

Trial Hearing
Witness: CAR-OTP-PPPP-0173

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Thursday, 25 August 2011
9 (The hearing starts in open session at 11.38 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours. Madam President, we are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of the
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning and
19 welcome the Prosecution team, legal representatives of victims, the Defence team,
20 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
21 reporters.
22 I ask, please, the court officer to turn into closed session in order for Witness 173 be
23 introduced into the courtroom.
24 *(Closed session at 11.40 a.m.) Reclassified as Open session
25 THE COURT OFFICER: We are in closed session, Madam President.

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- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0173 (On former oath)
- 3 (The witness speaks French)
- 4 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 5 (Open session at 11.41 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
- 8 THE WITNESS: (Interpretation) Good morning, Madam President.
- 9 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with
- 10 your testimony?
- 11 THE WITNESS: (Interpretation) Yes, I feel very well.
- 12 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 13 under oath. Do you understand that?
- 14 THE WITNESS: (Interpretation) Yes, Madam President.
- 15 PRESIDING JUDGE STEINER: I would like also to remind you that you are under
- 16 protective measures, that your image and voice broadcast outside the courtroom are
- 17 being distorted so that the public cannot identify you, but please remember not to
- 18 give in open session information that could lead to your identification. If need be,
- 19 we go into private session. Try to use the codes that we have already talked about
- 20 when referring to certain persons.
- 21 Finally, Mr Witness, please, the Chamber would like you to feel free to address the
- 22 Bench if you feel tired. It's the only way for us to give you a break, if you need a
- 23 break, but you need to let us know, so feel comfortable in doing so. It's one of the
- 24 obligations of the Judges to ensure the physical and psychological well-being of
- 25 witnesses that come to testify before the Court.

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1 Can we continue, then? I'll give the floor to the Defence. Maître Kilolo, you have
2 the floor.

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

4 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

5 Q. Good morning, Mr Witness.

6 A. Good morning, Counsel.

7 Q. We shall continue our questioning this morning. I would like, up front, to
8 remind you of a statement you gave to the OTP, document CAR-OTP-0043-0240.

9 This is the question that was put to you, and I quote: "You have told us that the
10 Presidential Guard guided the troops of the MLC on the ground; is that correct?"

11 Your answer was: "Yes. The MLC had several axes and they needed to be guided
12 through the roads and the country which they were not familiar with. The
13 Presidential Guard was even providing intelligence as well for the MLC."

14 Mr Witness, is this a true reflection of your testimony to the OTP, or your statement
15 to the OTP?

16 A. Yes.

17 Q. Could you tell the Court specifically what you mean by "providing intelligence"
18 in concrete terms? When you say that the Central African Republican guard was
19 providing intelligence to the MLC soldiers, what does that mean in concrete terms?

20 A. That means that the Presidential Guard was providing intelligence to the troops
21 of the MLC.

22 Q. Can you provide specific examples to the Court so that it may understand what
23 you mean? In concrete terms, can you provide an example of the type of
24 information or intelligence that the Presidential Guard was providing to the MLC?

25 A. A simple example would be intelligence about developments on the other side,

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1 because the Central African Presidential Guard infiltrated the rebel camps and then
2 provided such information to the MLC to enable them to move forward on the
3 ground.

4 Q. Yesterday you talked to us about situations and information that
5 intelligence - military intelligence - officers of the Presidential Guards were providing
6 to the MLC soldiers during the events. Do you remember that testimony?

7 A. Yes, I do remember. It was towards the end and I was somewhat tired. I was
8 very tired and I was feeling unwell. Well, that is what I said and that is what I have
9 just said again; namely, that the Presidential Guard was providing intelligence to the
10 troops of the MLC. That is it.

11 Q. You make a distinction between giving information on the situation and
12 providing information. What is the difference between those two?

13 A. I would like you to read the statement clearly and to see how it is couched.
14 When you say "give intelligence" in reference to the situation on the ground, that
15 amounts to intelligence, doesn't it? It is intelligence all the same.

