

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 Judge Kuniko Ozaki
6 Trial Hearing
7 Wednesday, 24 August 2011
8 (The hearing starts in open session at 9.34 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
12 open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
14 case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. I welcome the
18 Prosecution team, legal representatives of victims, Maître Douzima, Maître Zarambaud,
19 the Defence, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
20 reporters.
21 We will continue today with the testimony of Witness 173 but, before that, the Chamber
22 has a short oral decision to be issued and it is the oral decision on the applications to
23 question Witness 173 by legal representatives of victims. On 1 April 2011, the Chamber
24 received an application from Maître Zarambaud on behalf of the victims that he
25 represents to question Witness 173. It's filing 1370-Conf. The application contains a list

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1 of 16 sets of questions. Similarly, the Chamber received an application from Maître
2 Douzima on 11 August 2011 on behalf of the victims that she represents, filing 1622-Conf.
3 The application contains a list of eight sets of questions.
4 Having considered the reasons given by both Maître Douzima and Maître Zarambaud as
5 to why they believe the personal interests of the victims they represent are affected, the
6 Chamber grants their applications as follows: Maître Douzima is allowed to put all of
7 her proposed questions to the witness.
8 In relation to the questions of Maître Zarambaud, the Chamber allows him to put his
9 questions to the witness, except for questions 10, 12 and 15.2, which the Chamber finds
10 speculative, and question 3, for security reasons.
11 Judge Ozaki dissents with regard to Maître Zarambaud's questions 1.1, 1.2 and 1.3, which
12 she finds leading and speculative, and with respect to questions 4, 5, 6, 8.1, 8.6, 13.1 and
13 14.
14 I ask now, please, court officer to turn into closed session in order for court usher to bring
15 the witness in.
16 (Closed session at 9.40 a.m.) * Reclassified as Open session
17 THE COURT OFFICER: We are in closed session, Madam President.
18 (The witness enters the courtroom)
19 WITNESS: CAR-OTP-PPPP-0173 (On former oath)
20 (The witness speaks French)
21 PRESIDING JUDGE STEINER: We can turn into open session, please.
22 (Open session at 9.41 a.m.)
23 THE COURT OFFICER: We are in open session, Madam President.
24 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
25 THE WITNESS: (Interpretation) Good morning. Good morning.

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- 1 PRESIDING JUDGE STEINER: Could you rest, or have a restful night?
- 2 THE WITNESS: (Interpretation) Yes, but for some headache that I had.
- 3 PRESIDING JUDGE STEINER: Have you received any assistance from VWU in that
- 4 respect?
- 5 THE WITNESS: (Interpretation) Yes, I have some medication.
- 6 PRESIDING JUDGE STEINER: Mr Witness, today the Prosecution will continue
- 7 questioning you, but before I give the floor to the Prosecution, I need first to remind you
- 8 that you are still under oath. Do you understand that?
- 9 THE WITNESS: (Interpretation) Yes, I do.
- 10 PRESIDING JUDGE STEINER: I also want to remind you that you are under protective
- 11 measures; that your voice and image broadcast outside the courtroom are being distorted
- 12 so that the public cannot identify you. But, in order to reinforce your protection, you
- 13 need to be very careful in order not to give any information in public sessions that could
- 14 lead to your identification. If need be, at any time we go into private session and then
- 15 you can feel free to speak. Is that fine with you?
- 16 THE WITNESS: (Interpretation) Yes, your Honour.
- 17 PRESIDING JUDGE STEINER: Finally, Mr Witness, we understand that you may feel
- 18 tired after speaking for a long time. If need be, you just let us know and we can have a
- 19 break in order for you to rest a little bit. So please let us know in case you want a break.
- 20 Maître Badibanga, you have the floor.
- 21 MR BADIBANGA: (Interpretation) Thank you, Madam President. Thank you, your
- 22 Honours.
- 23 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)
- 24 Q. Good morning, Mr Witness.
- 25 A. Good morning, Counsel.

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1 Q. We will conclude our examination by the Office of the Prosecutor today. Yesterday
2 we covered a lot of ground, and I do not have many questions -- many more questions for
3 you and so we should be able to finish off today.

4 Let me remind you of our two rules: (1) the five-second rule, relating to our
5 interventions of speaking; and Rule 2, as far as possible speak slowly in order to facilitate
6 interpretation. Now, Mr Witness, if you wish to provide a full answer to any question
7 and prefer to do so in closed session, please feel free to ask for us to go into closed session.
8 When we broke off yesterday, we had just been talking about whether you knew, or you
9 saw, Jean-Pierre Bemba in Bangui; whether you knew that he had been there, or whether
10 you saw him whenever he was in Bangui. This morning I would like to review with you
11 whether you were aware that when Jean-Pierre Bemba was in Bangui he met any of the
12 MLC troops on the ground in Bangui?

13 A. According to information available to me through their leaders, he only came to
14 Bangui. He did not go to the battle-front, but the greater number of the troops was at the
15 battle-front.

16 Q. Who gave orders to the MLC troops at the battle-front?

17 A. As I told you yesterday, the MLC troops in the Central African Republic were under
18 the command of their leader. I don't know whether I can -- of their leaders. I don't
19 know whether I can mention their names?

20 Q. Yes, I think you can tell us who was the commander of the troops, or who were the
21 commanders of the troops, on the ground?

22 A. The troops were under the command of their commander, Mustapha Mukiza, and
23 along the axis there were other commanders. However, orders came from him and he
24 received orders from his boss or his leader, who was the number 1 of the movement.

25 Q. Your answer somewhat dealt with my follow-up question, which was going to be

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1 the following and please provide a name: Who gave orders to Mustapha Mukiza? Who
2 did Mustapha Mukiza receive orders from?

3 A. Mustapha Mukiza received orders directly from Mr Bemba, the President of the
4 MLC.

5 Q. Did President Patassé have the power to also give orders to Mr Mukiza?

6 A. In matters of intelligence, yes, because they were also in contact with the soldiers of
7 the Presidential Guard, but as far as the advancing of the troops or the withdrawal of the
8 troops was concerned, the orders came directly from their chief, Jean-Pierre Bemba.

9 Q. Yesterday you told us that Jean-Pierre Bemba spent most of the time in Gbadolite, at
10 the MLC headquarters. We know that Mustapha Mukiza was with the troops in the
11 Central African Republic. My question is how were these orders transmitted from
12 Jean-Pierre Bemba to Mustapha Mukiza? What was their channel of communication?

13 A. Mustapha Mukiza, who was in Bangui, used the Celtel when he was in Bangui, and
14 when at the battle-front he used the Thuraya for purposes of communication.

15 Q. Was Mustapha Mukiza the only one who had a Thuraya among all the soldiers of
16 the MLC who were in the Central African Republic?

17 A. Thurayas were available along each of the axes, for purposes of reporting on the
18 situations at the fronts, so he had a Thuraya and the two commanders of the two axes also
19 had Thurayas.

20 Q. What do you mean by "communication links"?

21 A. Thuraya.

22 Q. Who provided them with the Thurayas?

23 A. I do not know whether they got the Thurayas in Bangui, or on the other side.

24 Q. When I asked you how Mustapha and Jean-Pierre Bemba communicated, your
25 answer was that, "In Bangui he used the Celtel and at the battle-front he used the

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1 Thuraya." Now, would you kindly explain to the Court what Celtel is?

2 A. Celtel is the means of communication that is available here, as well as in the DRC.

3 It's the ordinary means of communication through mobile telephones. The Thuraya is a
4 satellite telephone communication device, which people use in forests and where it might
5 be difficult to communicate because of a lack of network coverage. That is what it is all
6 about.

7 Q. Were you able to determine the frequency with which Jean-Pierre Bemba and
8 Mukiza Mustapha were in contact over the Thuraya telephone?

9 A. No, it was not possible for me to obtain such details. That would have been quite
10 difficult.

11 Q. But, as far as you know, could it be said that they were in contact once, or do you
12 know that they communicated with each other only once throughout the operations?
13 Were they in contact on a daily basis, or on a weekly basis? Do you know how regularly
14 they were in touch with each other? Do you have any idea?

15 A. When I was in Damara, we had arrived there at 8 a.m. and I think at around 9 a.m.
16 he communicated with Jean-Pierre Bemba, and before we left at around 3 or 4 p.m., which
17 is the time at which we left, they were also -- they had also been in touch. So I believe
18 that they were communicating with each other regularly, because he had to report to him
19 about the situation at the battle-front, how the troops were behaving and whatever was
20 transpiring. So they were in touch, I believe, on a daily basis.

21 Q. Well, you answered my question once again before I put it to you and that is very
22 much in order, but allow me now to turn to the content of their discussions. As far as
23 you know, what were they talking about during these telephone conversations?

24 A. From what I heard, he provided information on the situation at the battle-front,
25 developments within the troops, he reported on the cases of wounded persons and deaths

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1 and also talked about logistics.

2 Q. Do you know whether they also talked about excesses and acts of violence
3 committed by MLC troops, or about the conduct or behaviour of MLC troops?

4 A. (Redacted) I never heard them talk about acts of violence and the
5 conduct of the troops. He provided information on the position of the troops and the
6 situation of the troops, but not of the issue you have mentioned.

7 Q. When Jean-Pierre Bemba came to Bangui, did he meet Mustapha Mukiza there?

8 A. It was a matter of fact, because whenever he came to Bangui he had to meet him first,
9 and even before he met the president he had to meet Mustapha Mukiza first, as a matter
10 of fact.

11 Q. Do you know what they talked about during their meetings?

12 A. (Redacted) "Well, we are going to see the chief." I
13 didn't go with them and I don't have any idea what they might have discussed in closed
14 session.

15 Q. Earlier on, and regarding the content of their conversations, this is what you said in
16 today's transcript, page 8, line 14 and forward, "What I heard was that he reported on the
17 situation at the battle-front, developments with the troops and also talked about cases of
18 wounded soldiers and deaths." My question to you is to find out whether you had the
19 opportunity to also hear what Jean-Pierre Bemba was saying during those conversations?

20 A. Well, the conversations were taking place over the telephone and I heard what
21 Mustapha said, but I did not hear the answers to the questions.

22 Q. You also said a minute ago that on the two axes, you are referring to the Damara
23 axis I suppose and the Bossangoa-Bossembélé axis on the other side, you said that along
24 those two axes there were Thurayas. Do you know whether the officers along these axes
25 who had Thurayas were also in contact with Jean-Pierre Bemba?

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1 A. Yes, that was possible from time to time but, you know, these two commanders
2 from the two axes first of all gave reports to Mustapha Mukiza, their commander, and
3 then later Mukiza would convey these reports to Jean-Pierre Bemba.

4 Q. If you can remember, yesterday I asked you whether - apart from the soldiers in the
5 CAR - there were other MLC representatives, and you mentioned three persons at least, if
6 I'm not mistaken: Mr Atandele; a certain Mr Zeka or Zekwa (phon); and a certain
7 Delphin, who is deceased you said. Do you know whether these individuals were also in
8 communication or contact with Jean-Pierre Bemba during the events in question?

9 A. Yes, Mr Atandele had a Thuraya. The others -- Delphin, he came for medical care,
10 he was already sick in Bangui. And if he wanted to establish contact with the MLC
11 President, he would always go through Mustapha Mukiza and that was also the case for
12 Maurice Zeka.

