

Trial Hearing
Witness: CAR-OTP-PPPP-0173

(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 Tuesday, 23 August 2011
9 (The hearing starts in open session at 9.36 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, the court officer call
15 the 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. I would like to welcome
19 back everyone: The Prosecution team, the legal representatives of victims - sorry,
20 they are not here - the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning
21 and welcome to our interpreters and court reporters.
22 We will commence today with the testimony of Witness 173, and just for the record,
23 since we are resuming after the recess of the Court, I would like the Prosecution to
24 introduce its team.
25 MR BADIBANGA: (Interpretation) Good day, your Honour. Good day, Judges.

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1 On behalf of the Prosecution, we have Ms Petra Kneuer, who is a trial attorney; we
2 have Ms Carl Bärbel to my left, who is also a trial attorney; we have Madam
3 Frédérique Besse, who is in charge of managing the case, our case manager; we have
4 Ms Sylvie Vidinha, who is the assistant who aids the trial attorney; and I am
5 Jean-Jacques Badibanga. I will be conducting the examination today and I am also a
6 trial attorney. Thank you.

7 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. The Chamber was
8 informed that, due to delay in the flights, both legal representatives will be late and
9 the Chamber authorised the case manager to be present during this first part of the
10 hearing.

11 Maître Kilolo, could you be so kind, please, in introducing your team.

12 MR KILOLO: (Interpretation) Good day, your Honour. Good day, Judges. On
13 behalf of the Defence, Mr Peter Haynes is present; Ms Kate Gibson as legal assistant;
14 Mr Jean-Jacques Kabongo Mangenda, who is the case manager and legal assistant;
15 and we also have two legal assistants who are trainees, they are present today,
16 Ms Hélène Bolou and Mr Julien Maton; and then there is myself, Mr Kilolo.

17 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo. Before I
18 call -- I ask the court usher to bring the witness in, I just would like to remind the
19 parties that Witness 173 has agreed to give evidence in French. However, he has
20 expressed that he may have some difficulties to answer complex formulated
21 questions in French, and therefore VWU recommends that, if possible, counsel
22 questioning the witness formulate the questions in a simple manner.

23 So I ask now, please, the court usher to turn into closed session -- the court officer,
24 please, in order for the court usher to bring the 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: We can turn into open session, please.
- 4 (Open session at 9.43 a.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Thank you.
- 7 WITNESS: CAR-OTP-PPPP-0173
- 8 (The witness speaks French)
- 9 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 10 THE INTERPRETER: The interpreter did not hear the witness's answer.
- 11 PRESIDING JUDGE STEINER: Court officer, I think the microphone is too low.
- 12 Mr Witness, good morning.
- 13 THE WITNESS: (Interpretation) Good morning.
- 14 PRESIDING JUDGE STEINER: And welcome to this Court. Before we start, I
- 15 would ask the court usher to please facilitate you taking the oath by reading out the
- 16 words of the oath for you, please, to repeat.
- 17 Court usher, please.
- 18 THE WITNESS: (Interpretation) I solemnly declare that I will speak the truth, the
- 19 whole truth, and nothing but the truth.
- 20 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken
- 21 the oath, can I ask you to confirm that you understand what the oath means?
- 22 THE WITNESS: (Interpretation) Yes.
- 23 PRESIDING JUDGE STEINER: Do you understand that it means that you must give
- 24 the answers to questions asked of you that are true and accurate to the best of your
- 25 knowledge and belief?

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1 THE WITNESS: (Interpretation) Yes.

2 PRESIDING JUDGE STEINER: Mr Witness, as it has been explained to you by

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

4 questioned first by the Prosecution, Maître Badibanga, then by the legal

5 representatives of victims - they are not here yet, but they are about to come - Maître

6 Zarambaud and Maître Douzima-Lawson. And, finally, you will be questioned by

7 Defence.

8 As you know, the Chamber has now put in place measures to protect your identity

9 from the public. Therefore, during your testimony, you will be referred to as

10 "Mr Witness" or as "Witness 173." Your voice and your image that are broadcast

11 outside the courtroom are being distorted so you cannot be identified by the public

12 outside this courtroom.

13 Because we speak different languages there is interpretation, so that we can

14 understand each other, but because of this it is important that you speak slower than

15 normal to allow the interpreters to do their job. Because this may seem unnatural, it

16 may be that you start speeding up, at which point I will have to remind you to slow

17 down again. This is purely for practical reasons and should not discourage you

18 from speaking. And whenever you have any difficulties with interpretation, please,

19 let us know.

20 Now the Chamber has some questions, a few questions to put to you before you start

21 giving your testimony. Mr Witness, have you been given the opportunity to read, or

22 have read to you, the statement or statements that you made to the Court?

23 THE WITNESS: (No interpretation)

24 PRESIDING JUDGE STEINER: At the time when you made the statement or

25 statements, did you do so voluntarily?

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1 Do we have any problems with the English transcripts, in which the answers do not
2 appear?

3 THE INTERPRETER: The interpreter didn't hear the witness answering those
4 questions.

5 PRESIDING JUDGE STEINER: Mr Witness, the interpreter cannot hear you. Could
6 you please speak a little bit louder?

7 THE WITNESS: (Interpretation) Yes.

8 PRESIDING JUDGE STEINER: I will have to put to you again the questions, in
9 order for us to have your answers placed on the transcripts of the present hearing.
10 Have you been given the opportunity, Mr Witness, to read or have read to you the
11 statement or statements that you made to the Court?

12 THE WITNESS: (Interpretation) Yes.

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

15 THE INTERPRETER: The interpreter didn't hear the witness's answer again.

16 PRESIDING JUDGE STEINER: Again, the interpreter says he couldn't hear you.
17 Could you repeat your answer, please.

18 THE WITNESS: (Interpretation) Yes.

19 PRESIDING JUDGE STEINER: Thank you. Is the information that you have
20 provided in your statement or statements true and accurate, to the best of your
21 knowledge and understanding?

22 THE WITNESS: (Interpretation) Yes.

23 PRESIDING JUDGE STEINER: In case the parties or the Chamber intend to have
24 your statement or statements as evidence in this case, do you have any objection?

25 THE WITNESS: (Interpretation) No, I don't.

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1 PRESIDING JUDGE STEINER: Do you have any doubts or could we proceed with
2 the Prosecution questioning you?

3 THE WITNESS: (Interpretation) We can start. There are no problems.

4 PRESIDING JUDGE STEINER: Thank you very much. Maître Badibanga, you
5 have the floor.

6 MR BADIBANGA: (Interpretation) Thank you, your Honour.

7 QUESTIONED BY MR BADIBANGA: (Interpretation)

8 Q. Good day, Witness.

9 A. Good day.

10 Q. My name is Jean-Jacques Badibanga, I'm a member of the OTP, and I will be
11 putting questions to you on behalf of the Prosecution.

12 We'll be following a fairly simple scheme: First, I will ask you to introduce yourself,
13 I will have a few questions about your identity, and then we will speak about your
14 professional background to a certain extent. And after that introductory part, which
15 will be fairly brief, we will address issues that you witnessed, events that you
16 witnessed and for which you are present at the ICC today.

17 Your Honour, the Judge, already told you that it was necessary to speak slowly. I'm
18 making such an effort myself. This is to facilitate the work of the interpreters but
19 also to facilitate the work of the court reporters who have to transcribe everything
20 that is being said here. There is a rule that was introduced in this Court, and we call
21 it the five-second rule.

22 This means that when I put a question to you, you should count up to five before you
23 start providing your answer. That will allow the interpreters to complete their
24 interpretation and it will also allow the court reporters to transcribe everything that is
25 being said.

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1 Once you have answered my questions, I myself should wait for five seconds before I
2 put my following question to you.

3 Is this clear, as far as these practical issues are concerned?

4 A. Yes.

5 Q. Very well. One last matter of clarification; it concerns the security or, rather,
6 the conditions under which you will be testifying: You can see that behind you the
7 blinds have been lowered as a result of which the public cannot see you. And as the
8 Presiding Judge has told you, you will have the benefit of voice distortion and it will
9 also not be possible to see your face.

10 So we will move to and fro between private session and open session in the course of
11 your testimony. Most of your testimony will be given in open session, and this
12 means that on the outside people will hear what you say, although your voice won't
13 be recognised.

14 So when we are in open session, I would ask you to be careful not to give information
15 that might identify you, information on your employment, where you live, and so on
16 and so forth. Don't give such information in open session and also don't mention the
17 names of other witnesses or other individuals when we are in open session. Is that
18 fine?

19 A. Yes.

20 MR BADIBANGA: (Interpretation) Thank you. Your Honour, in order to deal
21 with the usual questions that concern identity, could we go into private session.

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

23 *(Private session at 9.57 a.m.) Reclassified as Open session

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

25 MR BADIBANGA: (Interpretation)

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1 Q. Witness, this is an example of what I was saying. We are now in private
2 session, so you may feel free to answer some the questions I will be putting to you
3 and you don't have to be worried about being heard by the public. Could you please
4 tell us your identity?

5 A. Yes. My name is (Redacted) I was born in (Redacted)on
6 (Redacted) My father's name was (Redacted)

7 Q. Let's stop there for a minute. I do apologise. First of all, you were a bit fast,
8 you didn't wait for five seconds, but I believe that it has been noted, the answers have
9 been noted. I will then put questions to obtain other information we need. So far
10 you have told us your name and place of birth. Could you tell us what your
11 nationality is, please?

12 A. I'm Congolese.

13 Q. Are you married? You can just answer by saying "yes" or "no," and you don't
14 have to mention the name of your spouse.

15 A. Yes.

16 Q. In this case too don't mention any names but just tell us whether you have any
17 children and, if so, how many?

18 A. Yes, I have (Redacted) children.

19 Q. You said you were Congolese. What is your ethnic origin?

20 A. I am (Redacted)

21 Q. Would you please now tell us your religion?

22 A. I am Muslim.

23 Q. Mr Witness, what languages do you speak?

24 A. I speak Lingala, Swahili, Sango, (Redacted), French, (Redacted).

25 Q. With regards to your professional background, what was the last job that you

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1 held?

2 A. I worked in a (Redacted), in the (Redacted)

3 Q. Will you please tell us now where you were in 2002?

4 A. In 2002 I was in Bangui.

5 Q. And for how long were you in Bangui?

6 A. Since 1999 until (Redacted)

7 Q. What were the circumstances surrounding your arrival in Bangui in 1999?

8 A. I came to Bangui -- well, I was a soldier and I arrived in Bangui after a clash
9 between troops in the MLC near Mobaye.

10 Q. You said you were a soldier. What army were you a soldier in?

11 A. In the FARC, the armed forces, armed Congolese forces.

12 Q. Would you please repeat your -- I'm going to repeat the question. Would you
13 please wait five seconds before you answer?

14 A. I was in the FARC, the Congolese armed forces.

15 Q. Did you have a rank? Did you have a certain specialty in the Congolese armed
16 forces?

17 A. At the time we were -- I was in charge of the (Redacted) I
18 was in charge of (Redacted) I was the (Redacted)
19 (Redacted)

20 Q. And how long did you have that position in (Redacted)

21 A. Since 1997 until 1999.

22 Q. You said a few moments ago, just to refer to the French transcript, it's on page
23 10, line 17 in the French transcript, you said, sir, that "I arrived in Bangui. I was a
24 soldier, first of all. We arrived in Bangui after a clash between us and the MLC, so
25 we crossed the river." Since this is the first time that you mentioned this, I would

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1 like for you to please tell us what "MLC" stands for exactly?

2 A. This is the Mouvement de liberation du Congo, the Congolese Liberation
3 Movement.

4 Q. You say that there were clashes between you, you as a member of the Congolese
5 armed forces, and the MLC, and that after that you crossed the river. Would you
6 please elaborate on what you mean by that?

7 A. Yes. We had to fall back after our contact with the MLC. We went through
8 Mobaye Gonga (phon) and Mobaye Gongo (phon). Mobaye Gonga, Mobaye Gongo.

9 Q. And when did he go to Bangui exactly, because you talk about Mobaye and
10 then you say that you arrived in Bangui?

11 A. We went to Mobaye and we spent about three or four weeks after and then we
12 went to Bangui.

13 Q. And just to finish up with this before we go back into open session. You
14 stayed in Bangui until when, until what year?

15 A. I stayed in Bangui from 1999 to (Redacted).

16 MR BADIBANGA: (Interpretation) Your Honour, with your permission, I think that
17 we can move back into open session.

18 PRESIDING JUDGE STEINER: Court officer, please turn into open session,
19 reminding the witness that in open session the public can hear what you say.
20 (Open session at 10.07 a.m.)

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

22 MR BADIBANGA: (Interpretation)

23 Q. Mr Witness, where were you when the MLC soldiers arrived in the Central
24 African Republic?

25 A. I was in Bangui.

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1 Q. Do you remember what month, during which month this event occurred?

2 A. There were events. The first were around June, I would say, and then close to
3 the end of the year 2002, but I can't provide you with any more detail than that.

4 Q. Do you know how they arrived, how their arrival took place?

5 A. They came from Zongo to Bangui and so they crossed the river to get to Bangui.

6 Q. You were in Bangui but were you close enough to see them when they crossed
7 the river? Did you actually see them cross the river?

8 A. For the -- during the first part of the operation, no. For the second operation, I
9 was in the city and I saw them cross.

10 Q. You say that they crossed from Zongo to Bangui, they crossed the Ubangi River.
11 Were they using boats or rafts? How exactly were they getting across the river?

12 A. They used rafts to get across the river.

13 Q. Can you give us an idea of the number of soldiers that you saw crossing, or the
14 number that you think crossed at that point, according to your knowledge?

15 A. There were quite a few. I would say that there was about a battalion or so.

16 Q. And a battalion has about how many soldiers?

17 A. Between 750 and a thousand soldiers. It depends on -- it depends on what
18 kind of battalion it is.

19 Q. When this crossing took place, what was the political situation in the Central
20 African Republic? As far as you know, what justified this intervention by the MLC
21 soldiers?

22 A. They came to help President Patassé when his regime was threatened by
23 Kolingba and then after that by General Bozizé.