16 Q. As far as you can recall, do you have any concrete example for the Court
17 regarding information or a situation which military intelligence officers of the
18 Presidential Guard provided in concrete terms on a specific day to the soldiers of the
19 MLC?

20 A. What I am talking about is information from the leaders who commanded the
21 MLC. I did not have any direct contact with the Presidential Guard and the MLC
22 soldiers.

23 Q. As far as you know, is military intelligence important for military operations?

24 A. Yes, it is very important. It is not possible to start an operation without having
25 intelligence on what is obtaining on the field, so intelligence plays a very important

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1 role in military operations.

2 Q. Regarding that intelligence that was provided, what was the role of the leader
3 of the Presidential Guard?

4 A. The role of the head of the Presidential Guard was, first of all, to provide
5 security for the Head of State and to deal with the developments on the ground as far
6 as the combats or fighting was concerned, so he collaborated, or worked in
7 collaboration, with the MLC military leaders who were operating on the ground in
8 the Central African Republic.

9 Q. When you say that the head, or the leader, of the Central African Presidential
10 Guards' role was to oversee developments in the fighting on the ground, what does
11 that mean concretely, in practical terms? What does he have to do to be able to do
12 that?

13 A. The MLC had come to support the Presidential Guard of President Patassé, so
14 they were working in close collaboration with them.

15 Q. Can you tell the Court how the intelligence was transmitted? What channels
16 were used to transmit the intelligence to the MLC soldiers on the ground?

17 A. I think we are revisiting the same questions. I have already told you that the
18 MLC was cohabiting or collaborating with the Presidential Guard troops and
19 everything was channelled through the leader of the MLC and he provided the same
20 information to his troops on the ground.

21 Q. As far as you know, did Miskine play any role in those operations?

22 A. Yes. He was also at the other front, and I told you that he was leading
23 operations in the Kabwe and Kaga-Bandoro front. That is where he was and he was
24 part of the operations.

25 Q. Let me remind you of your statement, or one of your statements, to the Office of

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1 the Prosecutor. Document reference is CAR-OTP-0043-0254, and I quote. This is
2 the question that was put to you: "Who was the leader of the Presidential Guard?"
3 Your answer was: "According to the structure, there was a general director of the
4 Presidential Guard who, at the time, was General Bombayake. Then they had an
5 operations commander at the Presidential Guard who was Abdoulaye Miskine, who
6 served as Bombayake's deputy."

7 Mr Witness, can you confirm this to be your statement?

8 A. Yes, I can confirm that, but there were several deputies. In the structure of the
9 army, there are always several deputies in charge of operations and logistics, and
10 what have you. So there were several deputies, but he in particular was in charge of
11 ground operations and he was on the ground, and everybody knew that that was his
12 job.

13 Q. As far as you know, how many men did Miskine have on the ground?

14 A. According to information available to me in Bangui, I never was aware of how
15 many people he had on the ground.

16 Q. Relying on the information you gathered in Bangui, what approximately, as far
17 as you know, would be the number of men he had on the ground?

18 A. He did not have more than a battalion. Miskine did not have more than a
19 battalion with him.

20 Q. When you say that Miskine had a battalion, how many men approximately are
21 you talking about?

22 A. I said not more than a battalion, and a battalion has between 700 to 800 men
23 depending on the way each country sets up its battalions. So I think that he did not
24 have more than a battalion. The Central African Republic had some 4,000 to 5,000
25 troops, including the Presidential Guard and the police, so he did not have more than

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1 a battalion under his command.

2 Q. Mr Witness, you have stated that there were some 4,000 to 5,000 men in the
3 Central African Republic's army, and of that number Miskine had between 700 and
4 1,000 men, according to you. What about the 4,000 remaining men? To which
5 fronts were they deployed?