13 Q. Do you know what was discussed, what did Jean-Pierre Bemba discuss with these
14 individuals? What was the subject of their conversation?

15 A. On one occasion in Damara - I mentioned this in my statement - having spoken to
16 Mustapha Mukiza number 1 in MLC, he gave the telephone to Maurice Zeka. Bemba's
17 reply, response? No, I don't know about that, but I heard Maurice speaking. I heard
18 what was said.

19 Q. And could you tell the Chamber what Maurice Zeka was speaking about?

20 A. He was asked about the situation. He confirmed the situation on the ground. He
21 wasn't a soldier, he was a civilian, but he was at the front. He gave a description of the
22 situation at the front. He conveyed information from the commander.

23 Q. I'm just going to ask you to make an effort and clarify something. Could you tell us
24 what you mean "He confirmed the situation on the front"? That's what you said. What
25 do you mean by that?

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1 A. Maurice was there as an intelligence agent, a civilian. In the army you have
2 military intelligence agents, you also have civilian ones. He was also close to Jean-Pierre
3 Bemba. He put questions to him. He spoke about the advance of troops at the front.
4 He also spoke about their supplies, the cases of wounded, and sometimes he also went to
5 Bangui to collect supplies. He was in permanent contact. Whenever Mustapha moved
6 around he was there, but when he was on the phone he spoke about problems of supplies,
7 rations, about their positions at the front, and that's it.

8 Q. You said that Mr Zeka was not a soldier; he was a civilian?

9 A. Yes, he wasn't a soldier. He was a civilian. He's in Zongo right now. He was not
10 a soldier.

11 Q. But you said that you saw or heard that he spoke about military subjects or issues of
12 a military nature with Jean-Pierre Bemba; is that correct?

13 A. Yes.

14 Q. As far as these conversations between Jean-Pierre Bemba and Atandele are
15 concerned, did they also address issues of a military nature?

16 A. Well, not only. They were more concerned with procurement, issues of
17 procurement, fuel, how to transport that Bado (phon), or they spoke about how to
18 transport things by plane. They would deal with logistics in Bangui, and other forms of
19 contact with CAR officials.

20 Q. Apart from the MLC officers in the CAR, were you in a position to know whether
21 Jean-Pierre Bemba was in contact with members of the CAR government or State?
22 Whether they were members of the military or civilians?

23 A. He had his troops in the CAR. He was in contact with the President - first of all,
24 with President Patassé - with the Minister of the Defence. The general director of the
25 Presidential Guard, I've mentioned his name, he was in contact with all those people there,

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- 1 especially with people in the Presidency and with soldiers, some elements from the CAR
2 army. He was in contact with the Presidential Guard and the Minister of Defence.
- 3 Q. The answers you have provided are interesting, but I would like to say -- if you
4 want to tell us how you obtained this information, we can deal with that later. We'll go
5 into closed session later, and then I will ask you how you had this information but we can
6 carry on in this manner, which is perfect.
- 7 A few minutes ago you said that Maurice Zeka was a civilian; that he was a sort of
8 intelligence agent. Do you know whether the MLC had a system in the CAR for
9 intelligence or for obtaining intelligence that was to be conveyed to Jean-Pierre Bemba,
10 right up the chain to Jean-Pierre Bemba?
- 11 A. Yes, you have to have that. They had an intelligence officer in Zongo, and
12 sometimes elements would go to Bangui. And so they were organised in this manner,
13 and there were other civilians involved.
- 14 Q. Yesterday you mentioned the fact that some people from the population were
15 targeted, certain categories were targeted - Central Africans of Chadian or Muslim
16 origin - and you added that Mustapha Mukiza was familiar with that fact. As far as you
17 know, was Jean-Pierre Bemba also aware of the fact that this particular Central African
18 community of Chadian origin was the victim of acts of violence and abuse?
- 19 A. Yes, he was aware of the fact, because occasionally - and (Redacted)
20 (Redacted) that the imams were unhappy. This was discussed at
21 Kilometre 5. He said "Wait, I'll ask about this, but as I said last time you should know
22 that these Muslims of Chadian are generally considered to be rebels by us." The leader
23 was aware of this.
- 24 (Redacted) They are just rebels.
25 There's no way of distinguishing them from civilians." And this is how, as I said last

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1 time, there were many massacres within that community.

2 Q. What I would like to know at this point in time is whether Jean-Pierre Bemba was
3 familiar or aware of this fact?

4 A. Well, if you read my statement, I said, yes, he was aware of the fact. The conflict
5 didn't come from the CAR; it started in the DRC before it crossed the river on the other
6 side. And as Patassé was also involved, well, he was also against the Chadians. He was
7 aware of everything that was going on.

8 Q. You said he was against Debi (phon). Who is Debi?

9 A. When the Chadians started supporting elements of Bozizé's force, there were
10 conflicts. Patassé was involved. Even before this support, things weren't good between
11 the Chadian government and Patassé. The conflict was regional, in a certain sense. At
12 the beginning, Bemba and Kabila were supported by the Chad elements in Gbadolite and
13 they were fighting against MLC elements. (Redacted)
14 (Redacted)

15 After their withdrawal, when they returned to Chad, as I said last time we didn't take long.
16 Patassé and Bemba signed an agreement, a Defence agreement. When Patassé was first
17 threatened by Kolingba, Bemba came to support and help Patassé. And secondly, when
18 he was threatened by Bozizé's elements, he again came to support Bozizé.

19 The Muslims, who were also in civil clothing -- and there were many Chadians in the
20 CAR who were tradesmen and, as a result of that, Bemba was aware of all of this. He
21 was informed by his intelligence service. But as there was this hatred, he just had to
22 clear the terrain. If he found that there were stock-breeders, traders, they would be
23 killed because there was no choice. He was familiar with all of this.

24 Q. On a number of occasions you mentioned various troops, Chadians, rebels. I
25 would like to speak with you about the presence of the troops on the ground. Since

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1 we've been discussing this since yesterday, we know that MLC troops were present on the
2 ground during this conflict. Could you tell us which other troops were present?

3 A. In Bangui, there were men under the government. There were MLC troops, the
4 Central African army and the Presidential Guard included. On the other side, there were
5 the rebels supported by young men. At the beginning there were young Chadians,
6 Central African Muslims, and later the Chadian army also intervened to drive back MLC
7 elements, MLC troops.

8 Q. We have discussed at length actions carried out by the MLC. Did the MLC carry
9 these actions out alone or was this done jointly with other troops?

10 A. At the beginning of the operations, (Redacted) it was mixed, but
11 at one point in time they had to carry out actions on their own. They felt that there were
12 traitors within the CAR who supported the rebellion. Commander Mustapha said "no."
13 Well, on the Damara axis, there were no Central African troops. On the
14 Bossembélé-Bozoum axis, as there were villages along those axes that were close to
15 Patassé, and on the other side, there was the village of President Bozizé. Well, one tried
16 to distinguish between people. There were some elements that provided intelligence to
17 the MLC troops. There were some elements of the Presidential Guard that would
18 provide intelligence to MLC troops. But given the way combat was conducted, no, the
19 troops weren't really mixed; there were just some intelligence individuals who provided
20 information.

21 PRESIDING JUDGE STEINER: Court officer, could we go, please, very briefly into
22 private session.

23 (Private session at 10.16 a.m.) * Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Maître Badibanga, would you mind reading me the last

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1 answer given by the witness as it is in the French transcript?

2 MR BADIBANGA: (Interpretation) I apologise. In response to my question, we spoke
3 about MLC actions, were they carried out alone or did they carry out joint operations
4 together with other troops. The witness said, it's page 15, line 27 in the French transcript,
5 "At the beginning of the operations, (Redacted), they were therefore
6 mixed, but at a certain point in time they were obliged to conduct operations. They felt
7 that there were traitors who were for the rebellion. When I went to the Damara axis,
8 there were no Central African elements there. Along the Bossembélé-Bozoum axis, there
9 were villages of Patassé's that were close to him and to -- on the other side, there was the
10 town of President Bozizé. In order to try and distinguish the people, it's there that there
11 were elements that provided intelligence to the MLC."

12 PRESIDING JUDGE STEINER: And the beginning of his answer?

13 MR BADIBANGA: (Interpretation) The only reference, Madam President, is that he
14 says that "At the beginning of the operations, (Redacted) ..." So that is
15 perhaps what was intended, but I could ask for clarification if you like.

16 PRESIDING JUDGE STEINER: Thank you very much. It was just to check whether
17 there would be a need for redaction. Thank you very much. We can turn back into
18 open session, please.

19 MR BADIBANGA: (Interpretation) I apologise, your Honour. Before we go back into
20 open session, with regards to the parts we only discussed military organisation within the
21 MLC, (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) So that is why on this
25 occasion I didn't pay that much attention to this issue this morning.

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1 PRESIDING JUDGE STEINER: Therefore clarifying the parties and participants. I got
2 the impression that at certain point the witness said, (Redacted) but
3 this is not in the English transcript. So that's why I wanted to check the French transcript.
4 We can go back into open session, please.

5 (Open session at 10.20 a.m.)

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

7 MR BADIBANGA: (Interpretation)

8 Q. You were telling us, Witness, that with regard to the military operations there was
9 support provided by the Presidential Guard and they would provide intelligence but, as
10 for combat itself, the troops were not mixed. To the best of your knowledge, when MLC
11 troops committed acts of violence, rape, looting, when they killed others, when they
12 committed acts of violence against the civilian population, was this done jointly with
13 other troops, or not?

14 A. If we're talking about the Bossangoa-Bossembélé-Bozoum axis, there were certain
15 elements of the Presidential Guard with the MLC troops. But on the Damara-Sibut axis,
16 the troops were not mixed.

17 Q. When you say elements that pointed them in a certain direction -- you said, in fact,
18 "elements that pointed them in a certain direction." What do you mean?

19 A. I mean they showed them, "We are here." There was the village of Bozizé, for
20 example. When you go to markets, there are lots of shops, tradesmen's shops. Most of
21 them are Muslims of Chadian origin. So they would be pointed out. But even MLC
22 troops, well, it's easy to identify these Muslims. They have their appearance, their way
23 of dressing, everyone knows this. So these are the Muslim elements. There were a lot
24 of tradesmen among them. That's how they were massacred and killed.

25 Q. So yet again, it's a matter of intelligence, indications provided with regard to

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1 such-and-such a village, or such-and-such a segment of the population; that is what you
2 are telling us?

3 A. Yes.

4 Q. To continue with the issue of support or interaction between the MLC troops and
5 CAR troops, I would like to talk about the issue of transport with you. How did MLC
6 troops move around and who provided them with a means of transport?

7 A. They had means of transport that the Presidency had provided them with. They
8 also had some jeeps that Libya had also provided the Presidency with. They had lorries
9 and jeeps, Land Cruisers, that served as a means of transport.

10 Q. You say that these jeeps were provided by the Presidency. Are these civilian
11 means of transport or military means?

12 A. For the troops, this means of transport was a military one.

13 Q. I'd like to go back, in very general terms, to what you told us about Jean-Pierre
14 Bemba. You confirmed that, according to your statement, he was in a position to know
15 what was going on on the ground when he acted through members of the military or
16 when he obtained intelligence from civilian intelligence officers.

17 A. Yes, he was familiar with everything that was happening on the ground.

18 Q. You also confirmed in your statement according to which he was in regular contact
19 with Mukiza, with Mustapha Mukiza, who provided him with information on events on
20 the ground?

