to know that. I do know that he was the leader of one
16 particular group.

17 Q. Do you know whether he received intelligence from people coming from
18 Damara?

19 A. I don't acknowledge having said that.

20 Q. Sir, I'm not suggesting that you have. I'm asking you whether you knew
21 whether before he went forward to Damara he received intelligence from people
22 coming from that area?

23 JUDGE ALUOCH: Mr Haynes.

24 MR HAYNES: Judge Aluoch.

25 JUDGE ALUOCH: Maybe you want to make that question -- you want to clarify that

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1 question so the witness can understand you.

2 MR HAYNES: It was clumsy, I acknowledge.

3 JUDGE ALUOCH: Yes.

4 MR HAYNES:

5 Q. Do you know whether he spoke any language other than Sango?

6 A. I don't know.

7 Q. And the people who came from Damara, who provided information, what
8 language did they speak?

9 A. They spoke Sango.

10 Q. And only Sango?

11 A. There were subgroups who -- and they spoke in their language as well, the
12 language of their tribe, but the national language in our country is Sango.

13 Q. The kadogo you have referred to within the Banyamulengue, what language
14 did they speak?

15 A. Thank you. You are asking me some good questions, but they're not entirely
16 good questions. Now, the example of Zongo right across from us. Now, in Bangui,
17 there are people from Zaire, shoe-shiners, who speak Mandja. The people from
18 Zaire, well, some of them speak Mandja. Let us go back to the story; correction, to
19 history. There are some people from Zaire, fishermen, who would speak Sango and
20 vice-versa. If you ask me a question about the kadogo, well, some of them spoke
21 Mandja and would talk to the inhabitants of the village in Mandja. They were able
22 to talk with them to find out information about diamonds and other things, so that
23 means that they spoke in Mandja. They are neighbouring peoples, on the border,
24 and the two groups could speak the languages. And I can tell you that in Africa this
25 sort of thing is frequent.

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1 Q. Where do the Mandja tribe come from in the Central African Republic?

2 A. I came to give testimony. I did not come here to talk to you about the history
3 of our country.

4 Q. Would you do me the courtesy of answering the question, if you can?

5 A. I thank you. This is something from history. I'm not in a position to know
6 where the Mandja people came from.

7 Q. Let me put it another way. In what part of the Central African Republic is
8 Mandja most commonly spoken?

9 A. Thank you. I'm not in a position to know that, but I do know that some people
10 speak Mandja.

11 Q. Do you know whether the commander from Nguerengou spoke Mandja?

12 A. I didn't speak to him in Mandja. I don't know.

13 Q. But in any event, in order to receive and understand the information coming
14 from Damara, you needed to speak Sango, didn't you?

15 A. Thank you. In one of my statements (Redacted)

16 (Redacted)

17 (Redacted) He worked, but he didn't go to the Central African

18 Republic to learn the Mandja language to be able to speak to the inhabitants in

19 Mandja. He came to serve, to serve Bemba's cause. He didn't come to learn

20 Mandja.

21 MR HAYNES: Sir, thank you very much. I have finished with that particular topic
22 and that may be a convenient moment to break for lunch?

23 PRESIDING JUDGE STEINER: Yes, it is, and after lunch I would like to go back to

24 some of the points, because reading the whole of the last two pages it appears that

25 there was a misunderstanding from the part of the witness in one of the questions you

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1 put, and I want a clarification on that.

2 In any case, Mr Witness, we are having now our lunch break. You will have time not
3 only to have lunch, but to rest a little bit. I hope the Defence is prepared to finish its
4 questioning in this afternoon's session.

5 MR HAYNES: Your Honour, I am fairly confident we will.

6 PRESIDING JUDGE STEINER: And so we will resume at 2.30 in the afternoon. I
7 will ask, please, court officer to turn into closed session in order for the witness to be
8 taken outside the courtroom. In the meantime, we are going to suspend and resume
9 at 2.30.

10 *(Closed session at 13.00 p.m.) Reclassified as Open session

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

14 (Luncheon recess taken at 1.00 p.m.)

15 RECLASSIFICATION REPORT

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

17 ICC-01/05-01/08-3038 and the instructions in the email dated 24 October 2014, the

18 version of the transcript with its redactions becomes Public