6 A. I said that those figures included the army and the police, so I was not only
7 talking about the army. I talked about the army and the police; the army, the police,
8 the Presidential Guard, the naval forces based in Bangui, as well as other troops
9 which joined Bozizé's rebellion. Then there were other elements or troops who were
10 not working, but who were still present in Bangui and they worked in collaboration
11 with the Presidency of the Republic, and so that is it.

12 Q. Now, regarding the troops that fought on behalf of President Patassé, setting
13 aside the 750 to the 1,000 troops that were directly under Miskine's command, how
14 many more men did you have or were there on the side of the loyalists on the ground,
15 as far as you know?

16 A. I don't have any further information different from what I have already told
17 you.

18 Q. I would like now to refer to another statement that you made. You made this
19 statement to the OTP in document CAR-OTP-0043-0240. Do you remember having
20 said to the OTP that the MLC soldiers and the Presidential Guard co-ordinated their
21 operations? Do you recall having said that?

22 A. Yes.

23 Q. What does that actually imply on the ground?

24 A. You are going back to what I told the Prosecutor here at the Court. I said that
25 at the beginning the MLC elements were working very well with the Presidential

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1 Guard and also with the FACA, but towards the end of the operations they had to
2 divide themselves because it would appear that there were traitors in some of the
3 elements.

4 Q. And concretely speaking, when exactly was the end of the operations which
5 they conducted together?

6 A. Beginning in the month of January, I believe. The co-ordination no longer
7 existed between the FACA and the MLC in January. For the Damara axis it was just
8 MLC, and on the Bossangoa, Bossembélé, Bossemptélé axes there were a few
9 elements of the Presidential Guard which provided information intelligence, as I told
10 you the last time. They provided that information to the MLC elements, but on the
11 front, according to what the (Redacted), they even fought between
12 themselves.

13 Q. Could you explain to the Chamber what year you're talking about when you
14 talk about the month of January?

15 A. I am referring to the year 2003.

16 Q. Mr Witness, from October 2002 to the month of January 2003, could you explain
17 how the co-ordination was working out on the ground between the MLC soldiers and
18 the elements of the Central African armed forces?

19 A. According to the MLC leaders, from 2002 until January 2003 they were
20 co-ordinating together, but there were traitors among the FACA elements and so they
21 had to conduct operations separately without co-ordinating; without working with
22 the Central African army.

23 Q. In order to be sure that we all understand what you're saying, can I sum up the
24 situation as follows, or can I sum up what you just said as follows? First of all,
25 throughout the period from October 2002 to January 2003 the MLC soldiers and the

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1 soldiers of the Central African armed forces fought together on the front, and then
2 beginning in January of 2003 until the end of the hostilities on 15 March 2003 the
3 MLC soldiers, according to you, were fighting alone on the front and they were
4 accompanied during that second period only by Central African -- Central African
5 intelligence services. Is that what you're saying?

6 A. Yes, that is exactly what I'm saying.

7 Q. I would like to refer to another statement that you made to the Office of the
8 Prosecutor. This is document CAR-OTP-0043-0212. Here is the question that was
9 put to you: "Did you see the MLC soldiers arrive in the Central African Republic?"
10 Your answer was: "Yes." "What were they wearing?" Your answer to that
11 question: "They were wearing dark green uniforms. They had been provided by
12 Patassé." "How do you know that the uniforms were provided by Patassé?" "It
13 was the Presidential Guard. The Presidential Guard provided the uniforms on the
14 orders of Patassé. The commander said it and he talked about it with the MLC
15 officers. I think he spoke with them when they were all together. (Redacted)
16 (Redacted) The commander himself spoke about it. He also said that their rations,
17 their ammunition and their transportation, all of this was provided by Patassé.
18 Moreover, the vehicles even had FACA licence plates, and FACA refers to the Central
19 African armed forces for the Presidential Guard."

20 Mr Witness, are these your words and is this what you said to the Office of the
21 Prosecutor?

22 A. Yes.

23 Q. According to your information, who within the USP - the Presidential
24 Guard - provided the uniforms to the MLC soldiers?