21 A. Yes, on a daily basis.

22 Q. You also confirmed that he took no measures, as far as you know, to punish soldiers
23 who had committed acts of violence. That's what you said yesterday; is that correct?

24 A. That's correct. No one was punished.

25 Q. At the very beginning of this hearing, you said that (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. I apologise. I'm getting a little bit lost in my notes. Your Honour, could we move
5 into private session at this point in time?

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

7 (Private session at 10.28 a.m.) * Reclassified as Open session

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

9 MR BADIBANGA: (Interpretation)

10 Q. I myself was a bit too fast when putting my questions to you. I do apologise. This
11 will be redacted in any event. You said (Redacted)

12 (Redacted) Could you tell us what duties you had to perform,
13 exactly?

14 A. I was (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. At the time of the conflict that we are discussing in 2002 and 2003, did you still
20 perform such duties?

21 A. I haven't completed my answer. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) I was no longer working.

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1 Q. Your answer is clear, but for the transcript I have to ask you the following question:

2 As part of (Redacted)

3 (Redacted)

4 A. Yes, I did. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. What pushed you, or what pushes you, to testify in this case?

9 A. I wanted to go to the Central African Republic to see what had happened in Bangui
10 and to the north of Bangui, the Damara axis, the Bossembélé-Bossemptélé-Bossangoa axes.

11 We were there, we saw what was going on, and I said during my declaration that I am a
12 Muslim. I saw a lot of bodies that were brought to the mosque around PK5, a number of
13 people that I know, or people that I knew. In 2002/2003, we saw more than 40 bodies.

14 They had been killed by Mr Miskine's elements and by the MLC, and that basically is
15 what motivated me to do what I did. I said that I couldn't simply remain silent.

16 And I would like to add something. People in our part of the world think that it is a
17 political problem, but that's not true. It's reality and in the Central African Republic we
18 risked our lives. (Redacted)

19 They saw that I was not there. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) - - (Redacted)

23 (Redacted)

24 (Redacted) There were even deaths on the Congolese

25 side after the departure of the MLC soldiers.

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1 If they hadn't done more to raise awareness among people to tell them not to kill civilians,
2 not to kill Central African Republicans, then I would not have had to do that, but that is
3 what pushed me. That is what motivated me to testify. It wasn't the political situation.
4 It was the actual situation on the ground that pushed me to basically act the way that I
5 did.

6 Q. Today you talked about communication between Bemba and Mustapha Mukiza.
7 Given that we are in closed session now, maybe you can provide us with some detail as to
8 how you became aware of how these communications took place? How did you become
9 aware of what Mustapha and Bemba were discussing on the phone?

10 A. On two occasions in Damara I was able to hear what Mustapha was saying, but I
11 could not hear what Bemba was saying. Mustapha provided information on the
12 situation of the troops at the front, their situation, developments at the battle-front, how
13 they were advancing, where possible or not, and he also provided the names of wounded
14 soldiers, as well as those who had died, and talked about the evacuation of dead bodies,
15 those which had been taken away and buried in Zongo, and even the possibility of taking
16 the corpses to Bangui and then on to Zongo. So he reported on all those situations to
17 their chief.

18 Q. Where were you physically located in relation to Mustapha when they were having
19 that telephone conversation?

20 (Redacted)

21 (Redacted)

22 heard the conversation. All the other troops present, his bodyguards and other soldiers,
23 also heard what he was saying.

24 Q. How did you become aware of the contacts and meetings between Bemba and
25 Patassé? Who talked to you about those contacts and discussions, or meetings, between

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1 Jean-Pierre Bemba and President Patassé?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. You told us about Bemba's opinion on Chadians, or Central Africans of Chadian

9 origin. How did you become aware of that opinion? Who told you about his opinion?

10 Who told you about his thoughts regarding Central Africans of Chadian origin, or

11 Muslims?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) "No, the position is that all

18 those people are considered to be rebels." So these are statements that were the opinion

19 of the chief. Now, if the chief had instructed that the contrary should happen, then he

20 would have said, "Let us take time to distinguish between the stock-breeders, traders and

21 what have you." So Bemba was aware of this issue and (Redacted)

22 (Redacted)

23 Q. I think you explained to us how you got to know a number of people. Can you

24 explain to us how you got to know (Redacted)

25 (Redacted) Now, I would like to find out from you specifically

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1 about one (Redacted) is that

2 correct?

3 A. Yes.

4 Q. How did you get to know that person?

5 A. He's an old friend and a friend whom I knew while I was in the army. Even before

6 I joined the army, we knew each other. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Mr Witness, that will be all by way of my questions to you in private session, but I

18 would like to find out from you whether there is anything else you would like to tell the

19 Court in closed session before we go back into open session? If there is any such matter,

20 please do so now.

21 A. No, not for now.

22 MR BADIBANGA: (Interpretation) Madam President, with your leave, we can return

23 to open session.

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

25 (Open session at 10.42 a.m.)

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

2 MR BADIBANGA: (Interpretation)

3 Q. Mr Witness, I had told you that we made much progress yesterday and that today
4 we might be able to conclude our examination, so as far as I am concerned I have no
5 further questions for you and I believe that the Chamber and the other parties might have
6 questions for you. So I am done, and before I sit down I would like to find out from you
7 again whether there is any useful information that you would wish to share with the
8 Chamber relating to the events that took place in the Central African Republic in 2002 and
9 2003?

10 A. I believe that we have reviewed more or less the entire situation in the Central
11 African Republic since yesterday and today, and so I think that there is enough
12 information that has been provided.

13 MR BADIBANGA: (Interpretation) Madam President, your Honours, that will be all.
14 We have no further questions for this witness. Thank you.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga. Since the
16 legal representatives of victims were not here yesterday, for reasons that I'm sure were
17 important ones, I would like to ask the legal representatives whether they are ready to
18 start their questioning, or they prefer that we go first into the break so they have some
19 time to get familiar with yesterday's transcripts? Maître Zarambaud?

20 MR ZARAMBAUD: (Interpretation) That is quite correct, Madam President. I think
21 your analysis is in order. We would like to start after the break, if that is fine with you?
22 Thank you.

23 PRESIDING JUDGE STEINER: Mr Witness, legal representatives of victims were
24 authorised to put some questions to you. Therefore, we are going to anticipate our break.
25 We are going to our break right now, half-an-hour break. You can take some rest. We

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- 1 will resume at quarter-past-11.
- 2 I ask, please, the court officer to turn into closed session in order for the witness to be
- 3 taken outside the courtroom. In the meantime, we are going to suspend for half-an-hour
- 4 and resume at quarter-past-11.
- 5 (Closed session at 10.46 a.m.) * Reclassified as Open session
- 6 THE COURT OFFICER: We are in closed session, Madam President.
- 7 (The witness stands down)
- 8 THE COURT OFFICER: All rise.
- 9 (Recess taken at 10.46 a.m.)
- 10 (Upon resuming in closed session at 11.24 a.m.) * Reclassified as Open session
- 11 THE COURT USHER: All rise. Please be seated.
- 12 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
- 13 the witness in.
- 14 (The witness enters the courtroom)
- 15 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 16 (Open session at 11.26 a.m.)
- 17 THE COURT OFFICER: We are in open session, Madam President.
- 18 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back.
- 19 THE WITNESS: (Interpretation) Thank you, your Honour.
- 20 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 21 your testimony?
- 22 THE WITNESS: (Interpretation) Yes, I am indeed, your Honour.
- 23 PRESIDING JUDGE STEINER: I'm now giving the floor, then, to legal
- 24 representatives of victims. They will put some questions to you, starting by Maître
- 25 Zarambaud. You have the floor, Maître.

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1 MR ZARAMBAUD: (Interpretation) Thank you, your Honour, for allowing me to
2 speak.

3 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

4 Q. Good morning, Mr Witness.

5 A. Good morning, Counsel.

6 Q. My name is Assingambi Zarambaud. I work at the Central African Bar; I'm a
7 member of the Central African Bar. (Redacted)

8 (Redacted) Perhaps you have heard my name or perhaps we have met here.

9 I am one of the representatives of victims and, as such, I will be putting a certain
10 number of questions to you. I would like, first of all, to thank the Bench for having
11 allowed us to see what transpired yesterday before we formulated our questions
12 because, due to circumstances beyond our control, we left Bangui on 21 August at
13 3 o'clock and we arrived in Amsterdam on 23 August at 3 p.m. as well, so 48 hours of
14 transit is something which has left us a bit tired.

15 The second thing, Mr Witness, is that I would like to apologise if I ask you questions
16 which have already been put to you by the Office of the Prosecutor, but I will have to
17 ask you a certain number of these questions. Please rest assured that this is not
18 needless repetition.

19 We read yesterday's transcripts, but I can't guarantee that I was able to read it in great
20 detail and to glean as much information that I should have, so I may be putting to you
21 questions which have already been asked and I would like to apologise for that.

22 And lastly, if my questions are preceded by quotes of your answers, answers to your
23 questions that you gave to investigators or from members of the Office of the
24 Prosecutor, that, sir, is because I would just like to take you back into the context so
25 that you will understand why I am asking a given question.

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1 Now, having said that, I will move on to my first question. This will be preceded
2 also by a quote, over which I will skip, but I would just like to ask you to begin with
3 the first question, the following question:

4 In Central Africa we call the MLC soldiers who came to support former President
5 Patassé the Banyamulengue. In your opinion, is this an appropriate term for these
6 soldiers?

7 A. Yes, that is how we call the soldiers in the Central African Republic, the
8 Banyamulengue, but we should actually have called them ALC. But, as the Central
9 Africans call them Banyamulengue, that's basically what everybody called them.

10 Q. Thank you. You have clearly understood the need to speak slowly despite the
11 fact that I did not remind you of that and also to wait five seconds after the end of my
12 question before you answer. Now, as I was saying sir, in my series of questions I
13 will talk to you about assassinations and rapes which were committed by the
14 Banyamulengue or by those whom the Central Africans call the Banyamulengue, and
15 these questions have also -- have already been put to you actually by the Office of the
16 Prosecutor so I will skip them.

17 This takes me to my second series of questions and this has to do with the status of
18 the part of the Congo which was under the control of the MLC during the
19 intervention of these troops, of these soldiers, in the Central African Republic. Is it a
20 state like any other? What was the status from an international point of view?

21 What was the status of that part of the Congo, according to your knowledge, sir?

22 MR KILOLO: (Interpretation) I would like to object to that question. I don't think
23 that the witness is an expert in international law and therefore he cannot accurately
24 answer that question.

25 PRESIDING JUDGE STEINER: Since the question is asking about in the views of the

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1 witness, who is a lay person, it is everyone's knowledge that he is a lay person, I don't
2 see any prejudice to the Defence in the witness giving his opinion, if he has any in
3 that respect. You can proceed, Mr Witness.

4 THE WITNESS: (Interpretation) Thank you, Maître Zarambaud. The MLC at that
5 time was a rebel movement, part of a rebellion, and they occupied part of Équateur
6 and also the Orientale Province. It's a relatively complex history but they occupied
7 parts of the two provinces which I just mentioned, Équateur and Orientale, but they
8 had no mandate to do so, no mission to do so. It was part of a rebellion. And
9 if -- and they were involved in the MLC to protect, as I said, their support base, but
10 I don't know if the United Nations, in the cases of conflicts, could call upon rebels.