24 Q. When you say first of all by Kolingba, you are referring to the first intervention
25 and then when you say by Bozizé, you are referring to the second intervention; is that

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1 correct, sir?

2 A. Yes, that is correct.

3 Q. We are going to talk essentially here today about the second intervention, which
4 we just referred to, the one which took place in 2002. Sir, very quickly, because you
5 referred to the first intervention, could you tell us about how much time that lasted,
6 how long those soldiers remained in the Central African Republic during the first
7 intervention?

8 A. The first intervention, the first intervention was over fairly quickly. I think it
9 took no more than four or five days.

10 Q. I would now like to turn to the second intervention, if you will, sir. You say
11 that they came to help out President Patassé's regime. Who decided to do that in
12 2002?

13 A. President Patassé.

14 Q. You don't recall the precise date at which they arrived. You said that it
15 happened sometime during the course of the year 2002. Do you recall, sir, how long
16 those soldiers remained in the Central African Republic?

17 A. They stayed between six and seven months, if memory serves me correctly.

18 Q. Do you know the exact date at which they departed the Central African
19 Republic?

20 A. Yes, 15 March 2003.

21 Q. And was there a particular event that explained their sudden departure on
22 15 March 2003, according to your knowledge?

23 A. They were pushed out by General Bozizé's troops and they had to recross the
24 river to get to the other side.

25 Q. I asked earlier who decided to have the MLC troops intervene in the Central

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1 African Republic and you said that President Patassé had taken that decision. Did
2 President Patassé have the power, or the authority, to order the MLC troops to come
3 to the Central African Republic?

4 A. Yes, I think so, because they were also working with Jean-Pierre Bemba. The
5 MLC came to the Central African Republic in order to prevent the fall of President
6 Patassé. That would not have worked in their favour.

7 Q. Very often the difficulties that we encounter when we have a witness come to
8 testify here is that the person is very familiar with what has happened and very often
9 they sort of shorten what they're trying to say. Here, for example, you have just told
10 us -- and I am going to quote what you said. You said that, "They were in collusion
11 with Jean-Pierre Bemba, so they could not -- they did not want to have President
12 Patassé's regime come down. That would not have worked for them." Now,
13 somebody who is not familiar with the events might not understand exactly what
14 you're referring to when you say, "They didn't want to see Patassé's regime come
15 down," but we don't know who these "they" are is the problem, you see? And when
16 you say, "That would not have been in their interest," then that also is not very clear.
17 We don't know who you're talking about exactly.

18 So what I'd like for us to do - you and I - is to use precise names each time in order to
19 be sure that everybody who is here and the Chamber and the Bench itself can
20 accurately follow what's going on. So I would like to go back to my question, sir, if
21 you will. You said, "They were in collusion with Jean-Pierre Bemba." Who exactly
22 was in collusion with Mr Bemba, according to you?

23 A. President Patassé.

24 Q. Five seconds.

25 A. President Patassé.

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1 Q. There again the interpreters were not able to get your answer. You said,
2 "Because the MLC ... in the Central African Republic." We're missing something in
3 the transcript. President Patassé and Jean-Pierre Bemba were in collusion for what
4 reason exactly?

5 A. It was their base; their support base. They got their supplies from there, their
6 rations for the soldiers, food, salt, flour, ammunition, everything they would need for
7 the Central African -- for use in the Central African Republic. So it was very
8 important for the freedom of movement of the MLC, so they had very close relations.
9 Jean-Pierre Bemba did not want to see obviously President Patassé fall. That would
10 have had a negative impact on the movement of all the supplies.

11 Q. Were you yourself a member of the MLC, or were you a soldier in the MLC?

12 A. No, I was not a member of the MLC.

13 Q. So how do you know what you just told us about the supplies and the resupply
14 and that they needed to maintain this close relation? Before you answer, I would
15 like to remind you that we are in open session and that you must be very careful not
16 to disclose information which should not be revealed to the public. If you have any
17 information you think is sensitive, then we can go into private session. If you say
18 that, "X told me that," then we can try to -- we can go back to closed session to talk
19 about that. So I'd like to know once again, sir, how you -- where you got the
20 information you just gave us?

21 A. Because I had friends who were part of the MLC. That's how I knew what the
22 situation was there.

23 Q. You say that the MLC crossed from Zongo to get to Bangui using rafts. What
24 did they do when they arrived in Bangui? Did they establish a base? Did they take
25 up positions, according to your knowledge?

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1 A. They were required to take up positions as soon as they arrived.

2 Q. Do you know how they were deployed and, if so, would you please explain to
3 us how they were deployed?

4 A. There was the Damara axis and Bossembélé-Dusambara (phon) axis, so they
5 had to take these two axes in order to cover the movement of the rebels.

6 Q. Two battalions you said arrived in the Central African Republic. Was each
7 battalion on one of the routes, on one of the axes, or were they broken down
8 differently?

9 A. One went to Damara and the other one went to the Bossembélé-Bossangoa
10 route.

11 Q. What were the titles of these battalions? When we talk about armies, we talk
12 about the 1st Battalion, 2nd Battalion and so on and so forth. What were the
13 designations of these battalions?

14 A. I was not able to ascertain the names, or the designations of the battalions.

15 Q. A battalion is between 750 and 1,000 soldiers. Were they broken down into
16 smaller units within the battalions?

17 A. In a battalion of companies and under a company of platoons and within a
18 platoon you have squads.

19 Q. The two MLC battalions is what I'd like to talk about now. Were they
20 controlled by a single commander and, if so, who was that commander?

21 A. Yes, there was a single commander. I shall give his name?

22 Q. Yes, please.

23 A. Mustapha Mukiza was the name of the commander of the two battalions.

24 Q. Below Commander Mustapha Mukiza, were there other officers whose names
25 you can recall?

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1 A. Yes. There was Commander René, there was Kamisi, there was a officer

2 named Bukapo (phon), there was an officer named Brown, there was a fellow named

3 Coup-Par-Coup and there were several others whose names I can't recall.

4 Q. Am I correct in understanding that Mustapha Mukiza was the commander of
5 the two MLC battalions; is that correct?

6 A. Yes, that is correct.

7 Q. Do you know who was in charge of each of the battalions; the two battalions
8 which moved along the different routes?

9 A. For the Damara Kamisi was the person in charge of the battalion, and then there
10 was René and Coup-Par-Coup and a few other battalion commanders and company
11 commanders whose names I no longer recall.

12 Q. Here again, without going into too much detail, I would like you simply to tell
13 us whether you had personal contacts with any of these officers. Did you meet them
14 at any time? (Redacted)

15 (Redacted) or are these simply names which you heard in
16 conversation?

17 A. I met them. (Redacted)

18 (Redacted)

19 Q. You talked earlier about companies and squads and platoons. Do you know
20 who the different company commanders were within the MLC?

21 A. I didn't know all of them. I didn't get around that much to meet all of them.

22 Q. During the conflict, which you said earlier lasted between six and seven months,
23 did the number of the MLC soldiers deployed in the Central African Republic stay
24 standard, or were there other -- or were there fluctuations? Did the number increase?
25 Did it decrease?

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1 A. There were reliefs, which were rotated in, and from time to time they asked for
2 reinforcements when the clashes became particularly intense.

3 Q. The reinforcements that you just mentioned, would the reinforcements come in
4 a battalion size, or were the reinforcements in a smaller unit size?

5 A. They were not battalions. Perhaps a good company, according to the
6 information that I received.

7 Q. Do you know what route, or what axis, these reinforcements were deployed on?

8 A. The Bossembélé-Bossangoa Bozoum-Bossemptélé axis, that's where the clashes
9 were the strongest. And there were there also Bozizé's army there, and it was
10 necessary to reinforce that part in particular, that area in particular.

11 Q. Do you know who commanded this relief company which was deployed along
12 the Bozoum route?

13 A. No.

14 PRESIDING JUDGE STEINER: Maître Badibanga, if you allow me, I would like to
15 ask the witness to refer again to the kind of forces that were fighting in that region,
16 because the English transcript is missing some information.

17 So the question was: Do you know that route, what axis these reinforcements were
18 deployed on? And you have answered "The

19 Bossembélé-Bossangoa-Bozoum-Bossemptélé axis; that's where the clashes were the
20 strongest. And also Bozizé's army." And who else was in that region, please?

21 THE WITNESS: (Interpretation) In that area the Presidential Guard was also
22 present; those are the troops of Ange-Félix Patassé, President Patassé, who were
23 supporting the MLC on the Bossembélé-Bozoum axis.

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

25 Q. Mr Witness, I would like to follow up on the President's question, because the

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1 French transcripts contains some information. You talked about Bozizé's troops
2 being supported by someone else. Can you tell us who was supporting Bozizé's
3 troops?

4 A. At the beginning of the clashes Bozizé's troops were not supported, they were
5 only rebels, but when the massacres increased in scope the Chadian army was called
6 in to support and to be part of this issue.

7 Q. What is the highest position reached by the troops on the Bozoum axis?

8 Maybe my question is not clear, but let me explain. You said that the troops were
9 deployed on the Bozoum-Bossangoa axis, as well as the additional stretch to
10 Bossembélé. I would like to find out from you the furthest area to which the troops
11 went.

12 A. It was Bossangoa and Bozoum.

13 Q. What was the furthest area reached by those troops on the Damara axis.

14 A. Sibut.

15 Q. Your answer was rather given quickly. Do you want to repeat the name the
16 town?

17 A. The town is Sibut.

18 Q. From a strategic point of view, do you know why the MLC troops positioned
19 themselves in those towns which you have just mentioned?

20 A. Those were the two axes leading to Chad, and Bozizé's troops were also coming
21 from Chad, and it is for that reason that the MLC troops took up positions along those
22 two axes in order to check the advances by the Bozizé troops.

23 Q. While those troops were in those towns situated further up on the axis towards
24 Chad, what was the military situation in Bangui? I'm referring to the military
25 occupation of Bangui; what was the situation?

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1 A. Bangui was somewhat calm but there were acts of violence here and there,
2 particularly at PK13 - at the cattle market - and the situation was not very calm
3 because there were acts of violence being committed here and there.

4 Q. We shall talk about those acts of violence in a short while, but for now I simply
5 wanted to find out whether there were troops still in Bangui at that time or whether
6 there were no soldiers in Bangui at all.

7 A. There were soldiers in Bangui, soldiers of the Central African Army whom
8 President Patassé did not trust. There were also some MLC troops, two to three
9 sections, that stayed back in Bangui, as well as some soldiers of the Presidential
10 Guard; that is, President Patassé's Presidential Guard. The other troops were all
11 deployed at the front, particularly the MLC soldiers. They were all at the battlefield.

12 Q. What was the position of the operations commander - that is, Mustapha Mukiza
13 himself - at the time when the troops were deployed along those axes?

14 A. He was always on the move. He went to Damara and then to Bangui to get
15 supplies for the troops, and then he would wait for René to arrive from Bossangoa
16 and Bossembélé and he also provided updates from the battlefield. He himself went
17 to the battlefield from time to time and he was always very mobile, given that he was
18 the chief, or the leader.

19 Q. You mentioned the names of some military officials of the MLC who were in the
20 Central African Republic at that time. Besides those officers, those military officers,
21 were there any other representatives of the MLC in Bangui or in the Central African
22 Republic at that time?

23 A. Yes, there was an MLC representative in Bangui called Atandele Songe, who is
24 currently a member of parliament. There was also a civilian who was often at the
25 battlefield with the troops, his name was Maurice Zekwa (phon) -- or, rather, Zeka.

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1 And there were some civilians as well, including Mr Delphin who handled the
2 finances and who was following treatment in Bangui. So he was there along with
3 those who had remained in Bangui.

4 Q. Did those people play any role in the overall functioning of the MLC?

5 A. Yes. Mr Atandele was quite mobile; he would buy supplies for the MLC and
6 spare parts. He was the one in charge of logistics, military logistics. He was in
7 charge of fuel; he went to the airport to forward things to Gbado. And, you know,
8 there were Antonovs that came to collect material in Bangui. He sent things off to
9 Zongo for the soldiers, and he had contact with military and civilian authorities alike.

10 Q. Do you know or were you able to find out who Mr Atandele Songe was
11 working for when he was involved in all these operations and transactions and
12 purchases that you have just talked about?

13 A. He was working for the MLC and he was purchasing material for the President
14 of the MLC himself; that is, Jean-Pierre Bemba.

15 Q. You just made mention of Antonov aircrafts which came to collect materials for
16 the soldiers in Bangui. Who did those Antonov aircrafts belong to and what
17 materials did they come to collect? What materials did they come to collect from
18 Bangui?

19 A. Well, I did not go to the airport myself but (Redacted) told me that planes had
20 come, and that they had gone to the airport to send off materials and stuff that went
21 to Gbagdolo (phon) and these things went off to the other side, including fuel,
22 military rations, private rations for the MLC leaders and even ammunitions were also
23 being carted away like that.

24 Q. I was just checking if the English transcript was keeping pace with your
25 testimony. Well, you have observed the five-second rule but you have forgotten the

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1 other rule somewhat; namely, that even as you testify, please do so slow down.

2 Kindly slow down so that the interpreters may keep pace with you.

3 You see, not everyone here is familiar with the context you are testifying about. For

4 example, I just learned that you made mention of Gbado in your testimony rather

5 quickly; but for somebody who doesn't know Gbado, he may not understand that

6 word or not get it. What does "Gbado" mean? What does that word "Gbado"

7 mean?

8 A. Gbadolite was the bastion of the MLC at the time. That was the residence of

9 the president of the MLC. The headquarters of the MLC was in Gbadolite, and that

10 is the native city of late President Mobutu.

11 Q. According to your testimony, the Antonov planes flew between Gbadolite and

12 Bangui; is that correct?

13 A. Yes.

14 Q. You have told us a little bit about Atandele's role, Atandele Songe. Can you

15 tell us a little bit, too, about what the role of the other persons you mentioned were,

16 particularly that of Zeka whom you mentioned?

17 A. Maurice Zeka, (Redacted)

18 (Redacted) He

19 is not a soldier. He was in charge of logistics, moving stuff from Bangui to Damara

20 and what have you. So he was involved in those movements but he was not a

21 soldier.