25 A. I said that these were the words of the MLC soldiers. I can't tell you any more

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1 than that.

2 Q. As far as you know, according -- excuse me. As far as you know, now with
3 regards to the transportation, do you know who -- according to what you heard, who
4 provided them with the transportation?

5 A. I answered that question. It was the Presidential Guard. The president
6 himself, in fact. The president and the Presidential Guard were the ones who
7 provided them with transportation, and the Minister of Defence was of course
8 involved in that as well.

9 Q. Can you provide us with names? The president, for example, the Presidential
10 Guard and the Minister of Defence, what are the names of those people?

11 A. President Patassé, Bombayake was the head of the Presidential Guard and the
12 Minister of Defence at the time, if my memory is correct, was Demafouth. I can't
13 recall exactly what his name was. Between (indiscernible), I don't remember who
14 was the Minister of Defence.

15 Q. According to the intelligence which was obtained on the ground, do you know
16 why the licence plates of the vehicles that were provided to the MLC soldiers said
17 that the vehicles belonged to the FACA, or the Presidential Guard; the FACA being
18 the Central African armed forces?

19 A. I don't understand the question.

20 Q. Do you know why the vehicles that were provided to the MLC soldiers in the
21 Central African Republic had FACA or GP licence plates? FACA of course means
22 Central African armed forces, and GP of course means Presidential Guard.

23 A. Those are the licence plates for the Central African army. You have FACA
24 licence plates for Central African army trucks. That's the way those kinds of
25 vehicles are -- that's the kind of licence plates vehicles like that have in the Central

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1 African Republic.

2 Q. Just to make sure that we all understand, you said that there was a series of
3 vehicles which had FACA licence plates and there was another series of vehicles
4 which had GP, or Presidential Guard, licence plates; is that correct?

5 A. There were not -- there were a series of vehicles. There were some vehicles
6 that had FACA plates and other ones that had GP plates, but they were always
7 moving. They were always going somewhere. There were some vehicles which
8 stayed at the front, but they were practically always moving.

9 Q. As far as you know, how many vehicles were provided to the MLC elements in
10 the Central African Republic?

11 A. I can't give you an exact figure.

12 Q. I would now like to refer to another statement which you made to the Office of
13 the Prosecutor. I'm referring to document CAR-OTP-0043-0213. I quote from the
14 document. With regards to the MLC soldiers, you say the following, I quote, "They
15 were given ammunition for the AK-47s and they were also outfitted by the Libyan
16 army, because at that time there were two or three squads from the Libyan army in
17 Bangui." Can you confirm that?

18 A. Yes.

19 Q. Mr Witness, how do you know that the AK-47 ammunition was provided to the
20 MLC soldiers in Bangui?

21 (Redacted)

22 Q. In another statement which you also made to the Office of the Prosecutor, and
23 here I refer to document CAR-OTP-0043-0213, you state the following: The question
24 which the investigators from the OTP put to you was the following: "What means of
25 transfer was used by the MLC soldiers?" Your answer to that question was: "The

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1 MLC soldiers arrived without any means of transport. Patassé provided them with
2 jeeps, Land Cruisers, large troop cargo trucks and armoured cars from the Central
3 African army." Sir, are these indeed the comments which you made to the Office of
4 the Prosecutor?

5 A. I don't see the difference between what I just said and what you just said,
6 Counsel.

7 Q. My question is to know whether you confirm that President Patassé provided
8 the MLC soldiers with jeeps, Land Cruisers, troop cargo trucks and armoured cars
9 from the Central African army?

10 A. The MLC came to save their friend. What was he supposed to do? He had to
11 provide them with what they needed in order to fight for them.

12 Q. What is the source of your information, the information which they'd said that
13 President Patassé provided not only jeeps and armoured cars from the Central
14 African Republic and also large troop-carrying trucks for the MLC?