11 MR ZARAMBAUD: (Interpretation)

12 Q. Thank you very much, Mr Witness, that was my second question in that series
13 of questions. There were others, but I think that as you have already answered them,
14 that we can move on to the next series of questions.

15 I would now like to move on to my third set of questions. Here again, for security
16 reasons, this question was not put to you and for that reason, for the same reasons,
17 I am not going to ask you these same questions. That will move me on to my fourth
18 set of questions, and here you said the following: You said you went to Damara in
19 the month of February of 2003 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Yes, your Honour?

25 PRESIDING JUDGE STEINER: Let's go into private session, please.

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- 1 (Private session at 11.36 a.m.) * Reclassified as Open session
- 2 THE COURT OFFICER: We are in private session, Madam President.
- 3 PRESIDING JUDGE STEINER: Maître Zarambaud, I would like you to pay attention.
- 4 If you are going to quote parts of the transcripts in which there are identifying
- 5 information about the witness, that you refrain from doing it in public session. If
- 6 need be, we can go into private session.
- 7 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour. I
- 8 thought the name (Redacted) had already been used, so I will now put the question to
- 9 the witness.
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted) Thank you, Maître
- 14 Zarambaud. We can turn back into open session.
- 15 (Open session at 11.38 a.m.)
- 16 THE COURT OFFICER: We are in open session, Madam President.
- 17 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.
- 18 Q. Mr Witness, I have another question to put to you. Do you know if the leader
- 19 of the Banyamulengue, the soldiers who were called Banyamulengue in Central
- 20 Africa, knew that motors and that other parts of vehicles, and that bales of cotton had
- 21 been looted, and do you know if any measures were taken for those looted items to be
- 22 moved or sold in Central Africa or sent to Zongo, Zongo being in the Democratic
- 23 Republic of the Congo?
- 24 A. Yes, I believe I already explained that. (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted) I believe we were in private, or in closed session.

3 PRESIDING JUDGE STEINER: Let's go into private session, please.

4 (Private session at 11.39 a.m.) * Reclassified as Open session

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

6 PRESIDING JUDGE STEINER: You can proceed with your answer, Mr Witness.

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

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) But these were not the

12 Banyamulengue trucks.

13 The cotton was sold at PK5. Other things were sold at kilometre cinq. Foam was

14 sold, the mattresses were sold at Kilometre 5 as well, and I can also say that there

15 were many other things. Now, the leaders were the ones who were doing this.

16 There were many examples of this. There was the -- the leaders were the ones who

17 were doing this but that went of course all the way down the chain of command.

18 MR ZARAMBAUD: (Interpretation)

19 Q. Thank you, Mr Witness. I believe that the Presiding Judge's comments earlier

20 concerning the name (Redacted) were that I should not say anything that might (Redacted)

21 (Redacted) but these go for you as well. We're in a -- we're in private session,

22 but you must understand that when we go back into open session that you must not

23 say anything that might make it possible (Redacted)

24 So, having said that, Madam President, if you wish, I suggest we move back into open

25 session.

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1 PRESIDING JUDGE STEINER: Court officer, please, let's turn into public session.

2 (Open session at 11.42 a.m.)

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

4 MR ZARAMBAUD: (Interpretation)

5 Q. Thank you, Mr Witness. I would now like to move on to my fifth set of

6 questions. The first question is fairly simple: You just spoke to us about looted

7 items which were large and which were heavy. You gave your opinion, but for the

8 transcript I would like to ask the question again. In your opinion, sir, was the sale of

9 such large and heavy items something which could be done without the leaders

10 knowing what was going on? In particular, Mr Jean-Pierre Bemba.

11 A. Well, these things were not brought in the middle of the night; they were

12 brought in front of everybody else. There were a number of intelligence people who

13 were there as well, and I imagine that their leader knew everything that was going on.

14 Q. Thank you very much. You have already answered the question which I was

15 going to ask you and would you -- what you just said is basically an answer already

16 to a question I was going to ask you. Do you know if there were any legal -- any

17 legal punishment set up for serious infractions?

18 A. I talked about that and I said that there were no disciplinary measures taken.

19 Everybody was -- all those people were free. Nobody received any kind of discipline,

20 neither in the Central African Republic nor in the DRC. When they went back to

21 Central African Republic -- in the Central African Republic there was nothing set up

22 to ensure discipline, and when they went back to the DRC, as I just said, there was

23 nothing in place there either to ensure that discipline was meted out.

24 Q. Thank you. In your statement - and I'm sure you talked about this

25 yesterday - you referred to events which took place in Mongoumba,

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1 CAR-OTP-0043-0223. The next to last paragraph is the reference; the (Indiscernible)
2 which was done by the Central African soldiers and the reprisals which occurred
3 subsequent to that. Could you please tell the Chamber what you know about those
4 events?

5 A. Yes, there were a number of soldiers who received goods from Mukiza's wife,
6 and those goods were moved across the river to Libenge and the order was given to
7 the battalion that was there and the battalions could never move without the
8 commands of their leader, Mr Jean-Pierre Bemba. They would never have
9 undertaken such an operation if Mr Bemba was not aware of what was going on, if he
10 had not ordered it. So they crossed the river and they pillaged the city of
11 Mongoumba, and I remember a former mayor of the city whose wife was raped.
12 They took everything out of Mongoumba. Everybody knows that. It's public
13 knowledge. They pillaged the city and they crossed the river again back to the DRC,
14 and none of those soldiers were disciplined in any way.

15 Q. Thank you. I now have a series of questions concerning the presence, or
16 non-presence, of Central African soldiers alongside the Banyamulengue for the
17 fighting or also -- and/or for the commission of certain acts of abuse and violence to
18 which you have referred. Earlier you said that -- earlier you gave answers to certain
19 questions to -- certain answers, excuse me, to questions which were put to you by the
20 OTP. I'm therefore not going to go back over those questions. I would like to move
21 directly on to my next set of questions.

22 You also talked about payments, about salaries, pay for the soldiers. At one point
23 you said that, when you went to Damara, that the soldiers were complaining that they
24 had not been paid. Did this situation last for the entire duration of the
25 Banyamulengue in the Central African Republic, and here once again I'm referring

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1 specifically to the non-payment of their salaries?

2 A. I talked about that at the beginning. When they crossed the river they got
3 2,000 CFA francs per person but, once they crossed the river and throughout their
4 deployment to the Central African Republic, they were not paid at all. They were
5 not paid.

6 Q. Thank you very much. I have a series of questions concerning the
7 punishments which you have already referred to, so therefore I'm not going to go
8 back over those questions as you have already answered them.

9 I also had a number of questions on the telephone communications, or Thuraya
10 communications, between Jean-Pierre Bemba and his elements which were in the field,
11 but there again, sir, you have already answered those questions and therefore I will
12 not put them to you again.

13 I also had a question which had to do with the telephone conversations between
14 Bemba and his elements who were deployed in the field. Did they talk about any
15 acts of abuse and violence which were committed on civilian populations? You said
16 that you could not hear what Jean-Pierre Bemba said, you could only hear what the
17 person he was speaking with spoke, the person who was next to you, but there again I
18 have an answer to that question and so I will not ask it either.

19 I have a general question to put to you, sir. You said that the MLC was a rebellion
20 and that they were not authorised to send soldiers to another State, but in -- in the
21 other State there was a legally constituted power. According to you, who was the
22 actual commander of the operations in the field of this dualist -- dual operation?

23 A. I thought that it was in Bangui at the time, that there were officers in Bangui.
24 There were Libyan troops in Bangui at the airport, three or four squads. There were
25 also some Sudanese troops in Bangui. With regards to the MLC elements, this was

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1 their support base and the command of that post went clearly back up to Jean-Pierre
2 Bemba. Once -- it was very clear, once Patassé's regime fell, that things would be
3 very difficult for Mr Bemba. There was (indiscernible) in 2003 and 2007, and all of
4 that was due to the events to which I've been referring.

5 MR ZARAMBAUD: (Interpretation) Thank you very much. I was in Bangui at
6 that time and I know what happened of course in my country, but when I ask you
7 questions basically it's just to make sure that everybody here and the Chamber
8 understands what was going on as well. So your questions -- your answers, excuse
9 me, were very clear. I have no more questions to ask you, and I would like to thank
10 you for having taken the time to answer my questions and I would like to thank the
11 Bench for having given me the opportunity to put those questions to you.

12 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. I now give the
13 floor to Maître Douzima.

14 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

15 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

16 Q. Good morning, Mr Witness.

17 A. Good morning.

18 Q. My name is Maître Marie-Edith Douzima. I am a legal representative for the
19 victims, as is Maître Zarambaud who just put a certain number of questions to you.
20 We were not able to speak with you earlier for reasons which were presented by
21 Maître Zarambaud. Now, as a legal representative for the victims of the MLC who
22 were authorised to participate in these proceedings, our job is to present the views
23 and concerns of the victims that we represent to the Chamber. That's why we asked
24 the Bench to allow us to put a certain number of questions to you, and as Maître
25 Zarambaud just said, despite the fact that we were in Bangui when these events

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1 occurred it is important for us to ask questions of you because that will make it
2 possible for the Chamber to understand what was going on at that time and to
3 properly judge in this case.

4 Mr Witness, I would like to ask you questions which have to do with the statement
5 which you made to the Office of the Prosecutor during the investigation, and I will
6 end up -- I will end my questioning with two follow-up questions. These are
7 answers also which you gave to the Prosecutor, but these answers that you gave this
8 morning here in Court.

9 Now, as Maître Zarambaud said, we were not able to attend your questioning
10 yesterday, and for that reason we may at times ask you questions which you have
11 already answered.

12 Your Honour, with your leave, I would like to ask my first question in private session
13 in order to avoid my question making it possible to identify the witness.

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

15 (Private session at 11.56 a.m.) * Reclassified as Open session

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

17 MS DOUZIMA-LAWSON: (Interpretation)

18 Q. Mr Witness, I would like to refer to the investigation statement. 0043-0207 is
19 the reference. You said that you worked in the (Redacted) I would like to
20 know why, when Bozizé's troops arrived on March 15, 2003, you stopped working in
21 that (Redacted)?

22 A. Thank you. That day (Redacted). Looting took place throughout
23 Bangui. There was killing. I went -- I went to (Redacted) and I saw that the
24 windows had been broken, (Redacted) had been stolen, and for that reason we had
25 to close (Redacted)

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1 MS DOUZIMA-LAWSON: (Interpretation) Thank you.

2 Your Honour, with your leave, we can now move back into open session, please.

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

4 to remind Maître Douzima that sometimes your questions can be slightly rephrased

5 in order to avoid any identification information. Turn into open session, please.

6 (Open session at 11.58 a.m.)

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

8 MS DOUZIMA-LAWSON: (Interpretation)

9 Q. Mr Witness, we are now in open session. The comments just made by the

10 Presiding Judge should be applied to both of us. I will do my best to make an effort.

11 I would like to ask you to do the same. I would now like to refer to 0043-0209, and I

12 would like to know how you knew that Mustapha Mukiza was the commander of the

13 MLC soldiers in the Central African Republic?

14 A. As I told you, I was there. (Redacted)

15 (Redacted), and everybody -- everybody knew that he was the commander. He was in touch

16 with the Head of State, Patassé, and he was in contact with General Bombayake. He

17 was in contact with all of those people. He was the number 1. He was the real

18 leader of those soldiers.