22 Q. A short while ago you referred to acts of violence and abuses, without any

23 further details being provided. Now, can you tell us what excesses, or acts of

24 violence you are aware of, or you heard mention of, or you saw yourself?

25 A. I heard mention of various acts of violence. I was not at the battle-front to see

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1 those things myself, but we felt the collateral effects in Bangui. MLC troops
2 committed acts of violence. The Presidential Guard troops under Abdoulaye
3 Miskine also committed acts of violence. There was a generalised atmosphere of
4 crimes and acts of violence on both sides.

5 Q. Let us try to be a little more systematic and break down this major chapter into
6 small segments. Maybe we can start with the abuses or excesses you heard had been
7 committed by the MLC troops. What types of crimes or acts of violence are we
8 referring to when we talk about those committed by the MLC soldiers?

9 A. First of all, they were at war, and secondly, they were not receiving any salaries
10 so they had to do everything possible to get money, and that is why they attacked
11 traders, Muslim traders from Chad. You know, many Central African traders are of
12 Chadian origin. So we had these traders. We had stock breeders who were
13 massacred in the forests and their cattle was taken and sold. So when a soldier is at
14 the battle-front and does not receive a salary then they do anything they can to get
15 whatever they can to take back to home, to their country, going back through Zongo,
16 which at the time was even referred to as Zongo Kuwait. And in fact there was a
17 market where stolen objects were being sold and today in Kinshasa there's a market
18 known as Kuwait. People would steal material from Central African Republic and
19 sell at the Kuwait market. So there was a lot of stuff that was collected by soldiers
20 and sold at that market. So in short, there were several acts of violence and excesses
21 in PK12, in Bossembélé, in Sibut, in Damara, in Bossamboa (phon). It was terrible,
22 just simply terrible, and that's what I can tell you. We felt the effects of those acts of
23 violence. Even I, myself, (Redacted)
24 (Redacted) and then subsequently take them to Zongo and even at times
25 attempted to tell sell them on the spot. You know, (Redacted)

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1 (Redacted)

2 Q. Mr Witness, we shall return to this point later on but I just want you to explain a
3 little bit what you meant about Kuwait. Maybe we have understood somewhat but
4 can you be more specific; what do you mean by "Kuwait"?

5 A. The Kuwait market was created in Kinshasa after the looting in '92. There was
6 a market in Bongolo known as Kuwait, and when the MLC troops committed these
7 acts of violence they would bring home motorcycles, machetes, vehicles and materials
8 that were taken directly to Zongo and Zongo became known as the Kuwait market.

9 MR BADIBANGA: (Interpretation) With your permission, Madam President, I
10 would like to go into private session.

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

12 *(Private session at 10.50 a.m.)Reclassified as Open session

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

14 MR BADIBANGA: (Interpretation)

15 Q. Mr Witness, I asked that we go into private session for two reasons: One, I
16 want to draw your attention to the fact that the Trial Chamber is very mindful of your
17 protection. You're here under special conditions and you need to be careful, you
18 need to be very careful in your testimony as not to provide information that might
19 lead to your being identified. Let me mention two examples:

20 A little earlier on you said that (Redacted) and you
21 had gone to see him in Damara and that when you went yourself to see him in
22 Damara, and so on and so forth. So when you talk about a meeting where there
23 were two or three people, the connections might be made and then by elimination
24 end up identifying you. So please be careful. Second example: You said that (Redacted)
25 (Redacted) and so

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1 on and so forth, so those who are listening and who may want to identify you can
2 follow that cue right up to you. That's why I'm urging you to be careful in your
3 testimony so that we can be sure that the Trial Chamber is providing you the best
4 possible protection. But now that we're in private session, I have a couple of
5 questions for you to deal with this matter once and for all. (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
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1 (Redacted) Is it the material they had stolen?

2 A. Yes, yes, the looted property, yes.

3 MR BADIBANGA: (Interpretation) Madam President, I thank you. We have two
4 to three minutes but I think that the witness's answer to my subsequent question
5 might be longer than two minutes and I would like to ask that we return to public, to
6 open session, and then take the break at this point. Thank you.

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

8 (Open session at 10.57 a.m.)

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

10 PRESIDING JUDGE STEINER: Mr Witness, we'll have a break now, half-an-hour
11 break. You can take some rest, have a cup of coffee or tea. It's almost 11 o'clock.
12 We will resume at 11.30.

13 I'll 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 10.58 a.m.)Reclassified as Open session

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

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

19 (Recess taken at 11.01 a.m.)

20 *(Upon resuming in closed session at 11.34 a.m.)Reclassified as Open session

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

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

24 (The witness enters the courtroom)

25 PRESIDING JUDGE STEINER: Court officer, could we please go into open session.

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1 (Open session at 11.36 a.m.)

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

3 PRESIDING JUDGE STEINER: Thank you.

4 Mr Witness, welcome back.

5 THE WITNESS: (Interpretation) Thank you.

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

7 THE WITNESS: (Interpretation) Yes, I managed to rest a bit.

8 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

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

10 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you once again to try

11 to speak a little bit slowly. You have been respecting the five-second rule, and we

12 thank you very much for that, but in your answers you are speaking a little bit too fast

13 for our interpreters and court reporters. So they asked me to remind you, please try

14 to slow down a little bit.

15 Maître Badibanga, you have the floor, and we are in open session.

16 MR BADIBANGA: (Interpretation) Thank you, your Honour.

17 Q. Just before the break, Witness, we were talking about acts of abuse and violence

18 and you mentioned looting; objects that had been looted. Before we discuss how

19 they were disposed of, I would first like to ask you how the looting took place, how

20 these objects were obtained? Are you familiar with any specific cases of looting that

21 allegedly took place during this period of time by MLC soldiers?

22 A. Yes, are we in private session?

23 Q. No, as the Presiding Judge has told you, we are in open session. You can

24 perhaps refer to an event you are familiar with in very general terms, but if you

25 would prefer us to move into private session, we can do so briefly if you would feel

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1 more at ease when dealing with this issue.

2 A. Yes, I would rather we moved into private session.

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

4 *(Private session at 11.40 a.m.) Reclassified as Open session

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

6 MR BADIBANGA: (Interpretation)

7 Q. I'll repeat. Sir, we're waiting for your answer.

8 A. Yes, there were many cases of looting. MLC troops would loot these objects

9 from people. After they had committed their crimes, after they had killed them,

10 (Redacted) in the Central African Army. He later joined

11 the MLC movement from Zongo and they together crossed over. He was on the

12 Bossangoa axis. When he arrived in Bossembélé, he killed a mother, raped her

13 daughter. I can even provide you with the names. This is a story that is

14 well-known in Bangui by many refugees. The name was (Redacted) (phon).

15 He's now in Kinshasa. He's a captain (Redacted)

16 (Redacted) on the Bossembélé axis killed a woman, stole her items, raped the

17 daughter, and having committed the crime, they took the items to Zongo. At one

18 point in time he returned to Bangui to go to the front, and they were about 200 metres

19 from the embassy when the daughter who had been raped placed in the -- she said,

20 "Abaza sa (phon)."

21 THE INTERPRETER: The witness spoke in African.

22 THE WITNESS: (Interpretation) "He killed my mother." When the daughter saw

23 him, she said, "He killed my mother."

24 When there were MLC elements there, they went to the embassy and they entered the

25 embassy. The diplomats are familiar with this story and the refugees are also

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1 familiar with this story. I know the names of friends who were in Bangui. If you
2 ask them, they will tell you the story. (Redacted) fled, went into the embassy and, as
3 the embassy is a State and the Central African Republic can't enter the embassy, they
4 had to go and see the police. The police came and they couldn't get (Redacted) out of
5 the embassy.
6 Afterwards, he was left there. He went back to Zongo, crossed over to Zongo again,
7 and this is a case that everyone in Bangui is familiar with. And (Redacted) was
8 taken into the army, still lives -- or is still within the MLC, is now in Kinshasa where
9 he works. The HI in Bangui knows him. If you ask them, they know his name.
10 The Congolese officers know his name, the Congolese officers who received the status
11 of refugees.
12 There were many elements who rejoined the movement in Bangui, (Redacted)
13 (Redacted)
14 (Redacted) There were many
15 similar cases. Everyone went there, not just to fight in the war. They weren't
16 always paid. They had to kill to obtain resources. There were even photographs of
17 families that had been killed and they would say, "Have a look at this photo album,"
18 and then you would see clothes in suitcases, you'd see items that belonged to the
19 family, you'd see mattresses.
20 Troops liked mattresses. They liked this foam substance. They would take that.
21 They would kill to obtain that and they would go to Zongo with that.
22 That is a case I wanted to tell you about. (Redacted) is aware of this, and everyone in
23 Bangui is familiar with this story. Thank you.
24 Q. Thank you for all of that information. In the answer you provided, there's a lot
25 of information, a lot of information, so we're going to break it up into different parts

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1 so that it's easier for everyone to understand, easy for all the participants to
2 understand and for the Chamber in particular.
3 You mentioned a case in which someone was killed and, with your leave, I would like
4 to go back to -- well, you mentioned looting before the break. I'd like to deal with
5 the issue of looting first of all and then we will move on to this case in which someone
6 was killed. You also mentioned the matter of rape. We'll also discuss this a little
7 later.

8 So unless there is a specific case of looting you have in mind that you want the
9 mention in private session, I will ask the Presiding Judge to move back into open
10 session and we can then discuss the issue of looting. Do you agree to this? Does
11 this suit you?

12 A. Yes.

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

14 (Open session at 11.46 a.m.)

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

16 MR BADIBANGA: (Interpretation)

17 Q. This morning you told us that there were many stolen goods, many cases of
18 lootings. I'd like to go back to the time of the crime, the time when the looting was
19 committed. How did this take place? Who were the victims? How did the MLC
20 troops commit these acts of looting?

21 A. Yes. There was large-scale looting in Bossangoa and Bossembélé; above all in
22 Bossangoa. There were troops that looted the Socada company, the cotton company.
23 They also stole items from many tradesmen who are of Chadian origin, who are
24 Muslims, and in Bossemptélé this was also the case. I wasn't at the front; I could
25 only see what they would bring back with then.

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1 In Bangui, they had caused much harm to the population, to cattle raisers; they would
2 have money on them, these people. They would then kill them, search them and
3 take their money. They would slaughter their cattle, take their flesh, take the meat.
4 They would sometimes go to Bangui to sell the meat.
5 They didn't take the beasts there, they didn't have that possibility, but they would
6 take the meat there and in Bossembélé as well many crimes were committed. One
7 could see what the people would bring back to Bangui. Everyone is familiar with
8 this. It's not a story that I'm just telling you; these are things that were seen, that
9 were experienced. It was terrible.

10 Q. Thank you. You said a minute ago everyone was familiar with this. You
11 must understand that at the moment you are testifying before the Court and the
12 Court is not in a position to meet everyone, to see everyone, so what we need is to
13 know what you saw and heard. We need to know about things you are certain
14 about, so we would like to share the knowledge you have. You said you were not at
15 the front, but you know that these cases of looting were committed. Can you tell us
16 how it is that you are aware of this? On what basis can you make this claim?

17 A. I said earlier on that (Redacted)

18 (Redacted)

19 (Redacted) that they had there, the engines, there were many sorts of items, there
20 were rolls of cotton, engines, that sort of thing. So when these items -- well, when
21 they took a lorry, they would break it down.

22 Even if you're going to Zongo, well, the chief will take these items from you. You
23 have to break up the lorry, first of all, and then take these things away in stages.

24 (Redacted)

25 (Redacted)

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1 There was a lorry of a Central African woman that had been taken, who is still in
2 Bangui. When the lorry came in with the cotton, there were engines, there were
3 mattresses, there were wraps and these items would arrive with the troops. They
4 would upload these items, and then other matériel was taken to Zongo and the
5 remaining items were sold at the place. (Redacted)
6 (Redacted) the owners would take their money and
7 this is how the looting took place on a very large scale.

8 Q. Regardless of the rank of MLC soldiers, whether they were officers or simple
9 soldiers, when they were involved in the looting did they hide or did they speak
10 about the looting quite openly?

11 A. You know, the MLC troops advanced. They had left Bangui to reach
12 Bossembélé. There are towns on the way. To get to Bossemtélé, there are also
13 places where there are a lot of tradesmen, so the looting was, in a certain sense -- well,
14 it started from the top and went right down to the bottom. The high-ranking officers
15 also committed acts of looting.

16 There were vehicles that were taken to Zongo, and everyone was familiar with this.
17 I knew there were vehicles that had been looted and went to Zongo, more than four
18 or five vehicles, and a lot of the matériel of the items were kept in Bangui. And
19 when Bozizé's troops started driving back MLC troops -- well, there's an example
20 I can give you of the woman of General Mukiza at the time. His wife had loaded a
21 lorry with goods to have them transported to Mongoumba.

22 Having arrived in Mongoumba, there were Central African troops who were standing
23 guard. When the woman arrived, the Central African troops intercepted the lorry
24 and said "No, you're not going to cross over with these items, with these goods."

25 The woman got angry. She went over to the other side, to Libenge, and from there

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1 she called her husband.

2 The husband was in Zongo, the commander of the forces. He said -- she said there
3 are Central African troops who have stopped the lorry, and Mustapha Mukiza the
4 commander himself issued an order to the battalion that was in Libenge to cross over
5 to Mongoumba to get the lorry and to loot the town of Mongoumba and the whole
6 town was looted. The troops left nothing. The entire army in Libenge and all the
7 troops crossed over to the other side. They looted the town of Mongoumba. They
8 took everything over to the other side, and this shows how looting had been
9 organised.

10 Q. You have just said that Commander Mukiza looted not three or four, but four or
11 five vehicles. These vehicles, were they taken in Bangui or in some other town or in
12 other towns?

13 A. There were vehicles that were stolen in Bangui, vehicles that belonged to
14 Bozizé's troops, troops that had left with Bozizé. Bozizé's house was looted. There
15 were vehicles taken from them. There were vehicles taken en route, on the Damara
16 axis and on the Bossembélé axis. There were also vehicles that were stolen at Socada
17 in Bossangoa.