15 A. Military leaders at the MLC provided me with that information.

16 Q. Is it correct for me to say, Mr Witness -- and here I'm referring to a statement
17 that you made to the Office of the Prosecutor. I'm referring to document
18 CAR-OTP-0043-0213. Am I correct in understanding, sir, that in addition to
19 ammunition which you have already spoken to us about that the Central African
20 Presidential Guard also provided weapons to the MLC soldiers?

21 A. Clearly, you're a civilian. Whenever there is a military operation, whenever
22 you work with your friend, and there was a friendship between Jean-Pierre Bemba
23 and Patassé, since Patassé was in danger, whenever the MLC troops came over the
24 Central African army and the Presidential Guard gave them what they needed in
25 order to fight. They were working together. The MLC came to save their friend.

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1 Q. I'd like now to talk about the weapons that the Presidential Guard gave to the
2 MLC soldiers. What kind of weapons were these?

3 A. According to the commanders, they got some RPG-7s, which were basically
4 rocket launchers, and they also brought some weapons with them as well. There
5 were also the armoured vehicles which belonged to the Presidential Guard. When I
6 talk about heavy weapons, I'm talking about mortars, for example.

7 Q. Mr Witness, how do you know that the Presidential Guard provided mortars
8 and rocket launchers, (indiscernible) launchers excuse me, to MLC soldiers? How
9 do you know that? Where do you get that information from?

10 A. I think I have already answered that question. I believe you already have the
11 answer to that question. (Redacted)

12 Q. When you talk about mortars and rocket launchers, are these heavy weapons,
13 or are these normal weapons, light weapons?

14 A. They are not normal weapons. There are light weapons and heavy weapons.
15 Mortars, they are not rocket launchers. They're -- you can go from there and go on
16 up to -- go on up to tanks, and light arms, light weapons, small weapons, if you will,
17 are AK-47, Uzis, weapons of this nature.

18 Q. Now I'd like to refer to another statement that you made to the OTP in a
19 document CAR-OTP-0043-0258, and I quote: "The matériel came from Libya and
20 also from the Sudan, because the Sudanese also supported the Patassé regime.
21 There were also Sudanese troops in the Central African Republic."

22 Mr Witness, can you confirm that this is indeed your statement?

23 A. Yes, there was a company of Sudanese airports -- soldiers who were not
24 participating in the combat, and they were at an airport and that's basically where
25 they stayed. The soldiers were at the Bangui M'Poko Airport.

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1 Q. Mr Witness, I would now like to read out an excerpt of another statement that
2 you made to the Office of the Prosecutor. I am referring to document
3 CAR-OTP-0043-0214, and I quote the document: "Patassé gave the commanders
4 money so that the commanders could buy food for their troops. The S4 elements
5 who were in charge of logistics in the different battalions came from the front to
6 Bangui in order to get food supplies and to take those supplies to different places on
7 the front."

8 Mr Witness, are these -- is this the statement which you made to the Office of the
9 Prosecutor?

10 A. Yes.

11 Q. Mr Witness, how do you know that President Patassé gave money to the
12 commanders so that the commanders could feed the MLC soldiers on the front?

13 (Redacted)

14 Q. And how do you know that there were people from the Congolese S4, which
15 came from different sections of the front to Bangui, in order to get supplies and to
16 take those supplies, supplies and money, food and money to the Congolese soldiers?

17 A. We shouldn't add the money. There was no money that was moving around,
18 as you said. They would basically move food, as you say, but they wouldn't be
19 moving any money. I never spoke about any money.

20 Q. Then, Mr Witness, I would like for you to please explain to us what actually
21 happened between Patassé, the commander, the S4 and the soldiers? How exactly
22 did things work?

23 Perhaps, your Honour, we should move into private session.

24 PRESIDING JUDGE STEINER: Let's turn into private session.

25 *(Private session at 12.28 p.m.) Reclassified as Open session

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

2 MR KILOLO: (Interpretation)

3 Q. Would you like me to re-read your statement? Okay. Since you would like
4 me to, since you have responded in the affirmative, I will re-read your statement.