19 Q. Did (Redacted) who appointed him, who appointed him as the commander of

20 the operations?

21 A. He was appointed by the president of his movement, Mr Jean-Pierre Bemba.

22 Q. Witness, on that very same page that I mentioned just a minute ago, you said

23 that apart from Mustapha Mukiza there were other (Redacted) but -- members of the

24 military and civilians, such as the MLC representative in Bangui whose name was

25 Jean-Baptiste Atandele Soge. Could you tell the Chamber whether Atandele was a

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1 civilian or a soldier?

2 A. Mr Atandele was a civilian, not a member of the military. He was a member of
3 parliament in the DRC, not a member of the military.

4 Q. As an MLC representative in Bangui, did Atandele issue orders to Mustapha?

5 A. No, nothing of that sort. Orders were issued by Jean-Pierre Bemba. No one
6 had command or authority over Mustapha. Atandele couldn't give him any orders,
7 no one apart from his main commander.

8 Q. On the same page, you said that (Redacted) whose name -- or, rather,
9 nickname was Coup-Par-Coup, "blow-for-blow." Do you know why he had such a
10 nickname?

11 A. I don't know, but Coup-Par-Coup means Coup-Par-Coup, "blow-for-blow."
12 You've heard about this, it's the blow of a bullet or (indiscernible). But that's his
13 nickname; I don't know his real name.

14 Q. I'm now going to refer to page 0043-0210. Witness, you said that when you
15 were in Mobayi Banga in the CAR in 1999 Bemba arrived with Patassé to convince
16 you to join the MLC, to persuade you to do so. Your commander of operations
17 joined Bemba, but Bemba killed him. Do you know why Bemba killed him?

18 A. Yes. His name is Mr Nsau Deward. He wanted to flee the MLC. He was
19 intercepted on the Bossabola (phon) axis with a motorbike which had broken down.
20 It was seized by troops. He was placed in prison. He was then poisoned, his food
21 was poisoned, according to the information I had. And all MLC troops in Gbado are
22 aware of this. That's it.

23 Q. You want to say that he was poisoned in the MLC?

24 A. Yes, he was poisoned within the MLC.

25 Q. I'm still referring to the same page, Witness. On that page you also stated that

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1 you had seen Bemba from a distance when he arrived in Bangui at the end of 2002
2 and up until March 2003. How is it that you know that he came either to inspect his
3 troops or to collect fuel or money for his troops?

4 A. Yes. His presence in Bangui, well, (Redacted)

5 (Redacted)

6 (Redacted) Every time he came, he said "Well, the boss has

7 arrived." And when he came he had to go and give him a report, if it was in Bangui

8 not at the front.

9 Sometimes he would arrive and Mustapha wasn't in Bangui, he would be at the front,

10 so sometimes Atandele went to welcome him. He would arrive in a helicopter.

11 Sometimes he would go to Zongo and then they'd take a helicopter to the airport in

12 Bangui. Sometimes he'd come by plane. It was well known in his surroundings

13 and (Redacted)

14 Q. I'm now referring to 0043-0214, to that page. Witness, do you know why

15 Daso's nickname was "Rambo"?

16 A. Yes, it's a nickname you often give to people who behave badly, who behave

17 like Rambo. He was a bit brutal. It's someone who also used a lot of cannabis, we

18 call it bangi (phon). He was a mechanic. He would break down all the lorries that

19 would be looted on the roads. So that's a nickname one gives to people who are like

20 Rambo.

21 Q. Who gave him this nickname, the nickname Rambo?

22 A. I think he chose it himself. He baptised himself. He was too brutal. And

23 everyone in his family is like that; they're all brutal.

24 Q. On page 0043-0216, Witness, you stated that there were many massacres in

25 Busengele (phon). Who was massacred and for what reason?

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- 1 A. I spoke about that. We're in open session, we can't go into details, but there
2 were a lot of massacres. Many people were killed, a lot of stock-breeders and
3 tradesmen, and Muslims were killed. All those who had possessions in Bossembélé.
4 It was all along the road, right up to Bossangoa.
5 Sometimes when there was fighting, they would flee to Bangui and there would
6 be -- their things would be stolen. The stock-breeders paid a high price. They were
7 in the bush, sometimes troops would go and look for them in the bush, in the forest.
8 They would take their cattle, their money. Massacres took place everywhere.
9 PRESIDING JUDGE STEINER: Mr Witness, you say that you can't go into details
10 because we are in open session. Would you like to give any further information in
11 your answer? We can go into private session.
12 THE WITNESS: (Interpretation) I have already provided the answer of a friend. I
13 said that he had committed a certain act. They can go there and find the answer.
14 MS DOUZIMA-LAWSON: (Interpretation)
15 Q. You said that there were troops who went to the bush to look for the
16 stock-breeders. Which troops, which elements, are you referring to?
17 A. We're talking about the Banyamulengue, MLC troops.
18 Q. Thank you. I'll go on to another page, 0043-0220. You said that Abdoulaye
19 Miskine, the Chief of the Presidential Guard, had done much wrong. What did he
20 do exactly?
21 A. Sometimes we regretted not having people like Abdoulaye Miskine. He killed
22 a lot of people in the CAR. He killed at PK12; he killed in Kabo, Kaga-Bando (phon),
23 almost everywhere. This is someone who was in permanent contact with others.
24 President Patassé trusted Abdoulaye Miskine more than Bombayake himself. And
25 as he had this blind confidence in him, he could do anything.

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1 You are also well informed of what Abdoulaye Miskine did. He committed a lot of
2 blunders, crimes. He killed a lot of people. Half of the crimes committed at PK13
3 and in other parts of Bangui were attributed to Abdoulaye Miskine.

4 THE INTERPRETER: So the Witness, in fact, said that "We can't regret not having
5 people like Abdoulaye Miskine," at the beginning of his answer.

6 MS DOUZIMA-LAWSON: (Interpretation)

7 Q. Your answer, Witness, is for the Chamber. I can't know everything that
8 happened at the time in the CAR. With regard to your answer, I would like to ask
9 whether Abdoulaye Miskine fought by the side of the MLC when these crimes were
10 committed?

11 A. Yes, Abdoulaye Miskine had troops in Kabo on the axis that leads to the other
12 side of Chad, the Kaga-Bando (phon) Kabo axis, but he would appear from time to
13 time. And there were Abdoulaye Miskine troops that were together with MLC
14 troops in Bossangoa and Bossembélé. He also went there because he was very
15 mobile. It was a military leader. Sometimes he would go as far as Bangui to give
16 reports to Patassé and would do these things. That's all.

17 Q. Witness, my question was whether Abdoulaye Miskine's troops fought together
18 with MLC troops.

19 A. I said that, yes, at the beginning -- I said, yes, at the beginning they acted
20 together. There were some officers or intelligence officers who were with them, but
21 when they fought they didn't fight together. They -- there were these intelligence
22 elements that supported them.

23 When troops advance, sometimes you have support from the rear. As far as the
24 MLC is concerned, they provided intelligence support - and this was provided by the
25 Presidential Guard - but when it came to fighting, the troops weren't mixed with

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1 troops from the CAR.

2 Q. Thank you. On 0043-0221 is the page I'm now referring to. Witness, you said
3 that your friends from the MLC told you that they had killed and stolen items and
4 that everyone did this. What do you mean when you say "everyone"? What did
5 they mean?

6 A. Madam, I've already spoken about this. When the leader himself, and I have
7 spoken about proof, well, when you want to send all these troops in to the other side
8 of the river, well, they had to apply the article. We referred to yesterday Article 15.
9 They had to do what was necessary to have certain provision, so they had to commit
10 these crimes. They killed a lot. When I say "everyone," I'm referring to MLC troops.
11 All these troops were obliged to do what their leader was doing.

12 Q. Thank you, Witness. I'm still referring to the same page and on that page you
13 spoke about crimes that targeted the Chadian community in the CAR. I want to
14 know what sort of crimes these Chadians were the victims of in the CAR, what sort of
15 crimes did the MLC commit against them?

16 A. They were killed. There were women. There are other Chadians whose
17 goods were looted. These are Central Africans of Chadian origin; many of them are
18 of Chadian origin. You know, there is this tendency, there are the Saras who are
19 Central Africans but of Chadian origin. They also said that Patassé was born in
20 Doba. So these people, their goods were stolen. They were the target. They were
21 tradesmen. You could obtain goods from them and take them to the other side.
22 You could obtain money from them. So that's what happened. Their possessions
23 were stolen; their women were raped; the boss of shops was taken aside; the goods
24 were taken. So it was necessary to kill them and in this manner they killed many of
25 these people, many of these tradesmen, Muslims, Central Africans of Chadian origin.

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1 There were other people, the Fulatas (phon) that lost many of their possessions in this
2 story.

3 PRESIDING JUDGE STEINER: Our interpreters and court reporters are having
4 difficulties in following you. Thank you.

5 MS DOUZIMA-LAWSON: (Interpretation)

6 Q. Witness, on the very same page, you spoke about a family that was massacred.
7 Where was this family located, the family whose possessions were taken in their
8 entirety?

9 A. According to the information received, it was in Bossembélé. Perhaps we
10 could go into closed session so that I can provide more precise details.

11 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, the witness would like
12 to provide certain details in closed session.

13 PRESIDING JUDGE STEINER: I was awaiting the transcript in English. Court
14 officer, please turn into private session.

15 (Private session at 12.19 a.m.) * Reclassified as Open session

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

17 THE WITNESS: (Interpretation) Yes, you weren't here yesterday. I spoke about a
18 (Redacted) who joined the MLC in Zongo. His name was (Redacted) (phon) is what he
19 was often called. He was among the officers who had the (Redacted)
20 (Redacted) 11 officers of that kind who had been given the status of
21 refugees in the CAR. (Redacted) there were three who left to join the MLC. There
22 was (Redacted) at the head and this (Redacted) also left with troops at
23 Bossembélé. That's where he committed these crimes with the MLC troops. They
24 raped the daughter of this mother, a Central African lady, not of Chadian origin, of
25 Central African origin. Her family lived near (Redacted)

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1 They found (Redacted) passing by the embassy. This was near the axis that leads to the
2 house of a prime minister near the embassy. I've forgotten his name. He was in a
3 (Redacted) They intercepted (Redacted) there. He was with some troops and the girl
4 automatically said in Sango --

5 THE INTERPRETER: The witness spoke in an African language, in Sango.

6 THE WITNESS: (Interpretation) She said that "He killed my mother." When (Redacted)
7 saw her, well, he knew it was the daughter of the girl he had raped on the other side
8 and he fled and entered the embassy, the other embassy. This story is well known
9 by the diplomats in Bangui - I don't know if they're still there - and it's a story that's
10 known by the refugees as well. And later it was night, he had to cross the river and
11 go to the other side, and now, as I'm speaking to you, he's in the army as a member of
12 the MLC troops. He's a captain in Kinshasa, he works in town. (Redacted)
13 (Redacted) (phon),
14 (Redacted) I spoke
15 about that here. I just wanted to clarify that for you. We can go back into open
16 session now, thank you.

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

18 (Open session at 12.23 p.m.)