18 There were many lorries, there were many jeeps and many goods there. There was a
19 lot of cotton in warehouses. They had equipment, spare parts, many items were
20 stolen there. In Bozoum that was also the case. In Bozoum there was a Japanese
21 company. There were other companies that would transport items. Many things
22 were stolen there but Mustapha, well, as he was the chief, whenever there was a good
23 car or a good jeep, they would be given to him. And it's also the case in Gbado, as
24 far as I know, given what my friends have told me.

25 Q. With regard to the vehicles that were stolen on the Bossangoa road, who did

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1 these vehicles belong to? Were these also vehicles that belonged to Bozizé's soldiers
2 who had left, as you said a little earlier on, or were these vehicles that belonged to
3 other people?

4 A. There were also the vehicles of tradesmen, the vehicles that transported cotton.
5 Well, they belonged to a tradesman in Bangui; (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) All I can say is that I saw the cotton."

10 Q. I would now like to deal with the vehicle that Mukiza himself obtained when
11 you said that he sent them to Zongo. Do you know what happened to these vehicles?
12 Why did he send those vehicles there? What was done to the vehicles when they
13 arrived there on the other side?

14 A. There weren't only jeeps; there were also lorries that went to the other side. It
15 was a matter of transport between Zongo and Gemena, and there were other jeeps
16 that were sent to Gbado, as I have already told you.

17 Q. When you say "Gbado," you are referring to Gbadolite; is that correct?

18 A. Yes, Gbadolite.

19 Q. You didn't tell us what Socada was.

20 A. It's a cotton company.

21 Q. Apart from Commander Mukiza, are there any other officers you know who
22 were involved in the looting, who took stolen goods themselves?

23 A. These soldiers were not paid. Nobody who was involved in this was paid and
24 they had no other way of supporting themselves. All they could do, if they wanted
25 to be supplied, was to take things so they came to fight and they didn't have anything

1 to support themselves. The only thing that they could do was to loot in order to
2 obtain material goods and payment.

3 Q. Now you are giving me the reason why this looting occurred, but what I would
4 like to know, sir, is who was responsible for the looting? Who looted? You said
5 everybody, but you have to understand that during legal proceedings we must be as
6 precise as possible. I understand that we have one name, Commander Mukiza, who
7 was in charge of the soldiers, but I would like for you to provide us with the names of
8 other officers who were also involved in the looting, according to your knowledge?

9 A. Kamisi was involved, Coup-Par-Coup was involved in the looting, Brown was
10 also involved. There were many other officers and many other soldiers who were
11 involved in the looting. René was also involved in the looting.

12 Q. How were they involved? Were they simply informed of what the soldiers
13 were doing, or did they themselves actively participate in the looting at one moment
14 or another?

15 A. In the beginning, every time they took a city, the city or village was
16 automatically looted. They went to Bossangoa, Bossembélé, Bossembélé. They
17 went to Bossangoa. From Bossangoa they went to Bozoum and then to Bossemptélé
18 and in each of these places when they went through they would loot. There were
19 lots of things which remained behind. People were fleeing and so they would leave
20 things behind them and very often the soldiers -- and that would give the soldiers
21 things to loot. They would break into stores, they would take everything from the
22 stores, they would take everything back with them. Even people who tried to flee
23 with their goods were pursued into the forest or often they were killed and goods
24 taken.

25 Q. Concretely speaking, sir, the troops would enter a city and they would occupy

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1 the city. The soldiers would be deployed throughout the city, would move
2 throughout the city and they would loot the goods, and then what would happen
3 afterwards? Would each soldier simply carry off the goods that he had looted, or
4 was there some kind of system which was set up in order to move the foods
5 somewhere else?

6 A. No, the soldiers wouldn't just take stuff and walk off with it because they had to
7 stay there so they would basically entrust the goods that they had looted to their
8 commanders and then that -- those goods would be transported to the port and then
9 they would be moved across. Things were looted from all over the place and very
10 often the soldiers who received the goods would keep them, the soldiers who
11 received the goods that had been sent by other -- by other soldiers. There were a lot
12 of goods moved back and forth between -- from Bangui to Zongo.

13 Q. So regardless of the city where the looting took place, the movement of the
14 looted goods was organised by truck which would go -- we would take them to
15 Zongo; is that correct?

16 A. Yes.

17 Q. And from there the crossing of the river was also organised; the crossing of the
18 goods to the DRC, to Zongo?

19 A. Yes, that was how it was organised.

20 Q. Were there -- was there any kind of organisation in terms of how the goods
21 were distributed?

22 A. I don't know what happened on the other side of the river, but I know that all of
23 those soldiers who took things were sending things back across the river. I imagine
24 that very often these soldiers had wives or had friends who would receive the goods.
25 They would distribute them among their friends on the other side of the river.

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1 Q. This morning you told us that you were not a member of the MLC. Can you
2 tell us if some soldiers of the MLC talked to you about what happened during the
3 looting or during the operations?

4 A. They spoke to me about that and from time to time I would see these kinds of
5 things. (Redacted) and in the morning up until
6 10 o'clock they would be free and (Redacted)

7 (Redacted)

8 (Redacted) we would be together, and that is how I was able to see things. And he
9 would talk to me about a truck, for example, that was arriving and so basically I knew
10 what was going on. I knew what was going on because I was in contact with
11 soldiers who would come and see me.

12 Q. I understand that for the Central African Republic, according to what you have
13 told us, everything -- everyone who -- all the soldiers who were there were involved
14 in the looting. Did you hear from one of your contacts, for example, if
15 representatives of the MLC who were in the Congolese side were able to obtain stolen
16 goods, or able to receive stolen goods?

17 A. Yes, there were jeeps which were sent to Gbadolite, as I said. These jeeps
18 automatically went to the leaders.

19 Q. And who were the leaders? Who are you referring to there?

20 A. Jean-Pierre Bemba.

21 Q. Where was Jean-Pierre Bemba at this time?

22 A. He was moving around. He was in Gbadolite, he was in Zongo, he was in
23 Bangui from time to time.

24 Q. You say that he was moving. Where was his base? Where were his
25 headquarters?

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1 A. His headquarters were in Gbadolite.

2 Q. So the looted goods would remove to Gbadolite, were moved to the same place
3 where the MLC's headquarters were also located; is that correct?

4 A. Yes, that is correct.

5 PRESIDING JUDGE STEINER: Court officer, could we turn very briefly into private
6 session.

7 *(Private session at 12.08 p.m.)Reclassified as Open session

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

9 PRESIDING JUDGE STEINER: Mr Witness, in order to ensure your protective
10 measures, and that no identifying information goes outside the courtroom, I would

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: (Interpretation) Yes, that is perfectly acceptable, but sometimes
16 when we go into the details we want to of course use the name, but I will do my best.

17 PRESIDING JUDGE STEINER: Don't try it because this information is being
18 redacted from the public transcripts, but in any case once the information goes
19 outside the courtroom it's difficult for us to retrieve the information. That's why I
20 am proposing that we use some codes for some key names, if Maître Badibanga is
21 also fine with this?

22 MR BADIBANGA: (Interpretation) Yes, that's perfectly acceptable. I'll try along
23 with the witness to avoid disclosing that kind of information. I also was going to
24 make a similar suggestion to the witness. He's already mentioned a person
25 (Redacted) I thought that he might just be able to say "my close friend" instead of

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1 saying (Redacted) I think that that might make it possible for us to avoid disclosing
2 that kind of information. I think that if he simply says he were -- that he was with
3 his close friend that we will be able to understand.

4 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
5 (Open session at 12.11 p.m.)

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

7 MR BADIBANGA: (Interpretation)

8 Q. Mr Witness, before we moved into private session, you were saying that the
9 MLC leader, or Jean-Pierre Bemba himself, received this stolen property. I would
10 like now for you to be a bit more explicit. Exactly what stolen goods did you hear or
11 do you know that Jean-Pierre Bemba received and exactly how did this come about?

12 A. (Redacted) told me that the jeep that he took over to the other side was -- sorry, I
13 didn't mean to use that name, excuse me, but I will try to pay more attention. (Redacted)
14 (Redacted) told me that the jeep that he took across was blue and that it was given to
15 the certain person in Bangui. I don't remember the exact brand or make of the jeep,
16 but it was taken over to the other side and was given to the leader, to the chief.

17 Q. To your knowledge, when Jean-Pierre Bemba received the jeep, did he know
18 that it was stolen goods?

19 A. Well, they didn't of course go there, you know, to go shopping; they went across
20 the river to go to war. Everything that they brought back was of course stolen
21 property, looted property.

22 Q. Did he know or could he have known that this was property stolen from
23 civilians, because this may have been simply materiel seized from the opposing
24 forces?

25 A. Each time that the soldiers occupy a city, there is of course a lot of looting. You

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1 know, the Central African Republic isn't one which has a great deal of prosperity.

2 The merchants are the ones who are basically in charge of everything. All these

3 things were driven by basically the merchants. They were the ones who really were

4 the drivers behind the entire thing.

5 Q. Before I move on to a different subject, I would just like to talk to you about

6 some other acts of abuse, killing and rape to be specific. Is there anything which we

7 have not talked about this morning that you would like to bring to our attention

8 concerning what we have discussed this morning?

9 A. I think that I've told you pretty much everything and I've talked to you about

10 the rapes and the looting. (Redacted)

11 (Redacted) that was basically turned into a morgue. Lots of

12 the bodies of Muslims who had been killed at the front were brought to the morgue

13 and people who had been killed during the combat the day before, for example, and

14 they were brought to the morgue while they were awaiting burial. It was very

15 difficult. I can't tell you that this or that person was killed, but we could see that in

16 Bangui that bodies were literally being carried to the mosque.

17 Q. Earlier you talked to us about a certain number of cities where looting occurred.

18 I would like for you to tell us where you heard that killing was also committed.

19 A. It started around PK13 in Bangui. There was a lot of killing there. Next to

20 PK12 there was a lot of killing as well. There was a lot of killing in Bossembélé, in

21 Bossangoa, in Damara, in Sibut, in Bossemptélé, in Bozoum. There, these are places

22 where there were veritable massacres that were perpetrated. We could see,

23 according to the kind of stuff that they were taking, that the soldiers were taking

24 there - that the soldiers were taking there - and we could see, according to the stuff,

25 the things that the soldiers were taking back, what was going on.

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1 Q. Those who said that to you, were they the militia members of the MLC?

2 A. Yes.

3 Q. I understand that this is difficult for you, but can you give us an idea of the
4 scope of these killings? You talked about PK13 and PK12, in Bossembélé, Bossangoa,
5 in Damara, Sibut, Bossemptélé, in Bozoum. I would just like to have an idea of what
6 we're talking about here. Are we talking about 20 deaths here overall? Are we
7 talking about a much higher number? Can you give us a figure in order to provide
8 us with an idea?

9 A. It's very difficult to talk about how many. It wasn't 20. There were lots and
10 lots of deaths. If you want to have an idea of how many deaths there were, you need
11 to go to Sido in Chad. That's where a number of Central African nationals who are
12 of Chadian origin fled to. You should go and talk to them because they have lost
13 fathers, mothers, brothers, sisters. Now, that's where many of them fled to after the
14 combat.

15 There were a lot of people -- there were a lot of soldiers who moved there. There
16 was a lot of killing. I was even threatened and people came to my house to kill me
17 because they said that I was Congolese and I had killed some of their people. There
18 were a number of people who were killed and a number of people who suffered
19 repercussions as a result of all these killings.

20 Q. Just to move along a bit more quickly and a bit more systematically, we are
21 going to talk about the different acts in different places. Let's first of all talk about
22 Bossembélé-Bossemptélé-Bozoum route or axis. Can you see where I'm -- I can see
23 you're closing your eyes to imagine what I'm talking about. Now, on this axis, who
24 were the people responsible for killing, according to your knowledge, the killings
25 which you just told us about?

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1 A. On that axis -- well, in the beginning I told you that there was -- that Mustapha
2 and that he would move around from time to time. There were other commanders
3 who were in charge in that area. There were some whom I have already mentioned,
4 Coup-Par-Coup for example, who was involved in that, and then there were other
5 commanders, platoon leaders, squad leaders who were also in charge. I don't
6 unfortunately have their names, however.

7 Q. Who were the victims on this axis, on this route? Who were the people who
8 were killed in Bossembélé, Bossempaté, in Bozoum?

9 A. All Central Africans of Chadian origin were considered as being an enemy.
10 The Chadian elements were allegedly coming back to fight the regime, so all the
11 Muslims, merchants and everybody else, were automatically considered as enemies
12 and so they were the victims of the war.

13 Q. When you say all Central Africans of Chadian origin, that means the fact that
14 they were soldiers or not was not an issue?

15 A. That's correct. There were some soldiers, some soldiers with Bozizé, but even
16 the civilians were seen as being soldiers. That's why they massacred many civilians.
17 Even the Gbaya, that's why they massacred so many civilians.

18 Q. And who are the Gbaya?

19 A. From the ethnic group of -- the same one as President Bozizé. All of those, all
20 of the villages of that group, were razed, including the native village of the Bozizé's.
21 They're up in the north of the Central African Republic, but they're all automatically
22 enemies of the Sara, and the Sara were working in collusion with the MLC. So it was
23 a combat which could be seen from a tribal point of view, if you wish.

24 Q. You've just said the Gbaya were people from the same ethnic group as
25 President -- or as Mr Bozizé, and then you also mentioned the Sara. Who are the

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1 Sara?

2 A. The Sara are people who belong to the same ethnic group as President Patassé.
3 They also come from Chad. And in this conflict you have to understand that the
4 people were divided. The Sara were in power in the Central African Republic, and it
5 was said that Bozizé was coming with other elements, and people from other Chadian
6 groups, automatically they were seen as being targets. That's how -- that's why they
7 killed so many people from Bangui all the way up to the frontlines.

8 Q. Are we to understand that although the Sara were the same ethnic group as
9 President Patassé, because they were Muslim, they were seen as being targets?