5 Once again, this is document CAR-OTP-0043-0214, and I quote: "Patassé gave
6 money to Mukiza so that Mukiza could buy food for his troops. The S4, which was
7 in charge of logistics and the different battalions would come from the front to
8 Bangui. There they would receive food, and they would take it to the different parts
9 of the front."

10 My first question, sir, is this: Is this what you said to the Office of the Prosecutor?

11 A. Yes.

12 Q. My second question is the following: Could you explain this plan from
13 President Patassé to Mukiza and then to the S4 troops and, finally, to the troops
14 themselves? Could you explain how this scheme worked?

15 (Redacted)

16 (Redacted) he would go to the Presidency to gather money for rations. He took
17 money for rations, gave it to the S4s. They came to take the money and leave with
18 some food and go to the front along the Bossembélé axis, and the rest of the food was
19 taken to the Damara front. Mustapha would take the money there and the food, not
20 the salaries for the soldiers. He bought some cassava and rice in Bangui and then
21 sent it up to the front.

22 Q. To the best of your knowledge, how frequently did Mustapha Mukiza go to
23 collect money from President Patassé?

24 A. I think I've already said this. He went there to collect the money. We weren't
25 together, but whenever troops came he would give them something for food and

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1 that's it. I don't know if he took this from Patassé himself, but I know he went to
2 Patassé to get money and to buy food for the troops.

3 Q. I'll clarify my question. How often? Was it once a day? Was it once every
4 two days? Was it once a week? How frequently was this done, when you say that
5 Mukiza went to collect money, or obtain money, from Patassé?

6 A. It was done once a week.

7 Q. Witness, I know that once a week troops came to collect some bags of rice and
8 to take them to the front, once a week. Could you give us the names of the S4 troops
9 who went to Mukiza to obtain money?

10 A. I have already said he didn't go to obtain money. He bought food and gave
11 them food. He came from the axis. There was René, whom he would see. He had
12 died at the front in Bossangoa. He was in charge of the operations there.
13 Sometimes he was an S4 officer and went to Bangui. I saw him there from time to
14 time, but on the other hand Mustapha himself would go and then troops come. He
15 would go to Damara himself from time to time.

16 Q. I'm going to remind you of another excerpt from your statement. The
17 document number is CAR-OTP-0043-0214, and this is what you stated. The question
18 put to you was whether you knew the names of these S4 troops, and your answer was
19 as follows: "There was René who acted in that capacity. There was also Maurice
20 Zeka. He is in Zongo at the moment. He would come to take money for supplies."
21 Can you confirm this?

22 A. Yes, I can. It was money for supplies, for rations. They would buy things in
23 Bangui and they would leave, but not with the money. They would buy the food in
24 Bangui itself.

25 MR KILOLO: (Interpretation) Your Honour, could we move back into open session,

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1 please?

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

3 (Open session at 12.35 p.m.)

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

5 (Defence counsel confer)

6 PRESIDING JUDGE STEINER: Please, Maître Kilolo.

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

8 Q. Witness, in order to summarise things so that we can better understand them,

9 I would like to, well, summarise what you've just stated. President Patassé would

10 provide commanders with money for food for MLC troops that were on various

11 fronts; is that correct?

12 A. Yes, that's correct.

13 Q. And, secondly, you say the following: There were S4 Congolese troops

14 within the MLC and these troops left the various fronts once a week in order to go to

15 Bangui. Having arrived there, the commander would give them money, the

16 purpose of which was to procure food which they would then transport to the

17 various front lines where the Congolese MLC troops were positioned; is that correct?

18 A. Yes.

19 Q. Do you know what means of transport was used to transport the food to the

20 various front lines?

21 A. The only means of transport they had were vehicles. Vehicles were used to

22 transport these goods.