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

20 MS DOUZIMA-LAWSON: (Interpretation)

21 Q. Witness, thank you for these clarifications. I now have two minor questions
22 that I want to put to you that have to do with the answers you gave to the Prosecution
23 earlier on. My first question is as follows: It relates to page 15, lines 19 to 22 of
24 today's transcript, naturally, and Witness, you said that on the other side there were
25 rebels who were supported by young men. They were first young Chadians,

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1 Muslims, and later the Chadian army intervened to drive back MLC troops. The
2 question was: When did the Chadian army intervene to drive back MLC troops?

3 A. Yes, Madam. I believe that when the Chadian community was in the embassy,
4 near the embassy in the CAR, well, they also left to Chad on the other side. The
5 intervention of the Chad army was in the month of March, at the beginning of March.

6 It was at that time that the President of Chad engaged many officers, many troops.
7 They had come with Bozizé's army to drive back the Banyamulengue.

8 Q. Was it at that time then that there was the coup d'état of 15 March 2003?

9 A. Yes, that was the period.

10 Q. Thank you. And my last question, on page 16, lines 5 to 8, you spoke about the
11 Bossembélé-Bozoum axis where there were rebels, along which there were rebels, and
12 close to the other side there was the town of President Bozizé. Do you know the
13 name of President Bozizé's town?

14 A. Yes, it's Bossangoa. I wanted to refer to Bossangoa. I couldn't remember the
15 name of the town but it was Bossangoa.

16 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Witness, for having
17 answered all my questions. I have no further questions for you.

18 Your Honour, I have now completed my examination. Thank you very much.

19 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. I would
20 like to ask Maître Kilolo whether Defence would be ready to start or if Defence
21 prefers to start after the break?

22 MR KILOLO: (Interpretation) Yes, your Honour, we are ready to start
23 immediately.

24 PRESIDING JUDGE STEINER: Mr Witness, now then, the Defence will start
25 questioning you. I just want to remind Defence that since we started a little bit in

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1 advance, we are going to suspend in 15 minutes. But in any case, if Defence wishes,
2 you have the floor, Maître Kilolo.

3 MR KILOLO: (Interpretation) Thank you, your Honour, for giving me the floor.

4 QUESTIONED BY MR KILOLO: (Interpretation)

5 Q. Witness, good day.

6 A. Good day.

7 Q. Let me introduce myself. My name is Maître Aimé Kilolo, I am one the
8 lawyers representing Jean-Pierre Bemba, and I will be cross-examining you about the
9 events we are interested in. Do you understand?

10 A. Yes, Maître.

11 Q. I'd like to remind you of the five-second rule, in order to facilitate the work of
12 the court reporters and, above all, I would like to ask you to -- well, given that the
13 subject matter we are dealing with is very broad, I would like to ask you to be as
14 succinct as possible when answering my questions. Try and answer my questions
15 by providing brief answers, which is what you did when questioned, when examined
16 by the OTP and the legal representatives. Do you agree?

17 A. Yes.

18 MR KILOLO: (Interpretation) Your Honour, could we move into closed session,
19 please.

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

21 (Private session at 12.29 p.m.) * Reclassified as Open session

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

23 MR KILOLO: (Interpretation)

24 Q. Witness, do you remember having stated before this Chamber, but also to the
25 investigators, that you were in (Redacted) of the FAC, the

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1 Congolese armed forces?

2 A. Yes.

3 Q. I am referring to the document CAR-OTP-0043-0246 (sic). My question,

4 Witness, is as follows: During which period of time did you hold this position?

5 A. Since 1997.

6 Q. Since 1997, you say. Can you confirm that you are still working, or that you

7 were working at the time, (Redacted)

8 (Redacted)

9 A. I stopped working in July of '99, when I travelled to the -- when I moved to the
10 Central African Republic.

11 PRESIDING JUDGE STEINER: Sorry, Maître Kilolo. Could you please confirm the
12 reference number you gave in your previous question?

13 MR KILOLO: (Interpretation) Yes, your Honour. This is the document, for the
14 French version in any event, CAR-OTP-0043-0206.

15 PRESIDING JUDGE STEINER: Thank you. Sorry, it was just for the correction of
16 the English transcript then. Thank you.

17 MR KILOLO: (Interpretation)

18 Q. Mr Witness, is it true that you were in Gbadolite in the Équateur province and
19 that your soldiers were fighting against MLC units belonging to Mr Jean-Pierre
20 Bemba?

21 A. Yes. Yes, in 1999. Yes.

22 MR KILOLO: (Interpretation) For the transcript we are still referring to the same
23 reference, CAR-OTP-0043-0206.

24 Q. Mr Witness, (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted) We were also short of ammunition.

3 Q. For clarity's sake, are we to understand that you were (Redacted)

4 (Redacted) under the presidency of Mr Kabila from 1996

5 to 1999? Is that correct?

6 A. Yes, under the presidency of Kabila Senior.

7 Q. During that period from 1996 and the end of 2002, so between 1996 and the
8 month of October of the year 2002, did you have any contact with (Redacted)?

9 A. No, I did not have any contact during that period with (Redacted)

10 I had contact with him once he arrived in Bangui. Before I was talking to you about
11 1999 to 2002.

12 Q. The question is to know whether you had personal contact with (Redacted)
13 (Redacted) between 1996 and October 2002?

14 A. Excuse me, I didn't follow your question. I had contact with (Redacted)
15 between 1996 until 1997/'98, end of '98, when the soldiers arrived, and then the last
16 time -- the next time I saw him was in October in Bangui.

17 Q. Sir, are we to understand from your answer that you had contact with (Redacted)
18 between '96 and 2002? Is that indeed what you are saying, sir?

19 A. No. No, what I said was I had contact with him during the war of liberation
20 from 1996 to 1997 and beginning of '98, and then I met him the next time when he
21 arrived in Bangui in 2002. That is the next time that I had contact with him. So
22 between '98 and 2002, (Redacted) did not see each other.

23 Q. If I understand you correctly, you said that you had contact with (Redacted)
24 (Redacted) between 1996 and 1998; is that correct?

25 A. Yes.

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1 MR KILOLO: (Interpretation) I would like to refer to the statement that you made
2 to the investigators from the Prosecution, and I would like to ask the court officer to
3 please display on the screens document CAR-OTP-0043-0199. I would like him to
4 please display page CAR-OTP-0043-0209. I would like to ask him to please display
5 clearly the three last paragraphs that are on that page.

6 THE COURT OFFICER: The document as referenced by counsel is available on your
7 screens. This document is classified as confidential.

8 MR KILOLO: (Interpretation)

9 Q. Mr Witness, you have a document on the screen in front of you, page
10 CAR-OTP-0043-0209. This question was already put to you, sir, by the Office of the
11 Prosecutor on 1 July 2009. I would like to quote the question: "Between 1996 and
12 the end of 2002, did you have contacts with (Redacted) Your response: "No, I had
13 contact with him again when he arrived in Bangui, then during the time of war from
14 the end of 2002 to 15 March 2003 there, yes, I did have contact with him."

15 Mr Witness, what version are we to choose of the two?

16 A. Well, if you look at the top, you're going to see that it's someone that I knew
17 from the first war of liberation of the Congo. Back in 1996 they went to Bangui (Redacted)
18 (Redacted) I said or I added "again," which means that
19 I had already had contact with him and had contact with him again once he moved to
20 Bangui, and then during the war from the end of 2002 to March 15, 2003.

21 MR KILOLO: (Interpretation) Mr Court Officer, I no longer need the document
22 displayed on the screen. Thank you.

23 Q. Mr Witness, during your statement to the Office of the Prosecutor, you
24 mentioned a certain (Redacted). You mentioned this person at least six times. I'd like to
25 give you the references: CAR-OTP-0043-0224, 0043-0232, next CAR-OTP-0043-0234

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- 1 and again CAR-OTP-0043-0238 and CAR-OTP-0043-0244, and lastly
- 2 CAR-OTP-0043-0262. Can you please provide the Chamber with the full name of the
- 3 individual to whom you have referred as (Redacted)
- 4 A. His name is (Redacted) I've seen his ID card. (Redacted) is the name
- 5 that we knew him under.
- 6 MR KILOLO: (Interpretation) I see that we have 15 minutes left, your Honour.
- 7 PRESIDING JUDGE STEINER: Court officer, turn first into open session, please.
- 8 (Open session at 12.44 p.m.)
- 9 THE COURT OFFICER: We are in open session, Madam President.
- 10 PRESIDING JUDGE STEINER: Mr Witness, we'll have now a longer break. We
- 11 hope that you can use such time in order to take some rest. Although we are
- 12 suspending a little bit earlier, we will keep the regular time for the afternoon session.
- 13 We will resume, therefore, at 2.30.
- 14 I ask, please, the court officer to turn into closed session in order for the witness to be
- 15 taken outside the courtroom. In the meantime, we are going to suspend and we'll be
- 16 back at 2.30. Court officer, please.
- 17 (Closed session at 12.46 p.m.) * Reclassified as Open session
- 18 THE COURT OFFICER: We are in closed session, Madam President.
- 19 (The witness stands down)
- 20 THE COURT OFFICER: All rise.
- 21 (Recess taken at 12.47 p.m.)
- 22 (Upon resuming in closed session at 2.36 p.m.) * Reclassified as Open session
- 23 THE COURT USHER: All rise. Please be seated.
- 24 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask, please,
- 25 the court usher to bring the witness in.

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- 1 (The witness enters the courtroom)
- 2 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 3 (Open session at 2.38 p.m.)
- 4 THE COURT OFFICER: We are in open session, Madam President.
- 5 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome back.
- 6 THE WITNESS: (Interpretation) Thank you, your Honour.
- 7 PRESIDING JUDGE STEINER: Can we continue with your testimony?
- 8 THE WITNESS: (Interpretation) Yes.
- 9 PRESIDING JUDGE STEINER: Therefore, I'll give the floor back to Maître Kilolo.
- 10 MR KILOLO: (Interpretation) Thank you, your Honour, for giving me the floor.
- 11 Q. Good afternoon, Witness.
- 12 A. Thank you. Good afternoon, Maître.
- 13 MR KILOLO: (Interpretation) Your Honour, could we move into private session,
- 14 please?
- 15 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 16 (Private session at 2.39 p.m.) * Reclassified as Open session
- 17 THE COURT OFFICER: We are in private session, Madam President.
- 18 MR KILOLO: (Interpretation)
- 19 Q. Witness, under what circumstances did you meet (Redacted)
- 20 A. I met him in (Redacted)
- 21 Q. Were the circumstances under which you met him particular? Were they
- 22 professional, or private? Could you tell us any more about the circumstances?
- 23 (Redacted)
- 24 (Redacted) There were individuals from Province Orientale, the same province I
- 25 come from, the main sub-region over there.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR KILOLO: (Interpretation) For the sake of precision, I would like to draw the
5 Chamber's attention to the following reference: (Redacted)

6 (Redacted)

7 Q. Witness, according to the information we have at our disposal, but also
8 according to the information that the Chamber has at its disposal, (Redacted)
9 (Redacted) Is this information correct?

10 A. That's absolutely false.

11 Q. At some point in time (Redacted)

12 (Redacted)

13 (Redacted)

14 A. This is an absolutely false story. It's fabricated. (Redacted)

15 (Redacted)

16 I am not aware of any such thing.

17 Q. Witness, in 1999, when you were a member of the main staff responsible for
18 (Redacted) within Kabila's army, (Redacted)

19 (Redacted)

20 (Redacted)

21 A. In 1999, war was raging. At the time I worked in (Redacted), there
22 were always cases that involve (Redacted)

23 (Redacted) This was done.