10 A. No, there were not very many Muslim Saras. There are animists and
11 Christians among the Sara, but not very many Muslims. The Muslims tend to come
12 from the northern part of Chad, the ethnic groups from the north of Chad.
13 And there's another important thing that we should bring up. The Chadian army
14 was also involved in the Congo in order to protect Laurent Désiré Kabila and they
15 were fighting at that point against the MLC, and when the MLC went to the Central
16 African Republic, they didn't want the Chadians to be able to come to Bangui. That's
17 what you have to understand. And that means that they were basically forced to
18 raze all the villages.

19 MR BADIBANGA: (Interpretation) Your Honour, just for the correction of the
20 transcript, I think that the last question was poorly understood, and I will explain to
21 you what I am talking about. I asked the witness whether we should understand
22 that although the Sara belonged to the same ethnic group as President Patassé,
23 because they were Muslim, that they become targets, and because I hadn't correctly
24 understood what the witness said, in the French transcript on page 50, line 25 and on,
25 he says -- excuse me, one moment. He says -- it's a bit higher. He said that the Sara

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1 were with the MLC, and so I was the person who didn't understand his initial
2 response and that is what led to the confusion that we just experienced.

3 At line 19 he said, "All the Gbaya were the Sara 'ethnie' and the Sara were in collusion
4 with the MLC." I wished I could clarify that. I just wanted to rectify that that
5 mistake.

6 Q. Mr Witness, according to what you just told me, why did Mr Jean-Pierre Bemba
7 have a particular animosity? Why was he hostile to the Chadians or to Muslims?
8 Would you please explain that to us, sir?

9 A. I told you about the operations of the Chadian army in the DRC. They came to
10 support President Kabila and, when I was in Gbadolite, they were there. And we
11 were not able to -- they were only there for about a month.
12 Gbadolite fell, a number of other cities fell, and we had to go to the other side of the
13 river. And when we crossed the river, President Kabila asked President Patassé to
14 facilitate their return to Zongo. He wanted to go to Zongo to continue his operations.
15 And there was an agreement between Patassé and Bemba, and Patassé refused. He
16 said that would not be possible. He said that all those elements were going to have
17 to go directly back to Kinshasa. So he had to move the troops to Kinshasa. But at
18 the same time there was a problem between the Central African Republic and Chad,
19 and Patassé had solid support from Bemba. And so I want you to understand that
20 there were a lot of people who -- a lot of soldiers who came back, but others who
21 refused to go back and they stayed in the Central African Republic.

22 You can see that when Patassé was being threatened, Bemba was also being
23 threatened. That's what the situation was. Patassé depended on Patassé and
24 Patassé depended on Bemba. As soon as the Central African Republic was
25 threatened, then Bemba was also threatened, so Bemba had to do everything that was

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1 necessary in order to try to protect Patassé, to defend Patassé, and that's why he
2 did -- that's why he decided to protect him so blindly, ferociously, even killing
3 civilians. Very often -- at one point Patassé told Bemba that a number of civilians
4 were actually soldiers and that is what led to a number of massacres, large-scale
5 massacres. The movement of the MLC and what was going on in the CAR were two
6 things which were very closely linked.

7 Q. You have testified that, in a general manner, Muslims - Central African Muslims
8 of Chadian origin - were targeted. Are you able to give us some specific and
9 individual cases? Do you know some Central Africans of Chadian origin or some
10 Muslims who were victims of the killings by the MLC troops?

11 A. Only one case comes to mind. There were several cases, but I didn't take their
12 names. I remember the case of Abdoulaye Mohamed who was killed on the
13 Bossembélé axis, and his dead body was taken to the Adi Babalo (phon) mosque. It
14 is at that mosque that all the dead bodies of Muslims who had been killed at PK12 or
15 at Bossembélé axis were taken. All the corpses were taken there.
16 Many people didn't have the opportunity to bury the bodies, so they took them to the
17 mosque for a decent burial. I am aware of Abdoulaye's case, but there were several
18 other cases. And I know that every week they were bringing in bodies to the
19 mosque for burial.

20 PRESIDING JUDGE STEINER: Sorry to interrupt, Maître Badibanga. We are
21 requested to go briefly into private session, since we are having difficulties with the
22 redactions that were ordered by the Bench and others requested by Prosecution.
23 And the booth is not in a position any more to implement such redactions, so we have
24 to go into private session in order for redactions to be implemented.
25 Court officer, please turn into private session.

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1 *(Private session at 12.32 p.m.)Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Maître Badibanga, you can proceed.

4 MR BADIBANGA: (Interpretation) Madam President, I understand that we will
5 proceed in private session for the rest of the morning? Is that the case? Thank you.

6 Q. Now that we are in private session and you can no longer be heard outside of
7 this courtroom, this might be a proper time, Witness, for you to give us your sources.
8 You know a lot about what happened within the MLC, and now I would like you to
9 tell us who specifically provided you with that information. Can you give us the
10 name or the names of soldiers and officers of the MLC who told you about the
11 lootings and about the killings?

12 A. I used to live in (Redacted) and I had many friends in (Redacted), some of them
13 of the MLC, including the child of one (Redacted)
14 (Redacted) He was in
15 Bangui with the movement at the front, he was a (Redacted) and he's the one who
16 (Redacted) He gave me
17 a lot of information. We had been together, and he told me that he joined the MLC
18 movement but (Redacted) in Gbado.

19 I was (Redacted) and many of them recognised me
20 when they came to Bangui. (Redacted) So when I went to visit
21 (Redacted) in Damara, they also recognised me. Many of them came to greet
22 me and to ask me how things were. (Redacted)
23 (Redacted)

24 (Redacted)

25 So for the MLC I may not remember all their names, but I knew many of them.

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1 (Redacted) who killed a mother and who was involved in a lot of bad things
2 at that time in Bangui, so (Redacted)
3 about the massacres as well.

4 Q. I asked you a short while ago to give us a specific case of a Muslim or a Central
5 African of Chadian origin who may have been a victim. You provided the name of
6 someone. You mentioned a name Abdoulaye Mohamed, if I'm not mistaken. Was
7 that gentleman of any particular occupation or trade?

8 A. That gentleman was a stock-breeder and he sold his cattle at the cattle market at
9 PK13. I know many other cases, and I can refer you to that mosque which many
10 people knew and to which many corpses were taken. There is an imam of that
11 mosque whose name I can give you and is included in my statement. His name is
12 Mohamed, (Redacted)
13 (Redacted)
14 So he would tell me (Redacted)
15 what they are doing. You see, we are receiving many corpses here at the mosque,
16 and there are photographs that are available in Bangui." I also remember that one
17 day the -- Patassé's soldiers gathered or rounded up the photographers and beat them
18 up.

19 So I know this imam's name and (Redacted)
20 (Redacted) You see, whenever people
21 heard the name "Mustapha," they thought he was a Muslim. (Redacted)
22 (Redacted) what he was doing, to protect
23 civilians and to target only soldiers, and to protect civilians because there were many
24 people dying.
25 So this is what I saw at the mosque, and (Redacted)

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1 (Redacted) So from the beginning of the events up until 2003 to
2 March 2003 there must have been more than 40 bodies that were brought to the
3 mosque, and everybody knows about that.
4 I myself was a witness, although I don't know the names of the deceased persons.
5 You know, at the time, I too was afraid because it was known that I was a Congolese,
6 and those who were causing the problems in the country were Congolese, so you can
7 see the consequences of that. You see, when Bozizé's troops arrived, there were also
8 cases of death and rape, and that's what I can say for now.

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 A. No, not at all. (Redacted)

13 (Redacted) but that did not change

14 anything. (Redacted) it was very difficult to distinguish a rebel from a

15 Chadian, because they were all the same, one and the same people who resembled

16 each other.

17 So when they see people who appeared to be tradesmen or traders, they are at the

18 same time rebels. So it was difficult to distinguish civilians from the rebels who

19 looked like civilians. They had the same morphology, the same appearance, and so

20 it was difficult to distinguish between rebels and civilians. So, you see, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) Now, from that time on did he take any

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1 measures, did he at least attempt to make that distinction, or did the situation
2 continue as it had been before?

3 A. Things did not change; it was difficult. The acts of violence continued. Cases
4 of violence were denounced here and there at all battlefronts. People would call to
5 say that someone had been killed. In Bossangoa many crimes were committed and
6 the situation continued unchanged. Nothing changed.

7 Q. Let us talk about the crimes that were committed in Bossangoa. You say that
8 people told you that many crimes had been committed in Bossangoa. Why? Were
9 these crimes committed publicly and openly, or what were the circumstances there?
10 Why did people talk about the crimes in Bossangoa particularly?

11 A. The situation in Central Africa was such that these crimes did not take place in
12 hiding. These crimes were taking place in broad daylight; they went into houses and
13 looted the houses. So this -- these crimes were not committed at night. Even at
14 PK13, when the troops were withdrawing, it was not at night that they committed
15 those acts. It was during the day.

16 Q. We have talked about the Bossembélé-Bossangoa axis, Bossempaté axis. Let
17 me now turn to the other axis, the Damara-Sibut axis. Did you also hear mention of
18 crimes on that axis, crimes such as killings?

19 A. Yes, crimes and killings were committed on that axis. When I went there, even
20 with the friend I mentioned, we saw some dead bodies here and there. Maybe ten
21 dead bodies along the way. So there was no village that was not affected. Villages,
22 houses were broken into from PK12 to PK30.
23 Now, from PK30 to Damara there were no more people. There were no more houses.
24 Everything had been ransacked. Villagers had fled into the bushes -- or into the
25 bush, and so that is what the situation was like.

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1 But on that axis there was no mixture of troops, it was only the MLC troops along that
2 axis, and the situation was worse there, so from PK12 to PK30. There was a
3 roadblock at PK45, and so from there right up to Damara it is only the MLC soldiers
4 who acted. And around Damara there were no more inhabitants and at the time the
5 troops were there.

6 So when I left Damara, I stopped at PK30 and some village people were selling
7 banana and cassava and fruits, and what have you. They asked me in Sango "Where
8 are you from that you are with these people?"

9 So they believed that I was Banyamulengue, because most of the time they thought
10 everybody was Banyamulengue. So I talked to them in Sango and they were
11 surprised and say, "Oh, you went over there and you survived? You came back
12 alive?" So I asked them, "Why are there no people here?" And they said, "Oh,
13 things are really very bad. Nobody can come out here. People are in hiding.
14 Only men were out on the street because they were hiding their wives to keep them
15 away from rape." So I tried to talk a little bit with them over the five/ten minutes
16 that I spent there, and then I moved on to Bangui.

17 Q. You testified that you saw dead bodies along the road. At what level of the
18 road did you see those bodies? Was it PK12, PK30, PK45? At what level did you
19 see those dead bodies?

20 A. On the Damara axis, along the Damara axis from PK40, you know PK is the
21 number of kilometres, and so from PK40 we were able to see dead bodies along the
22 roadside. There were dead bodies along the roadside and then there were also
23 graveyards. People who had been buried along the roadside. Some corpses were
24 covered with mats, but my friend and I with whom I counted the bodies, we counted
25 about ten bodies and this was all the way to Damara. And I am telling you that this

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1 was at that time when there was nobody along the road whereas previously, in times
2 of peace, this stretch was inhabited by many people. So Damara has a population of
3 5 to 6,000 people, but during that time people had fled. There was no one around.

4 Q. You say that the bodies were covered with mats. Were you able to determine
5 whether they were dead bodies of civilians or soldiers?

6 A. No, I did not step out of the vehicle. We were passing in the vehicle and we
7 would see dead bodies covered along the roadside.

8 Q. On that trip to Damara, rather, when did you make that trip to Damara?

9 A. It was in the month of February. February.

10 Q. Is this the same trip that you talked to us about which you made to Damara (Redacted)
11 (Redacted)

12 A. Yes, we made two rounds. At the beginning of the month and in the middle of
13 the month. (Redacted)
14 (Redacted)

15 Q. I would like to now review with you what the situation was like in Bangui.
16 We talked about the situation in the other towns and every now and then you
17 referred somewhat to the situation in Bangui, but we did not dwell on that. My
18 question to you is whether these acts of violence by the MLC were also committed in
19 Bangui?

20 A. Yes, things were somewhat terrible in Bangui. When I talked to you about
21 bodies that were brought to the mosque, it was bodies of persons who were killed in
22 Bangui. Those bodies from Bossangoa and the other locations could not be brought
23 to Bangui, so these corpses at the mosque were those from PK13, PK12, PK14,
24 Gobongo, closer to Bangui and it is in those areas that various acts of violence were
25 committed.

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1 PK13, for example, is an area that was inhabited by stock breeders and you know that
2 the Central African economy is based on stock breeding. These stock breeders sell
3 their cattle to the Democratic Republic of Congo and on the local market, so
4 everybody knew that those people were rich, that they had a lot of money, so they
5 targeted them. Even Abdoulaye Miskine's troops targeted them and the MLC
6 elements as well would target those stock breeders.

7 Q. In your testimony you say that many acts of violence were committed, a lot of
8 killing was committed. When did this happen? Was it at the very beginning when
9 they came, or at some other point in time?

10 A. Regarding PK13, we can say that it was from the beginning to the end. From
11 the time they arrived to the very end they continued to do those things. They killed
12 without ceasing and whenever any problems arose in those areas the troops of the
13 Presidential Guard did not hesitate to kill, because they would argue that those areas
14 were inhabited by rebels. So all those who lived in PK13 were considered to be
15 rebels, although they were not armed and although they were civilians. Even
16 women were raped at PK13.

17 Q. You said that during that period you lived in Bangui; is that correct?

18 A. Yes, I was in Bangui. I was in Bangui. On 15 March I was (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) I was in a vehicle with some friends and Central

24 African colleagues. So I was speaking Lingala. I got to the roadblock and I greeted
25 them in Lingala, but the soldiers at that roadblock, or the troops there, did not know

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1 me and they said, "Oh, so you speak Lingala?" I said "Yes" and I told them that these
2 persons in the car were my friends, my brothers. So they said "Come on, hurry up,
3 hurry through. Hurry up and go through".