23 Q. With regard to this specific issue, could you tell the Chamber what type of

24 vehicles were used for the transport of the food that was bought for the Congolese

25 MLC troops at the various fronts?

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1 (Redacted) The vehicles that were loaded, I didn't see them,
2 but I was with their commanders when they arrived. It wasn't on a number of
3 occasions, it was once or twice when they came for the money, but there were various
4 vehicles. They had such means of transport. So when they loaded them to go to
5 the front, I wasn't present on such occasions.

6 Q. Do you know where these Congolese S4 troops bought the food that they would
7 subsequently transport to the various front lines?

8 A. There's the market in Bangui. They'd buy things at the market.

9 Q. Could you inform the Chamber which PK, or in which neighbourhood, this
10 market is located?

11 A. It's at Kilometre 5. Things are a little cheaper there than elsewhere and many
12 people went to obtain supplies there. There is a lot wholesale trade there at PK5 and
13 that is also the case in the centre of the town.

14 Q. The market that you are referring to at PK5, is that the big central market of
15 Bangui?

16 A. The central market is in the centre of town, that's where the big central market
17 in Bangui is. The PK5 market is the second market in Bangui after the central
18 market.

19 Q. Witness, along the Bozoum axis, we are to take it that there was villages that
20 were close to President Patassé?

21 A. Yes. Beyond Bozoum, in the direction of Bawa.

22 Q. With regard to the supplies for troops, were supplies taken there, too?

23 A. I don't know exactly what went on there. I wasn't present so I don't know
24 whether anything was transported to the villages that were close to Patassé. I don't
25 know about that.

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1 Q. Could you tell the Chamber the names of the different front lines that you are
2 referring to, different front lines to which food was taken for MLC soldiers? What
3 are the names of these front lines?

4 A. There was the Damara axis, the Bossembélé axis, Bossangoa and Bozoum and
5 there's Bossemptélé.

6 MR KILOLO: (Interpretation) For the benefit of the Chamber, and with regard to
7 this specific issue that concerns financing MLC soldiers, or the CAR financing MLC
8 soldiers, I would like to draw the attention of the Chamber to the following document:
9 0038 is the name of the witness and the edited transcript in the French version can be
10 found at page 56, lines 10 to 16, but also I'd like to refer to the testimony of the
11 witness, Firmin Findiro, revised transcript - revised French transcript - page 52, lines
12 2 to 7. Then thirdly I'd like to refer to the testimony of the witness, Oradimo
13 Pamphile, French transcript 9 May 2011, page 50, lines 25 to 27, and finally I'd like to
14 refer to the testimony -- well, the transcript of 25 January 2011, the revised French
15 version, page 9, lines 15 to 19.

16 Witness, could you tell the Chamber at what point in time the MLC troops were on
17 the Bossangoa-Bozoum axis?

18 A. I think they arrived and were immediately deployed along the two axes,
19 because these are the axes that were used by the rebels to flee in the direction of
20 Chad.

21 Q. How are you aware of this, Witness?

22 A. Everyone was aware of that. It was spoken about on the radio. When people
23 fled, they were there. They were deployed along the two axes immediately, because
24 they are the troops that took the Damara axis and there were other elements that took
25 the Bossembélé axis. These are the two axes that lead to Chad and, when we spoke

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1 to the commanders of the troops, they said, "We're on the two axes." When I arrived
2 in Damara they said, "We're on this axis and we're also on the other axis that leads to
3 Bossembélé and Bossangoa."

4 Q. To the best of your knowledge, how long did they remain at PK12 before
5 advancing further?

6 A. I have no information about how long they stayed at PK12, but they were there
7 permanently because PK12 divides the two roads: The one that goes to Damara and
8 the other to Bossembélé. The members of the military were there on a permanent
9 basis.

10 Q. In any event, are we to take it that on the Bossangoa-Bozoum axis the MLC
11 troops were present together with the soldiers from the Presidential Guard?

12 A. I have told you about that already, I believe. I have already provided you with
13 that answer. I don't know whether I should repeat it. There were MLC troops on
14 the Bossangoa-Bossembélé axis and they were aided by intelligence officers from the
15 Presidential Guard.