24 Q. Witness, can you therefore confirm that you did (Redacted)

25 (Redacted)

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- 1 A. As far as 1999 is concerned, war was raging. (Redacted)
- 2 (Redacted) to the front, to the Businga (phon) axis, the Yakoma axis. Our office was large.
- 3 (Redacted) There was a superior who was there. There
- 4 were also other officers. (Redacted)
- 5 Q. Witness, with regard to this question, for the sake of the transcript I would like
- 6 to refer (Redacted)
- 7 (Redacted) Is it true that you (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 A. As I have already said, these are just fabrications. When I was in Bangui, I
- 11 never worked as (Redacted)
- 12 (Redacted) I led a peaceful life and I wasn't going to try and get involved in some Central
- 13 African institute. This is a fabrication. I never contacted (Redacted) about such matters.
- 14 This is just false.
- 15 MR KILOLO: (Interpretation) I would once again like to refer to another document.
- 16 I'd like to draw the Chamber's attention to this. (Redacted)
- 17 (Redacted)
- 18 Q. Witness, according to the information that we have, you allegedly contacted
- 19 (Redacted)
- 20 (Redacted) Does this refresh your memory?
- 21 A. As I have said, I was informed that (Redacted) was in Kinshasa. By
- 22 you -- he's fabricated this. This isn't the truth. I never used (Redacted)
- 23 (Redacted) neither in the DRC or in the CAR in 2002 up
- 24 until -- from 1999 up until 2002, up until 2006 in fact, (Redacted) I
- 25 didn't work for Kabila or for anyone else, (Redacted) who often

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1 came to the CAR. As I have already said, I was in contact with Chadian officers
2 whom I knew. I was in contact with elements from the MLC. (Redacted)

3 (Redacted) I was in contact with people such as Atandele, but to

4 (Redacted)

5 (Redacted)

6 Q. Witness, who spoke to you about (Redacted) going to Kinshasa?

7 A. Thank you. I am on good terms with his little brother, who is (Redacted)

8 (Redacted) He is in Kinshasa, so that's how I knew about it. As we come from the same
9 province relatives would meet each other and they said that (Redacted) was in Kinshasa.

10 Q. When was he in Kinshasa, as far as you know?

11 A. In July up until August.

12 (Redacted)

13 (Redacted)

14 Q. Witness, are you in a position to confirm before this Chamber that when you
15 last had contact (Redacted) informed you of what he -- of the grudge he personally
16 bore against Mr Jean-Pierre Bemba?

17 A. Could you elaborate on that; explain your question, perhaps?

18 Q. I will rephrase my question. As far as you know, did (Redacted) feel
19 hatred towards Mr Jean-Pierre Bemba?

20 A. I don't know about that. (Redacted)

21 He'd say, "Mustapha has come. He's in Bangui," and in fact it was (Redacted)

22 I don't know whether he felt hatred for Jean-Pierre Bemba.

23 Q. Witness, does this mean that (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE STEINER: Sorry to interrupt. May I ask, please, your help in
16 reading the French version of the transcript in the -- when you questioned the witness.

17 Your question was, (Redacted)

18 (Redacted) I would like

19 you, please, to read the beginning of the answer given by the witness according to the
20 French transcript.

21 MR KILOLO: (Interpretation) I will read through the answer that was provided by
22 the witness. I quote, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 PRESIDING JUDGE STEINER: I don't think we are talking about the same part of
2 the transcript. The question I have here is in the current page at least in the English
3 transcript page 64, line 4. (Redacted)
4 (Redacted) This was the
5 question, and the answer you are reading to me is completely different than one I
6 have here. It is the previous one - the previous answer - Maître Kilolo. In the
7 English version the answer starts by (Redacted)
8 (Redacted) and I don't think this is what the witness said. That's why I'm asking how it is
9 stated in the French transcript.
- 10 THE INTERPRETER: Interpreter's comment: The witness said, (Redacted)
11 (Redacted)
- 12 MR KILOLO: (Interpretation) We have some difficulties to scroll up. Do you
13 think I should put the question to the witness again?
- 14 PRESIDING JUDGE STEINER: I think interpreters are going to make the correction.
15 Okay, the witness said, (Redacted) and not (Redacted)
16 and this could be relevant. That's why I insisted on this point. Sorry to interrupt
17 you. You can continue, please.
- 18 MR KILOLO: (Interpretation)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 A. Yes.
23 (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted) That is false, sir. I'm not
- 7 sure what you're driving at, but we're dealing with things which really have no
- 8 relevance here.
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. Could I ask you to answer my question precisely. (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 THE INTERPRETER: Interpreter's note: The volume when the witness speaks
5 tends to oscillate and it can be very hard to follow him on occasion.

6 MR KILOLO: (Interpretation)

7 Q. If I understand your answer correctly --

8 PRESIDING JUDGE STEINER: Maître, sorry. I received a message from the
9 interpreters and I must confess that I did not understand what the problem really is.
10 The volume is too low, or too high?

11 THE INTERPRETER: The problem is that the witness's microphone tends not to
12 pick up what he's saying towards the end of his sentences. It's very difficult to hear
13 him. We think that his voice might be too low. He might not be speaking loud
14 enough.

15 PRESIDING JUDGE STEINER: Thank you. Maître Kilolo, you can proceed please.

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

17 Q. Mr Witness, just to be sure that I understand your answer clearly, sir, are we to
18 understand that you did not speak to (Redacted) Is that indeed what you
19 are saying, sir?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Mr Witness, excuse me to belabour the point, but I just wanted to try to ensure
24 that the Chamber clearly understands what is being said here. Are we to understand
25 from what you have told us here this afternoon that, aside from the subjects that you

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1 went to speak (Redacted) about in Damara, that you did not tell him that (Redacted)

2 (Redacted)

3 (Redacted)

4 A. I believe I have already answered that question, Counsel. We didn't go there

5 to talk about things which had occurred in the past. I went there to speak to him

6 about things which were occurring then and there on the ground.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Have you ever heard of (Redacted) Does that name mean anything to

11 you?

12 A. No.

13 Q. During the year 2003 you went to the (Redacted) Do you recall

14 that?

15 A. Yes, I went there very often. I was in Bangui. I went to (Redacted) fairly

16 frequently.

17 MR KILOLO: (Interpretation) I would now like to refer the Chamber to

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Mr Witness, according to the information which we have at our disposal, it

23 would appear that (Redacted)

24 (Redacted) Sir, do you recall that?

25 A. No.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. I'm sorry, those are lies and I regret that you received such erroneous
7 information.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Mr Witness, do you recall that just after the events in Bangui, after 15
18 March 2003, that (Redacted)

19 (Redacted) Sir, do you remember that?

20 A. We did not try to do anything like that. I saw (Redacted) until he left the city of
21 Zongo. He was ready to go over to Zongo (indiscernible), but since there was no
22 money, since he didn't receive the money, then he became discouraged. (Redacted)
23 (Redacted) that he would not be able to do anything if there was no money, (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. How much money did (Redacted)

2 (Redacted)

3 A. He'd received some money, not more than 1,000 CFA francs, and after that he
4 wanted a very large sum. He said that it would be necessary to pay all the soldiers
5 that he was with, and that once he had the money that he could do it, but if he didn't
6 have the money then it would not work. If he didn't have the money, then the things
7 would just continue. (Redacted)
8 (Redacted) He said he wanted enough money, but he didn't specify
9 exactly what that sum would be.

10 Q. Did you assess the approximate value of the additional sum that would be
11 required (Redacted) as you say?

12 A. We looked at -- if you look at things after 15 March, then you will see that we
13 are in a different affair dealing with the MLC.

14 Q. Just to make sure that things are clear for the Chamber, Mr Witness, could you
15 tell us who gave you this mission for (Redacted)?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. I think that that is in my statement. I believe I've already spoke about that.

23 Q. Just to make sure that everything is clear on everyone's minds, I would like to
24 refer to the following document CAR-OTP-0043-0262, and I would like to read an
25 excerpt of your statement: I quote, "The second point is that after 15 March 2003

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Mr Witness, are these indeed your words and did you say this to the Office of the
5 Prosecutor?

6 A. Yes.

7 MR KILOLO: (Interpretation) Your Honour, I would now like to move back into
8 open session, if you please.

9 PRESIDING JUDGE STEINER: Yes, we can, Maître Kilolo, since I can count on you
10 to think twice before putting a question; and, Witness, thinking twice before
11 answering in order not to release identifying information.

12 Court officer, please turn into open session.

13 (Open session at 3.25 p.m.)

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

15 MR KILOLO: (Interpretation)

16 Q. Mr Witness, as far as you know, who provided the MLC soldiers with
17 intelligence that indicated that people in Muslim clothing were rebels?

18 A. Those who were elements belonging to the Presidential Guard. President
19 Patassé himself even spoke of that.

20 Q. How do you know that elements of the Presidential Guard and President
21 Patassé himself told MLC soldiers that Muslims were rebels? How do you know
22 that?

23 A. I already mentioned this in my statement.

24 (Redacted) When he came to Bangui I would meet with

25 him and he wanted to share that with me.

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1 Q. With regards to the conducting of the operations in the field, is it correct to say
2 that the Central African Presidential Guard guided the MLC soldiers on the front as
3 you told the investigators? And here I am referring to document
4 CAR-OTP-0043-0219.

5 A. Yes.

6 Q. And on that precise aspect of the conduct of operations in the field, what was
7 your source of information for that? Who said that the Presidential Guard members
8 of the Central African Republic were guiding the MLC soldiers at the front?

9 PRESIDING JUDGE STEINER: Mr Witness, before you answer, please try to use our
10 codes instead of names whenever you are asked who told you something. Thank
11 you.

12 THE WITNESS: (Interpretation) I already talked about that in my statement. At
13 the beginning the FACA was also involved in the combat, the Central African army
14 was involved in the combat, but members of the FACA were behaving as traitors.
15 And in all of the operations, the people who were on the front were members of the
16 MLC who were acting on information from the Presidential Guard and under the
17 control, if you will, of the Presidential Guard as well.

18 MR KILOLO: (Interpretation)

19 Q. I would just like to make sure that this is clear in everybody's mind and
20 therefore I would like to refer to a statement which you made to the Office of the
21 Prosecutor. This is in document CAR-OTP-0043-0220 and I would like to quote what
22 you said in that statement: "The Presidential Guard showed the enemy positions to
23 the MLC. Elements of the Presidential Guard spoke Sango. They were very
24 familiar with the terrain. They told the MLC who the rebels were and in particular
25 that all Muslims were rebels. Patassé himself said it and he even threatened to close

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1 all of the mosques in Bangui." Witness, are these the actual words that you used
2 when talking to the OTP?

3 A. Yes.

4 Q. When you say "the Presidential Guard," are you actually referring to the USP,
5 the unity of -- the unit of the presidential security?

6 A. Yes, of course. At the time they had changed their name. It was the USP.

7 Q. Witness, when you say "The Presidential Guard knew the ground very well,"
8 what does that actually mean in the field?