4 So I got to PK13 and I saw (Redacted) who was there, but I did not want to speak to
5 him, and this was a time when people were fleeing to the city, and that's how it
6 happened and after we went through many terrible things were committed.

7 Q. It is my understanding that you had opportunity to talk to several MLC soldiers,
8 as you have said. Did the inhabitants of the Central African Republic as well talk to
9 you about their experiences?

10 A. Yes, I used to work (Redacted) and I was in constant contact with the
11 inhabitants and people talked to me. They found that this was an unfortunate
12 situation, but they couldn't do much especially in the face of the soldiers, and they
13 couldn't really do much because they were not armed, so to speak. They were very
14 dissatisfied with the activities of the MLC and of the Banyamulengue.

15 Q. You said that (Redacted) told you a number of things as well. Can you be
16 more specific about what (Redacted) told you? What events, what incidents, did he
17 talk to you about?

18 A. When I was in Damara, I had a brief discussion with him about the situation
19 there and he said things were okay. He asked me why I didn't have anything to give
20 him. I said, well, and he told me that they had not been receiving any salary and
21 that they were only living by grace, so to speak, and so he told me that he was going
22 to link up with the Bossembélé troops because there was no profit on the Damara
23 stretch. So that no vehicles were plying the road and there was no good business
24 on that axis, so (Redacted)

25 (Redacted) Those who went to the Damara axis did

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1 not get much, because the Damara axis is the one that goes up to the south of Chad,
2 but is not the road that is most frequently used. The Bossembélé axis was more
3 attractive and (Redacted) moved to that axis and once he did that (Redacted)
4 (Redacted) and when he came on that occasion he came along
5 with a young person called (Redacted), and he showed me an album, an album of
6 what he had actually looted from that house.

7 PRESIDING JUDGE STEINER: If this is not inconvenient for the Prosecution, I
8 would prefer if we have our break right now. We have been for half-an-hour in
9 private session and there was no need at all for private session except for technical
10 problems. So I will wait for these problems to be solved and we can resume after
11 lunch maybe in public session, if that is not inconvenient for the Prosecution of
12 course?

13 MR BADIBANGA: (Interpretation) We have no difficulty with that position,
14 Madam President. I was also just about to interrupt the witness here, but with your
15 leave let me simply point out a few things to the witness, Madam President.

16 Q. Now, Mr Witness, we have explained to you since this morning that the Trial
17 Chamber and the Office of the Prosecutor is very mindful of your protection and the
18 protection of all those here in this courtroom. So we are being very careful not to
19 implicate anybody. So we do understand that you have been testifying about
20 looting. Now, when you talk about looting, it is not necessary to say (Redacted)
21 (Redacted) We have read your statement to the investigators.
22 We have prepared a number of questions for you and at some point we will be talking
23 about (Redacted)
24 (Redacted) your friend, and so on and so forth, so for us
25 to be able to have our proceedings in open session, I would urge you to be careful this

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- 1 afternoon when we resume, and if your answers are incomplete please be sure that I
2 will put further questions to you. So abstain from saying that (Redacted)
3 (Redacted) and so on and so forth.
- 4 I thank you, Madam President. This might be a good time for the break.
- 5 PRESIDING JUDGE STEINER: Court officer, please turn first into open session.
6 (Open session at 12.59 p.m.)
- 7 THE COURT OFFICER: We are in open session, Madam President.
- 8 PRESIDING JUDGE STEINER: Mr Witness, we will suspend now because we have
9 our lunch break. You can have lunch and take some rest. It's almost 1 o'clock. We
10 will resume at 2.30. So I ask, please, the court officer to turn into closed session and
11 in the meantime we are going to suspend and resume at 2.30.
- 12 *(Closed session at 13.00 p.m.)Reclassified as Open session
- 13 THE COURT OFFICER: We are in closed session, Madam President.
14 (The witness stands down)
- 15 THE COURT OFFICER: All rise.
16 (Recess taken at 1.01 p.m.)
- 17 *(Upon resuming in closed session at 2.39 p.m.)Reclassified as Open session
- 18 THE COURT USHER: All rise. Please be seated.
- 19 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I will ask,
20 please, court usher to bring the witness in.
- 21 (The witness enters the courtroom)
- 22 PRESIDING JUDGE STEINER: We can turn into open session, please.
23 (Open session at 2.42 p.m.)
- 24 THE COURT OFFICER: We are in open session, Madam President.
- 25 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome back.

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- 1 THE WITNESS: (Interpretation) Thank you.
- 2 PRESIDING JUDGE STEINER: I hope you had the opportunity to take some rest?
- 3 THE WITNESS: (Interpretation) Yes, I had a rest.
- 4 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 5 THE WITNESS: (Interpretation) Yes, that's not a problem.
- 6 PRESIDING JUDGE STEINER: Before I give the floor to the Prosecution, I just
- 7 wanted to remind you that we will at least start in open session, and therefore ask
- 8 you to refrain from giving information that could lead to your identification. If need
- 9 be, we go into private session.
- 10 Maître Badibanga, you have the floor.
- 11 MR BADIBANGA: (Interpretation) Thank you, your Honour. Thank you,
- 12 Judges.
- 13 Q. Good day, Witness. The Presiding Judge has just reminded you of a rule, the
- 14 purpose of which is to protect you and your security. I'd like to remind you of the
- 15 five-second rule and I would also like to ask you to slow down a little when you
- 16 provide a very lengthy answer, and a while ago you provided a few such answers, it
- 17 is sometimes somewhat difficult to follow you.
- 18 You have spoken at length about the crimes committed by MLC troops, but we
- 19 haven't spoken about acts of rape committed by them. At one point in time, when
- 20 speaking about PK30, you said that men wouldn't allow their wives to go out because
- 21 there were cases of rape. Could you share with us some of your knowledge of acts
- 22 of rape committed by MLC troops?
- 23 A. Yes, I said that the men wouldn't let their wives go out because of cases of rape,
- 24 because on the Damara PK30 axis there were no men, everybody had fled because
- 25 there were troops. There were men there. When they went up there they had to

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1 look for women, and that's when they raped women.

2 Q. Did you have the opportunity of witnessing acts of rape that they committed, or
3 some of your friends within the MLC, did they tell you about acts of rape they had
4 committed?

5 A. Well, I personally never witnessed such events. These are the stories that I was
6 told by friends (Redacted) They were obliged to look for women
7 by using brutal methods. That was the gist of it.

8 Q. If you are familiar with an event, or you know soldiers who spoke about certain
9 events to you, I would like you to inform us of such cases for the following reasons:
10 We can't be satisfied with rumours here, stories according to which rape was
11 committed. I would like you to tell us, if you can, in such-and-such a case there was
12 an act of rape or through certain means I am aware of the fact that there were acts of
13 rape and you could provide us with details.

14 A. There were cases of rape along the Damara axis. Above all, there were cases of
15 rape. It's not troops who told me about this, there were Central African friends who
16 told me about this. Some of them said that their wives had been raped at PK13 and
17 in those whereabouts.

18 Q. When cases of rape were discussed, did MLC troops deny the existence of such
19 cases or did they admit that there was this problem that rape was committed?

20 A. I spoke to their leaders often. They weren't very interested in such stories, as a
21 rule. (Redacted) when I spoke to them, they didn't really
22 deny the acts they committed. They came with stories. They didn't deny rape.
23 They had to look for women because there were no women there. The women were
24 the women of other men, other people's daughters. They didn't deny these things.

25 Q. Did these members of the MLC militia, did these MLC troops have uniforms?

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1 Did they all wear uniforms?

2 A. At the beginning when they arrived, they were all in uniform but at the front,
3 when I left for Damara, I noticed that not all the soldiers were in a uniform.
4 Sometimes they had the top part of the uniform and they were in civilian clothes
5 below the waist. They didn't have military boots. They had other kinds of
6 footwear. That's how they were dressed. Some had berets, some didn't have any
7 berets, so they were really a rebel force.

8 Q. What do you mean when you say "Catcher"? You said they had Catcher's?

9 A. These are shoes that aren't of a military kind. You can practice sport in such
10 footwear.

11 Q. You said that when they first arrived they were all in uniform. Were these the
12 uniforms that they crossed over in, that they had had since leaving the Democratic
13 Republic of the Congo?

14 A. Yes, they had uniforms. They had received these uniforms from the Central
15 African army, and they crossed over in those uniforms, but they were only given one
16 uniform and sometimes they had to conduct themselves in a way that wasn't in
17 accordance with the rules.

18 Q. You said that the Central African army provided these uniforms. So these
19 uniforms must have resembled the uniforms of the Central African army; is that
20 right?

21 A. Yes, these were the uniforms they had, they were green, but they didn't
22 resemble the uniforms of the Republican Guard, no. These uniforms were green.
23 The presidential troops had very dark uniforms, they also had black uniforms, but
24 their uniforms were green.

25 Q. When you say that the uniforms were provided by the Central African army, do

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1 you know who exactly provided these uniforms?

2 A. When I mentioned the Central African army, well, they were in contact with the
3 Central African army's main staff with the Presidential Guard, to be more specific, so
4 they are the ones who provided the uniforms to MLC troops.

5 Q. Since they had the uniforms they received from the Central African army, how
6 was it possible to distinguish an MLC soldier from a Central African army soldier?

7 A. Well, it was easy to distinguish them. The MLC soldiers were a little weak and
8 scrawny, and the uniforms they had didn't resemble the uniforms of the Presidential
9 Guard, so it was possible to identify them. When one saw them one knew that they
10 were MLC troops.

11 Q. As for the Central African population, the Central Africans, rather, with whom
12 you had contact, were they capable of making such a distinction?

13 A. Yes, but it was only when they returned. But at Bangui, in Bangui, they
14 weren't really visible there. They were up on the front, along the two axes I
15 mentioned, but there were some troops in Bangui, but they could be distinguished
16 from the Central African troops. Everyone knew that they were Banyamulengue.
17 They were called the Banyamulengue.

18 Q. Why were they called Banyamulengue?

19 A. Well, the Central Africans thought that since their leader was Tutsi, well, that's
20 what people thought, they thought they were Banyamulengue. At the time, there
21 was the Liberation War in the DRC. At the beginning of the war, it was the
22 Banyamulengue troops that commenced fighting, and then there were the Tutsis. So
23 there is a mountain in Kivu that is called Mulenge, and we called these people the
24 children of Mulengue, the Banyamulengue, so everyone who lived there was called
25 by that term. When MLC troops entered, one saw these Tutsi shapes and

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1 everyone -- or appearances and one thought that the Banyamulengue had arrived.

2 There was the commander of the Tutsi forces, there were other commanders who
3 were Tutsi, there were lots of Tutsis around.

4 Q. So you are telling us that the term "Banyamulengue" designates a certain ethnic
5 group in the Congo and that the Central Africans applied the same name to everyone
6 because the commanders were Banyamulengue. That is what you are saying?

7 A. Yes, that's correct.

8 Q. Could we say that their commander, the commander of the operations we
9 spoke about this morning, was of Banyamulengue ethnicity?

10 A. Yes, indeed.

11 Q. And later, when the Central Africans used the term "Banyamulengue," did they
12 only refer to the leader and to some other Tutsis in his vicinity or did they refer to all
13 the troops by this term?

14 A. They used the term to refer to all the troops.

15 Q. This morning you said that you spoke Swahili, Lingala, French, Sango, (Redacted)
16 (Redacted) if I remember this correctly. Which language did you use to speak to
17 MLC soldiers?

18 (Redacted) Swahili, and as for
19 the others, Lingala, because not everyone spoke Swahili.

20 Q. The majority of them spoke Swahili or Lingala?

21 A. I can say half of them spoke Swahili. The others didn't. Lingala.

22 Q. Which language did those soldiers use to speak to each other?

23 A. They spoke to each other in Lingala.

24 Q. And when they spoke to the Central African population, which language did
25 they use to address them?

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1 A. They had interpreters, people who could speak Sango. Whenever there was a
2 problem, perhaps they would use the interpreters. There are a lot of Congolese in
3 the Central African Republic. Sometimes they would use them to interpret what
4 was being said, but not everyone spoke Sango.

5 Q. In general, were the Central Africans, during that period of time, capable of
6 understanding Lingala if those soldiers spoke Lingala?

7 A. We're at the border. On both sides there are Central Africans. They are the
8 Yakoma who can speak Lingala and Sango. The Ngbaka Central Africans, who are
9 towards Libenge, they spoke Lingala, Sango on both sides. So all along the border it
10 was like that. When you go to Mbanza Linoma (phon), it's similar.

11 Q. I'll repeat my question. Were the Central Africans capable of recognising
12 Lingala when MLC troops spoke in that language?

13 A. Yes, they could recognise that language.

14 Q. Do you know any other languages from the Congo, in particular languages
15 spoken in the Équateur area, that is on the border of the Central African Republic?

16 So are you aware of any other languages apart from Swahili and Lingala?

17 A. Along the frontier you don't speak Swahili. There is the Lingala and the Sango.
18 You have the Yakoma on the other hand. It's called the Umbandi (phon) in our
19 country. They speak practically the same language as Sango.

20 There are certain differences, but they understand each other well. They are the
21 Zandé, who are in the west of the CAR. They are in our country too and they're also
22 in the Central African Republic. They are the Mbanza and Mona (phon) who are
23 in the CAR. They are called the Banda there. But in our country, they're called the
24 Mbanza and the Mona.

25 PRESIDING JUDGE STEINER: Sorry to interrupt, Maître Badibanga. I just

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1 received here a message from the court reporter, asking you please to slow down a
2 little bit for the purpose of the record. Thank you very much. Maître.

3 MR BADIBANGA: (Interpretation)

4 Q. I did a bit of a detour, sort of my fault. That's why we had a long question -- or
5 a long answer. But the question's very simple: When you were in the CAR and
6 while these events were going on, did you hear MLC soldiers speak other Congolese
7 languages or languages from the Équateur province when they spoke to the Central
8 African population, or did they usually speak in Lingala, or did they use the
9 interpreters that you referred to earlier?

10 A. They spoke Lingala. Some also spoke Sango. Some in Bangui had been to the
11 Central African Republic, so those elements spoke Sango. But their language was
12 Lingala and sometimes they had interpreters. The leaders did not speak Sango, in
13 any event.

14 Q. When a few rare soldiers of the MLC spoke Sango, in your opinion, could a
15 Central African recognise that it was a Congolese national who was speaking Sango?

16 A. Yes, it's easy to recognise them. They have an accent, and each time that a
17 Congolese speaks Sango, then of course you know right away that it's a Congolese
18 speaking Sango.

19 Q. I'd now like to give you just a few expressions which were provided to us by
20 Central African witnesses. These were expressions which were supposedly used by
21 the MLC soldiers in a language which was not Central African. I'd like to now give
22 you these expressions and I'd like to ask you to tell us if you know what they mean
23 and if you know what language these expresses are in.

24 Your Honour, I'd just like to use a few words which have already been used here
25 during the hearing because the witness was unable -- the witness was unable to tell us

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1 what they meant. The first one, the first expression -- and I'll do my best to
2 pronounce it correctly and hopefully the interpreters and stenographers will
3 understand me. They can ask - they can slow me down if I go too fast. The first
4 one is from transcript 41, page 8, lines 2 to 8. That's for the French version, for the
5 edited French version, and this was something which was said by Witness 22, who
6 used the word "yaka." Can you tell us what that means and can you tell us what
7 language that is, please?

8 A. "Yaka" comes from Lingala and it means "come."

9 Q. Question, second word, still from the edited French version of the transcript,
10 Witness 73. This is transcript 70, page 31, lines 1 through 12, and the expression is
11 "Tata mbote."

12 A. "Tata mbote" is Lingala. "Tata" means "papa" and "mbote" is a good greeting in
13 Lingala.

14 Q. Witness, number 42, transcript 64, page 28, lines 2 to 25 in the edited French
15 version used the following: "Pesa ngai mbongo." Can you tell us what that means?

16 A. That's Lingala. That means "Give me the money."

17 Q. You've a much better Lingala accent than I do, but in any event I'll continue
18 with my questions. Witness 119 said in transcript 82, page 33, lines 1 through 9 in
19 the edited French version, "Pesanga mai." Can you tell us what that means, please?

20 A. That's Lingala and that means "Give me some water."

21 Q. Once again, Witness 119, transcript 82, French version - the edited French
22 version - page 43, lines 1 through 4 -- excuse me, lines 14 through 15, said the
23 following: "Mama akufi." Can you tell us what means, please?

24 A. That's Lingala. That means "Mama is dead."

25 Q. I've finished with the Lingala expressions, but I have one expression left and

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1 this is an expression in French. The witness has told us that this is typically
2 Congolese and we will, therefore, need your help in order to understand the
3 expression. It appears that the MLC militia soldiers said, "Papa Bemba asked us to
4 come apply Article 15." This is from Witness 119. This comes from transcript 82,
5 page 34, lines 9 through 14, in the edited French version.

6 Mr Witness, have you ever heard this expression, "to apply" or "to come to apply
7 Article 15"? And if you have heard that expression, what do you understand from
8 that expression?

9 A. Yes, that's true, "Article 15" means "fend for yourself." That's what Article 15
10 means, it means you have to find your own way to live, basically.

11 Q. When you say, "Article 15 in our country," what do you mean? What you do
12 you mean "in our country"?

13 A. In the Congo, in the DRC.

14 Q. And so according to you, in the context that we are dealing with, the Central
15 African context, we've seen the behaviour of these soldiers. What do you think that
16 they meant? And this, of course, will be your own personal interpretation, but we're
17 nevertheless interested in that. What could they have meant when they said that
18 "Papa Bemba assist to come Article -- come apply Article 15"? What could that have
19 meant?

20 A. Yes, it's true, because these soldiers were not paid. They had to work things
21 out for themselves in order to live. Article 15 means that you have to do what's
22 necessary to live, even if you have to kill, rape and steal to live, that's what Article 15
23 means.

24 PRESIDING JUDGE STEINER: Maître, if you allow me, I would like to ask the
25 witness whether the witness knows where this expression comes from, or originates

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1 from.

2 THE WITNESS: (Interpretation) This comes from the President Mobutu period.

3 All the Congolese were told to live as best they could because they weren't being paid.

4 This is an article which was enacted when there were no salaries. If there were no

5 salaries, how were people supposed to live? The soldiers weren't paid, the civil

6 servants were not paid, and these people had to do what was necessary in order to

7 live. Very often they had to commit crimes in order to live. And that was enacted

8 under Mobutu, but it's continued up until now.

9 And when the MLC soldiers went to the other side of the river, since they weren't

10 paid, they had to apply Article 15 in order to be able to survive.

11 PRESIDING JUDGE STEINER: Thank you, Maître. Judge Aluoch.

12 JUDGE ALUOCH: This is the second time the witness refers to the fact that these

13 soldiers were not paid. The first reference was on page 42, lines 8 and 9. He hasn't

14 so far given us the source of this information, that these soldiers were not paid. Can

15 you ask him, please?

16 MR BADIBANGA: (Interpretation) Thank you, your Honour. I planned on

17 reserving an entire section concerning the soldiers' pay, but if you wish I can -- I can

18 deal with that now, I can ask the witness questions about that now.

19 Q. As the Judge said, several times you talked about the fact that the MLC soldiers

20 were not paid. Could you, first of all, tell us whether these soldiers expected some

21 kind of pay? Was there something which was set up to provide them with pay as

22 part of normal functioning of an operation?

23 A. Yes. When they crossed the river, they were originally given 2,000 CFA francs

24 per soldier. And then, after that, they were told that they would be paid, that they

25 would be paid by the Central African Republic. But according to their leaders, they

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1 were going to be paid after the operations, they weren't going to be paid originally.
2 And since they were only getting about 2,000 francs, or about \$4, they didn't have
3 very much money and for that reason they had to apply the article that we have been
4 referring to. They were suffering, they didn't have any money, they weren't being
5 paid, and even when they returned, they were not paid.

6 Q. Okay. We're going to go through this very slowly, if you will. You said that
7 they received the equivalent of \$4 when they crossed the river. Did they receive that
8 money before they crossed the river into the Central African Republic or once they
9 arrived in Central African Republic?

10 A. I don't know. I heard that they were given \$4. Whether it was before or after
11 they arrived in Central African Republic, I don't know.

12 Q. You just said that, according to their leaders, they would be paid after the
13 operations and not during the operations; is that correct, sir?

14 A. Yes. According to their leaders, these operations were to last six or seven
15 months. In other words, they were to be in the CAR for six to seven months. And
16 they didn't have anything. As you know, they came to do commando operations,
17 and they were not paid. Nobody received money.

18 Q. If these soldiers were not paid, what did they live on? Would they be
19 resupplied, were they provided with rations, were they provided with their uniforms
20 and things of that nature?

21 A. They were resupplied, I believe one time, but once they began moving forward,
22 once they began advancing, once the front began moving, then they had to apply
23 Article 15 if they wanted to survived. They weren't receiving any money. Once
24 they were on the ground and moving, they were supposed to apply Article 15.

25 Q. When you speak with their leaders, their leaders said that they would pay the

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- 1 soldier after the operations. Was that information given to the soldiers as well?
- 2 Did the soldiers know that they would not be paid while they were in the Central
- 3 African Republic or did the -- or were the soldiers asking to be paid while they were
- 4 there?
- 5 (Redacted) because he had received the first part of
- 6 the money. That was done in Gbadolite. Patassé was supposed to provide some
- 7 kind of funds, but these people were not being -- the soldiers were not being paid and
- 8 the leaders said that the soldier would therefore be paid after the operations. But the
- 9 soldiers themselves were not talking about that very much.
- 10 Q. Who made the first payment that you just referred to?
- 11 A. President Patassé.
- 12 Q. Do you know how much money was in that first payment that was made by
- 13 President Patassé?
- 14 A. No, I don't know the amounts, but it was a very large sum.
- 15 Q. Who did President Patassé give this money to?
- 16 A. To the leader, the leader of the units. The leader of the movement, if you will.
- 17 Q. Are you talking about the number 1 of the person in charge of the troops in the
- 18 Central African Republic or the overall -- or the overall number 1?
- 19 A. The general of the MLC.
- 20 Q. Please, with the five seconds, can you give me the answer? Do we know the
- 21 name of this number 1 in the MLC?
- 22 A. Jean-Pierre Bemba.
- 23 Q. Do you know in what circumstances President Patassé provided Mr Jean-Pierre
- 24 Bemba with this money?
- 25 A. I don't know the circumstances, but I had a friend who was working in the

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1 (Redacted)

2 (Redacted) and he was the one

3 who spoke to me about this money.

4 Q. Did this person tell you whether this money had been paid through another
5 person, or was it provided directly from President Patassé to Jean-Pierre Bemba
6 during a meeting of some sort?

7 A. That was going on at the presidential level, and I don't know exactly what
8 happened. All I can say is that it happened at the presidential level. I would
9 imagine that they were directly in contact.

10 Q. You explained very clearly that the soldiers were not paid, but I would just like
11 to check on a point with you. After Jean-Pierre Bemba received the money from
12 President Patassé, was there any kind of payment made to the soldiers?

13 A. Not at all.

14 Q. And aside from that payment, where you say that this payment was made from
15 Patassé to Jean-Pierre Bemba, were there any other payments that were made to the
16 MLC even if the soldiers themselves were not paid afterwards?

17 A. Yes, I believe that there were other payments, according to information which I
18 have been privy to. He would come to Bangui from time to time to get money, the
19 number 1 of the MLC, Mr Jean-Pierre Bemba, would come to Bangui or Zongo. He
20 had a helicopter and he could come from time to time to Bangui if he so wished. So
21 the payments were made, but at that time Libya was also supporting that operation,
22 and he was on good terms with President Qadhafi who sent three units to the Central
23 African Republic. But since the MLC was already there, they had to divide the
24 money in order to ensure that the MLC would be able to continue.

25 Q. Who is this "he" that you are referring to, who paid them money in order to

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1 make sure the operations could take place? Was that President Patassé?

2 A. Yes, at the time it was still President Patassé. It always went through President
3 Patassé, even if Libya was involved.

4 Q. So you are saying that there was also finance, funding coming from Libya?

5 A. Yes, according to my friend who was working at the -- in the Presidency.

6 Q. And despite all of these payments and all these sums of money, during the
7 operations the soldiers were not paid?

8 A. I think that if you ask me the soldiers, they say the same thing and none of them
9 got anything. Even if they suffered losses they didn't get anything.

10 Q. Do you know if the officers were paid? Did the officers receive any money?

11 A. Perhaps the operation commander because from time to time he would go see
12 the Head of State, Mr Patassé. (Redacted)

13 but nobody else received any money. They all had to employ methods which are
14 mentioned in Article 15.

15 Q. During the operations they were not paid, but after the operation - after the
16 operations - because a superior said that they planned on paying soldiers after the
17 operation, was that commitment respected?

18 A. No, that commitment was not respected. After the operation, there was a
19 demobilisation of the national army and everybody left. Nobody got anything.
20 They all went back to the DRC. If you ask them they will, of course, tell you.

21 Q. And my last question in this area of the payments is this: When the judge said
22 that you referred twice to the fact that the soldiers were not paid, is that because each
23 time we were talking about pillage, about the looting? I would like you to tell us
24 what relation you think exists between looting, systematic looting that you have been
25 talking about today, and the fact that these soldiers were paid or not paid?

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1 A. As I said, if a soldier, an armed soldier, is not paid and then he's going to use
2 the weapon of course to get what he thinks he needs. These people use their
3 weapons to take what they needed. They needed to buy a lot of things. They
4 needed to buy clothing, they needed to buy their mattresses. Some, they didn't have
5 mattresses there, of course. They needed to buy things for their wives or their
6 parents to take back home, and since they didn't have a salary, since they weren't
7 paid, then they were told to, you know, do what they needed to do. They were
8 told to apply Article 15. That's why there were so many massacres. When you
9 send somebody with a weapon to the front without paying them, then you have to
10 expect that they are going to take things by force, and that's why so many atrocities
11 were committed.

12 Q. I would just like to go back to the last sentence that you used. Who sent these
13 MLC soldiers to the front? Who engaged these soldiers in this operation, in your
14 opinion?

15 A. Jean-Pierre Bemba sent them into the CAR. He was the leader. He knew that
16 if he didn't protect President Patassé that things were not going to go very well for
17 him, and that's why he wanted to maintain Bangui, his other bases in Kampala, but
18 he wanted to maintain the one in Bangui. And since he had a base which was very
19 close, that he could use, then he had to defend the Patassé government tooth and nail.
20 And he was the one, therefore, who sent the troops into the Central African Republic.

21 Q. And on page 84 of today's transcript, just a few minutes ago in fact, line 24, you
22 say, "When you send somebody with a weapon to the front, when you send
23 someone with a weapon to the front without giving them anything, then you have to
24 expect this kind of thing. That's why people committed these atrocities." Who, in
25 your opinion - and I say once again in your opinion - who sent these soldiers to the

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1 front without giving them anything? Who should have expected the outcome, as it
2 was, in the given circumstances?

3 A. Their leader, Jean-Pierre Bemba.

4 Q. Earlier this morning you spoke to us about other groups or armed groups that
5 could have committed acts of abuse. Now, we understand that you were present for
6 the entire episode. Do you have any doubts about the identity of the soldiers who
7 committed these acts or were they, indeed, beyond a shadow of a doubt the soldiers
8 of Congolese nationality, and who are also members of the MLC?

9 A. They were Congolese soldiers, and they are now today in the national army.
10 Most of them are in the national army. Others were demobilised, but I think that the
11 majority of them are now in the national army and they are members of the MLC.

12 Q. Maybe because these were difficult times your memory might be somewhat
13 perturbed. Allow me to challenge you and ask whether you might not be mistaken
14 and take Central African soldiers who were there for Congolese soldiers.

15 A. Not at all.

16 Q. Were these the same people, the same Congolese soldiers of the MLC, who
17 were being referred to by Central Africans as the Banyamulengue?