9 A. Well, the Presidential Guard, these are troops from the CAR that belonged to
10 the presidential security. They know the field - the ground - very well. They were
11 in their country and they would guide MLC troops, but at the front it was the MLC
12 troops that were engaged in combat.

13 Q. Witness, did the Central African Presidential Guard participate in the fighting?

14 A. I have already spoken about this. At the beginning the troops were mixed to a
15 certain extent but later, when they noted that there were traitors, they only kept
16 troops for intelligence from the Presidential Guard, but in all the fighting that was
17 very intense, well, there was fighting in Kabo and elsewhere and there were elements
18 from the Presidential Guard, but along two axes that we are referring to here the MLC
19 troops really spearheaded the fighting.

20 Q. Have you already been at the front line yourself?

21 A. No, I confined myself to Damara.

22 Q. Witness, do you remember - and I'm referring to CAR-OTP-0043-0220 - do you
23 remember having declared to the OTP that sometimes the Presidential Guard would
24 participate in the fighting? Do you remember this?

25 A. Naturally, I said that at the beginning all these troops, the Presidential Guard

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1 and the FACA, participated in the fighting, but when things intensified and people
2 noted -- well, (Redacted) when they noticed that there were traitors, they
3 preferred to act along those two axes themselves rather than act jointly with troops
4 from the CAR.

5 Q. Witness, how do you know that on occasion the Presidential Guard from the
6 CAR took part in the combat?

7 A. These were troops that were faithful to Patassé and they were in permanent
8 contact with MLC troops.

9 Q. According to the information you have, in which areas did the Presidential
10 Guard from the CAR participate in the combat?

11 A. I've already said, at the beginning they participated in the Bossembélé -- along
12 the Bossembélé axis, but when the MLC noticed that they were being betrayed by
13 CAR troops they had to act together. At the beginning they were together. The
14 MLC caused a lot of damage there but afterwards, and until the fall on 15 March, all
15 the fronts were occupied by MLC troops, but there were some troops involved in
16 intelligence that came from the Presidential Guard.

17 Q. Where did you obtain this information from, Witness?

18 A. I've said this a number of times already. On each occasion that (Redacted)
19 (Redacted) I went to Damara, but on a
20 number of occasions when he was in Bangui (Redacted)
21 these matters at length.

22 Q. Is your version of the events that the troops from the Presidential Guard in the
23 CAR participated in the fighting up -- or rather as far as Bossembélé and beyond that
24 point they no longer participated in the fighting, with the exception of intelligence
25 officers? Is that your version of the events?

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1 A. I didn't say up until Bossembélé the Presidential Guard intervened. There
2 were some troops. They weren't civilians. They were members of the military.
3 But at the beginning I said they were together, but at one point in time, when they
4 noticed there was betrayal, they split the movement. Whenever the MLC took a
5 town, they left the Central African troops behind them and they would advance.
6 That's what was done, but at the end of the operations they never participated in
7 operations together. I was in Damara. I saw that there were no Central Africans
8 there, but there were some Central African troops on the Bossembélé axis, because it
9 was a fairly long axis. In addition, they had to be together because from time to time
10 this road went to Cameroon and there were many vehicles coming from the
11 Cameroon. That was the axis they cohabited with some Central African elements
12 but at the front, when war was really being fought, it was the MLC troops that fought
13 right up until the entry to Bossangoa and Bozoum.

14 Q. Witness, how are you aware of this, since you yourself said that you weren't at
15 the front line?

16 A. I have already repeated that (Redacted) We
17 were together when he would appear from time to time. He spoke to me about these
18 things and he said, "We can't mix the troops for such operations." They always had
19 to launch an operation themselves and after having taken a town that's when they
20 called on Central African elements, Central African troops.

21 PRESIDING JUDGE STEINER: Court officer, could we please turn very briefly into
22 closed session.

23 (Private session at 3.41 p.m.) * Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Thank you. Mr Witness, I know that you are

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1 probably tired, but I need to remind you once again not to mention that you were

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 THE WITNESS: (Interpretation) Thank you, your Honour. Sometimes when you
7 go into all the details, one loses one's bearings and one mentions names. These are
8 things that should be said in private session. Thank you.

9 PRESIDING JUDGE STEINER: (Redacted)

10 (Redacted)

11 (Redacted)

12 Court officer, please turn back into open session.

13 (Open session at 3.42 p.m.)

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

15 MR KILOLO: (Interpretation)

16 Q. Witness, I would now like to refer to the following document,

17 CAR-OTP-0043-0239. Do you remember having told the OTP -- do you recall having
18 spoken to the OTP about certain matters and that you told them that the man from
19 Congo, I think you know who I am referring to, never spoke to you about tactics, or
20 about operational plans in the Central African Republic, and that you never had
21 access to such matters, to such information? (Redacted)

22 (Redacted)

23 A. I think I said that he -- that I didn't put such questions about the situation to him,
24 but when we were together he spoke about such things. He would speak about such
25 things. I would listen to him. We would spend the entire day together.

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1 I would leave around 10 -- I would leave about 10 and I'd go back about 1700 or
2 1800 hours. We didn't speak about civilian matters, always about military matters.
3 So I followed everything that was going on at the front with him and I was informed
4 of these things. I didn't put many questions, though.

5 Q. I would like to stay on page CAR-OTP-0043-0239. The exact question was put
6 to you, "Did he talk to you about the tactics or the plans of this operation in the
7 Central African Republic?" Your answer: "Yes, there must have been a plan, but I
8 did not have access to that plan."

9 A second question put to you by the Prosecutor's Office: "Did you talk to anybody
10 else about this operation?" Your answer to that question: "No."

11 Sir, are these the words which you used with the Office of the Prosecutor?

12 A. You're obviously not a soldier. There are plans and tactics and operations.
13 The plan, first of all: It's something which is planned before you initiate the
14 operation. The tactics are what you use on the ground, and the third has to do with
15 how things work out on the ground. They couldn't give me their plan. They had a
16 plan - that's very important - and they couldn't give me that plan, but I knew what
17 was going on in terms of the operations.

18 PRESIDING JUDGE STEINER: Mr Kilolo, I would like to ask Mr Witness whether
19 you are feeling well to continue. We still have 15 minutes, but you are showing
20 some signs of tiredness, so it's my obligation to ask you whether you are feeling
21 comfortable in continuing with your testimony today.

22 THE WITNESS: (Interpretation) Yes, your Honour, I'm a little bit tired. I'm a bit
23 tired. I'm beginning to feel a bit tired, in fact.

24 PRESIDING JUDGE STEINER: (Microphone not activated) Would you prefer that
25 we suspend now? If you feel you are able to continue, let me know. It is up to you.

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1 THE WITNESS: (Interpretation) I think we only have about 13 minutes left, so
2 why don't we continue?

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

4 Q. Mr Witness, I would now like to refer to another statement that you made to the
5 Office of the Prosecutor on the second day of your questioning, which was on
6 2 July 2009, and this had to do with a precise question concerning military operations
7 which was put to you. When you entered Damara, according to what you have told
8 us, the question was put to you in order to know whether you had spoken with the
9 various officers of the MLC and whether you had discussed military operations with
10 them. Your answer to that question was: "No." Do you recall that, sir?

11 A. Yes, I do remember that, Counsel. I couldn't speak with him about the
12 operations on the front. We talked about that in Bangui. In Damara, I went there
13 for other things and that's basically what I went to talk to him about there.

14 Q. Yet, Mr Witness, you stated very clearly to the Office of the Prosecutor the
15 following: "I did not talk about those things with soldiers." Are those your words,
16 sir?

17 A. I didn't talk about that to soldiers. (Redacted)
18 (Redacted) I didn't talk with, you know, low-ranking soldiers.

19 PRESIDING JUDGE STEINER: Maître Kilolo, please give the reference.

20 MR KILOLO: (Interpretation) I would now like to refer to CAR-OTP-0043-0235 in
21 fine.

22 Q. Mr Witness, the question was put to you concerning the military officers and
23 you have mentioned several of their names. Did you talk with those soldiers about
24 the military operations? Your answer was "No," and then at the end you said that "I
25 did not talk about things of that nature with soldiers," and the question asked has to

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1 do with officers, military officers, and once again you have mentioned several of their
2 names. If you wish, we can move into closed session, but can you confirm this?

3 A. We're going back over this again. I said that I went there because (Redacted)
4 (Redacted) and that I spoke with him. There were officers (Redacted), but
5 we didn't talk about the front. We didn't talk about what was going on in the field.
6 We didn't talk about that. We spoke about other things, so you might find what we
7 talked about, but you certainly see that we didn't talk about the military operations.
8 When he came to Bangui, I was in contact with the soldiers and the officers. (Redacted)
9 (Redacted) and we would talk about things, and we
10 would also talk about the operations. But when I was in Damara, I went there just
11 (Redacted)

12 Q. Mr Witness, if we sum up what you're saying in two aspects, how would this be?
13 First of all, at the beginning of the events in the Central African Republic, the soldiers
14 from the Presidential Guard were participating in the combat with the MLC soldiers,
15 and second point, the second part of what I would like to say, throughout the events
16 which occurred between October 2002 and March 2003, the Central African soldiers,
17 specifically members of the military intelligence units which were attached to the
18 Presidential Guard, were consistently active on the ground with the MLC soldiers.
19 Is that your version of the facts?

20 A. Yes.

21 Q. To your knowledge, what was the role of the leader of the Presidential Guard in
22 that situation?

23 A. The head of the Presidential Guard was in charge of ensuring the president's
24 security in Bangui. The Central African doesn't have a very large army, like the
25 Congolese army. Even the MLC is larger than the Central African Army, so that's

1 why the entire Presidential Guard was there. The head of that unit, of the
2 Presidential Guard, was in charge of ensuring the security of the president, the safety
3 of the president.

4 Q. Mr Witness, what was the role of the leader of the Presidential Guard in the
5 specific situation which we have just talked about in two parts: First of all, as part of
6 military operations in which as you say the soldiers of the Presidential Guard were
7 participating at the beginning of the events and, secondly, during the military
8 intelligence-gathering which was done by the Presidential Guard in the Central
9 African Republic?

10 A. The two leaders, the commander of MLC and the commander of the
11 presidential security unit, were working together. They would keep each other
12 apprised of what was going on in the field and intelligence was provided to the MLC
13 as well. They were in constant contact, these two leaders.

14 Q. To your knowledge, who gave the orders to the soldiers of the Presidential
15 Guard when they were at the front?

16 A. They were under the orders of the military commanders of the MLC.

17 Q. Mr Witness, what exactly does "inform and give situation reports" mean? As
18 part of military operations, what exactly does this signify?

19 A. It means that you provide information concerning what's going on in the field
20 during the operations, and to inform, that's also basically part of providing
21 intelligence, part of providing information.

22 MR KILOLO: (Interpretation) Your Honour, it is now 4 o'clock.

23 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo. Mr Witness,
24 we thank you very much for your efforts. You are entitled to take some rest. We
25 will adjourn now and we'll resume tomorrow morning at 9.30, and we hope you have

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1 a very restful night.

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

5 I will ask, please, the court officer to turn into closed session for the witness to be
6 taken outside the courtroom and, in the meantime, we are going to adjourn and
7 resume tomorrow morning.

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

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

10 (The witness stands down)

11 THE COURT OFFICER: All rise.

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

13 RECLASSIFICATION REPORT

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

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

16 of the transcript with its redactions becomes Public