18 A. Yes, it was those troops that were being referred to as the Banyamulengue in
19 the Central African Republic.

20 Q. Can we then say that the MLC militia, with whom you were in contact and who
21 belonged to the two battalions you mentioned earlier, can we say that these were the
22 same soldiers that Central Africans referred to as the Banyamulengue, as far as you
23 know?

24 A. Yes.

25 Q. The crimes and acts of violence you talked about since this morning were

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1 committed by those -- or these soldiers whom we have just talked about; is that the
2 case?

3 A. Yes.

4 Q. Those soldiers, militiamen, whom you say you knew were Congolese, could it
5 have been possible for those persons to have come from another African country
6 where Lingala is spoken? Madam President, I'm referring to transcript 47, page 40,
7 lines 21 to 24, where this hypothesis was put forth by the Defence to the effect that it
8 might have been possible that Lingala is spoken in other African countries. So I just
9 want to find out from the witness whether the soldiers he saw may have come, or not,
10 from another country, another African country, where Lingala is spoken.

11 A. That is untrue. All those troops came from the RDC. None of them came
12 from any other country where Lingala is spoken. Those soldiers today are in the
13 DRC.

14 Q. You have talked about a number of crimes. All of these crimes that you have
15 referred to this morning and in part this afternoon, did the MLC take any measures to
16 deal with these crimes, measures such as disciplinary sanctions, punishment, trials,
17 and what have you?

18 A. No, no measure whatsoever. None of the troops was arrested. Some of them
19 are in Kinshasa today. Some have been demobilised. And none of them has even
20 been charged in this matter. I think that there was a situation of cannibalism in
21 Mambasa at some point and there was a trial in that case, but as for the issue of MLC
22 soldiers in the Central African Republic, there has not been any trial. No one has
23 been arrested, no one has been tried. Nothing has happened.

24 Q. The soldiers you were able to observe, what was their state of mind regarding
25 those acts of violence and crimes? Did they fear any reprisals from their leaders

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1 regarding those acts of violence?

2 A. No, not at all. They were not afraid of anything, because there were no rules
3 regarding these matters. There was no military police within their movement. You
4 see, it is necessary to have military police within movements which will control the
5 activities, but the MLC did not have a military police. So when they went back, they
6 went back rather quietly. There was no problem.

7 When people left Libenge to go to the other side of the river and plunder an entire
8 town of Mongoumba and then come back without being sanctioned or punished,
9 then I think the responsibility must lie with the hierarchy, to the extent that nobody
10 paid attention to what was going on.

11 Q. You said that there was a trial but which did not relate to the events in the
12 Central African Republic, the events we are talking about. How -- where do you get
13 this information from?

14 A. We were aware of this even over radio. In Zongo, there was an MLC radio in
15 Zongo and other radio stations were talking about this trial for cannibalism,
16 cannibalism by the MLC troops in Mambasa and in Bunia. So there was a trial in
17 that case. But for the situation in the Central African Republic, no one was tried.

18 Q. You said that there were two companies and platoons and sections within those
19 two battalions. So there was no military police in any of those battalions. There
20 was no officer, no one in charge of military discipline; is that your testimony?

21 A. No, there was no one. None.

22 Q. Maybe there was no trial and no judgments, unlike what may have happened in
23 Mambasa which you just mentioned, but would you say that anyone was punished at
24 all, even as slightly as might have been during that entire conflict?

25 A. Such things always happen in an army, but as for the situation in the Central

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1 African Republic relating to those acts of violence, there was no judgment, there was
2 no trial. There are people who are there to testify in Zongo, in Isala (phon), in
3 Kinshasa, all over the place, even in Gbadolite. There are demobilised soldiers who
4 were in the Central African Republic and they go about totally unperturbed. Their
5 leader, who was in the Central African Republic, and his deputies are all there. No
6 one, none of them was ever questioned and nothing, nothing whatsoever happened
7 to any of them.

8 You know, this is very difficult. This is really very difficult. Now, if there were to
9 be a trial, or whatever, where did that take place? Where would they have done it?

10 Q. The MLC officials who were present in the Central African Republic, did they
11 know that their troops were killing, looting and raping and committing such acts of
12 violence?

13 A. The proof of it lies in the fact that an entire city of Mongoumba was plundered,
14 thanks to the number 1's wife. That is the fact. This was a general practice within
15 the army, beginning from the number 1 to the number 0.

16 Q. It is your testimony that the officials on ground knew that crimes were being
17 committed. Did you have opportunity to know or find out that Jean-Pierre Bemba
18 himself was aware of these acts of violence being committed?

19 A. You have just said that these people were asked to apply Article 15 at the behest
20 of the leader himself, Jean-Pierre Bemba, in order to survive, and that is how they
21 lived.

22 Q. Do you know whether Jean-Pierre Bemba ordered for any sanctions to be taken?

23 A. No, not at all. His main concern was with the integration of the army and
24 returning to Kinshasa. So there were no sanctions, there was no punishment.

25 Everybody knows that. The MLC and the international community knows there

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1 were troops in Gbado and all over the place, and everybody knows that there were no
2 sanctions meted out against anyone and that there was no provision for any such
3 sanctions anywhere whatsoever.

4 Q. From what you were able to learn or find out, did Jean-Pierre Bemba have the
5 means, or the resources, to punish his troops if he found out that they had committed
6 such crimes and offences?

7 A. Yes, he had the resources to do so because people obeyed and listened to him.

8 Q. Did President Patassé also have power and authority over the MLC troops to
9 the extent that he could punish them if they committed any crimes?

10 A. No, no, not at all. President Patassé had no power over the MLC troops.
11 Those troops were answerable directly to Jean-Pierre Bemba and to their leaders on
12 the ground in the Central African Republic. But they received information and
13 intelligence from the Central African army and the Central African intelligence
14 services. But as for sanctions and punishment, Patassé did not have any power over
15 them.

16 Q. Do you know whether information was also available about any crimes that
17 may have been committed during that first intervention which you talked about this
18 morning?

19 A. The first intervention was from downtown to Ouango in the southwest of
20 Bangui. Yes, crimes were committed there as well. There was looting. The house
21 of Kolingba was even demolished, President Kolingba's house was demolished, and
22 to this day there is no house at that location. Now, members of the population also
23 suffered from those acts because in such circumstances there are always collateral
24 effects deriving from what happened.

25 Q. Maybe you learnt that there was a military code of conduct for the MLC

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1 governing the conduct of soldiers. Would that be the case? Did you learn anything
2 of that nature?

3 A. In the DRC I think there were such similar measures in place, but most soldiers
4 were illiterate and it was difficult for them to understand those things. However,
5 those who came to the Central African Republic appeared never to have upheld any
6 such principles so, to some extent, those principles were applicable in the DRC but
7 not in the Central African Republic.

8 Q. Did you have opportunity to see the Code of Conduct or to be aware or to
9 become aware of its content?

10 A. No, not at all.

11 Q. Before launching the second military operation in 2002, would you know
12 whether the MLC troops were briefed and given some guidelines as to how to
13 proceed?

14 A. Well, that always happens. Whenever soldiers intervene in any situation,
15 there is always a briefing session. So they are briefed on the operation, on the
16 conduct to be upheld and, yes, there must have been.

17 Q. I agree with you that this is general practice, but I would like to find out from
18 you whether in relation to that specific operation there was any information available
19 to you that such a briefing took place for the elements of that particular transaction?

20 A. Yes, the briefing was to the effect that Bozizé's elements should be driven out
21 and that Patassé, President Patassé's security should be guaranteed. I think that was
22 the thrust of the briefing.

23 Q. Do you know who gave them that briefing?

24 A. Before crossing over, their chief, Jean-Pierre Bemba, was in Zongo and I think
25 that he tried to have a briefing with the troops before they crossed over in order to

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1 boost their morale.

2 THE INTERPRETER: Madam President, the interpreters missed the question from
3 the Prosecutor.

4 THE WITNESS: (Interpretation) I was not in Zongo, I was in Bangui, but I was
5 informed of what had happened there.

6 MR BADIBANGA: (Interpretation)

7 Q. When you were told of this event were you also told of its content? What
8 message did Jean-Pierre Bemba give to his soldiers?

9 PRESIDING JUDGE STEINER: Apparently now there has been some problem for
10 the interpreters to follow you, so they are asking you, please, to repeat your previous
11 question. I think it refers to the question on whether the witness was in Zongo
12 during the briefing, but I'm not sure.

13 MR BADIBANGA: (Interpretation) Very well, Madam President. I have checked
14 the transcript in French, and I see that I put a question to the witness about who gave
15 the briefing, and his answer was Jean-Pierre Bemba in Zongo. Then I asked whether
16 he was present at the briefing, and it is to that question that the witness answered that
17 he was not in Zongo, he was in Bangui. Transcript page 91, the very last lines.

18 And thereafter, my next question was then to find out from the witness, since he was
19 not present there, and since he knows what transpired, since he answered that he was
20 aware of what had transpired, I asked him what the content then was. So it would
21 appear that the French transcript is coherent.

22 Q. Now, I will repeat, in any event, Mr Witness, since you were not in Zongo but
23 you were told of what happened there, were you also informed of the content of
24 Jean-Pierre Bemba's message to the MLC soldiers?

25 A. I have already told you that I was informed of those things. The MLC radio

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1 was being broadcast from the -- was broadcasting from the other side, but we could
2 listen to it on the other side as well, so we heard the news on the radio as well.

3 Q. Let me avail myself of the few remaining minutes to address one of the issues
4 you raised a short while ago when you talked about a number of times on which
5 Jean-Pierre Bemba came to the Central African Republic. Are you tired or should I
6 continue? Things might be difficult for you.

7 A. No, I'm okay. We can continue.

8 Q. We have about 10 minutes to go and we'll be done in any event. Now, in what
9 circumstances did you get to know or see Jean-Pierre Bemba for the first time?

10 A. The first time I saw him I was in Mobaye and all the troops were there in
11 Mobaye and he came with President Patassé to ask us to join his movement. We
12 were a group and we didn't talk to him individually, we were there as a group. We
13 had an area commander for the Sau Diawara (phon) operations, and he was there,
14 and then there was also a medical doctor, so he convinced us, and many of us, some
15 1,000 soldiers or so, agreed to go to Mobaye and then on to Gbado to become
16 members of the MLC. But some, including myself, refused to go along and we went
17 instead to Bangui. So I stayed in Bangui. And a plane was sent from Kinshasa to
18 take back some of the soldiers, but some of us decided to remain and seek refuge in
19 the Central African Republic.

20 Q. I must switch on my microphone if my questions are to be heard. Now,
21 during that Mobaye meeting, did you talk with or have any discussion with
22 Jean-Pierre Bemba?

23 A. No, not at all. Our commander, Sau Diawara of blessed memory, was the
24 interlocutor. He was the one who talked with him.

25 Q. But were you close enough at that time to be able to clearly recognise him

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1 without any doubt?

2 A. Yes, we were close enough.

3 Q. Let me return to the second MLC operation in the Central African Republic.

4 During that period, did you meet or see Jean-Pierre Bemba in the Central African
5 Republic?

6 A. He came to Bangui from time to time, but I saw him only on one occasion, and
7 if I am not mistaken that was in Bangui. In front of Bamag (phon), Bamag which
8 was a supermarket, and he went there from time to time to get some supplies and
9 dispatch to Gbado, but I saw him from a distance, not close up.

10 Q. You say that you saw him at his supermarket in Bangui. Was he doing
11 anything specific at that time?

12 A. He was at the entrance with his troops, and we were opposite Bamag in a cyber
13 café known AGMN (phon) in Bangui in 2000. So there were some friends with us,
14 and they pointed at him and said, "That is Chairman," because he was called
15 "Chairman" at the time, so we stepped out to look at him and then went back into the
16 cyber café.

17 Q. You stated that you saw him from a distance, but were you able to recognise
18 him?

19 A. Yes, yes.

20 Q. Apart from that time when you saw him at the supermarket, you did not see
21 him again, is that the case, or did you have any other opportunity to see him?

22 A. Often, (Redacted) he would say that the Chairman was coming
23 (Redacted) pick him up at the airport and take him to the presidency. He
24 would do that, but I did not have opportunity to see him at that time. I wasn't really
25 interested in that.

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1 Q. From your various sources within the MLC and elsewhere, would you say in
2 general terms that -- or how often would you say that Bemba came to Bangui at that
3 time?

4 A. He came on several occasions. I cannot say whether it was two or three times;
5 all I know is that he came a number of times.

6 Q. You have talked about one occasion on which you saw him at the supermarket
7 when he came. Then you also talked about the information from your contact at the
8 presidency, that there was a meeting with President Patassé. Was there any other
9 time at which he had other meetings with other persons or did other things during
10 his visits?

11 A. At that time, if there was anyone Bemba was in contact was -- it was President
12 Patassé. The Minister of Defence was often on the move as well, and he often went
13 to Gbadolite. The Director of Presidential Security, General Bombayake, and
14 General Mazi, among others, were the insiders of the Patassé regime and Bemba was
15 in contact with them.

16 MR BADIBANGA: (Interpretation) Madam President, your Honours, I believe
17 that we have come to the end of our session and I may stop here and we can continue
18 our discussion with the witness tomorrow, if that is fine with you.

19 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.

20 Mr Witness, we are going to adjourn for today. You are entitled to take some rest.
21 We thank you very much for your cooperation with the Court under the present
22 circumstances, personal circumstances. Tomorrow we will resume at 9.30 in this
23 very same courtroom.

24 I would like to thank very much the Prosecution team. I wish tomorrow we can
25 count on the presence of legal representatives of victims. I thank very much the

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1 Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very much our
2 interpreters and court reporters.

3 We will resume tomorrow morning at 9.30. I ask, please, the court officer to turn
4 into closed session in order for the witness to be taken outside the courtroom. In the
5 meantime, we are going to adjourn this session.

6 *(Closed session at 4.00 p.m.) Reclassified as Open session

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

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 *(The hearing ends in closed session at 4.01 p.m.) Reclassified as Open session

11 RECLASSIFICATION REPORT

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

13 ICC-01/05-01/08-3038 and the instructions in the email dated 4 June 2014, the version

14 of the transcript with its redactions becomes Public