16 Q. As you have already stated to the OTP in document CAR-OTP-0043-0241, is it
17 correct to say that as far as the Bossangoa-Bozoum axis is concerned this axis was
18 covered by MLC troops and by Presidential Guard troops who had in that situation
19 mixed their troops up?

20 A. I think I have already spoken about this. In the beginning the troops were
21 merged, but at the end of the operations the MLC no longer wanted such a merger. I
22 have already spoken about this. You know, there were two stages to this operation.

23 Q. I'm going to read out an excerpt from your statement. The document is
24 CAR-OTP-0043-0241, and I quote, "The Bossangoa-Bozoum axis was covered by MLC
25 troops and by the Presidential Guard. It's (Redacted) who had told me about

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1 this. They had merged the troops since they were collaborating." Does this reflect
2 the statement you gave to the OTP?

3 A. Yes, I don't think I denied that. I have always claimed that the Presidential
4 Guard co-operated with MLC troops. They co-operated with them until the end of
5 the operations but, with regard to military operations, towards the end of the
6 operations such operations were launched exclusively by MLC troops, but they
7 collaborated. Even when MLC troops came into the field, there were some
8 intelligence officers who were with them. How were they to conduct operations
9 without them?

10 Q. To the best of your knowledge, when troops were merged in such a manner
11 who was in command of the Presidential Guard troops that were on the
12 Bossangoa-Bozoum axis?

13 A. There were other commanders from the Presidential Guard, but he was really in
14 charge of the operations, or rather Abdoulaye Miskine was really the person in
15 charge of the operations.

16 Q. Witness, when you tell the OTP, or when you told the OTP, in document
17 CAR-OTP-0043-0241 that the commander was at the front with Miskine, who was the
18 head of the Presidential Guard, what does this mean in concrete terms? What does
19 this mean exactly? What does it mean to be at the front line with the commander?

20 A. At the front with the commander means that the commander of the operations,
21 the head of the MLC who was in the field, went to visit both the front lines, so
22 sometimes they were also -- he was also at the front with Abdoulaye Miskine.

23 Q. Witness, if we go back into the past to the very first MLC operation in 2001, is it
24 correct to say that when the MLC first intervened on this occasion in Bangui in 2001
25 you personally saw MLC soldiers going on mixed patrols - joint patrols - with troops

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1 from the Presidential Guard from the CAR?

2 A. Yes.

3 Q. What does this mean for ordinary people, "mixed patrols organised by MLC
4 soldiers and CAR soldiers from the Presidential Guard"?

5 A. Well, it was a merger of troops. I can continue. They were in jeeps. If
6 there's a section, half of the section consists of MLC troops and the other of
7 Presidential Guard troops. I was in (Redacted) and up as far as PK9, that's how far I
8 went, and back to town.

9 Q. To be sure that I have understood you correctly, does this mean that when you
10 speak about a merger of troops, and when we are speaking about a section, under
11 such conditions one is not able to identify the national component of this section?
12 One is not able to say it's a CAR section, or a Congolese section? How does this
13 work when the troops are merged in this way?

14 A. Well, it's possible to distinguish them in the vehicle. There are some
15 Congolese troops and there are some CAR troops. The CAR troops wore different
16 uniforms from the MLC troops. Sometimes they wouldn't have berets, they had
17 ordinary shoes, they didn't have military footwear, so this could be seen. They were
18 rebels.

19 Q. I would like to refer to your statement to the OTP again, CAR-OTP-0043-0241,
20 and here is the question that was put to you: "From whom did the commander
21 receive these instructions?" And your answer was, "These instructions were issued
22 from Bangui by President Patassé. That's Patassé slogans, and everyone in Bangui
23 was familiar with it. Patassé told Bemba, and Bemba told Mukiza to work in
24 accordance with what the Presidential Guard told them and to kill these civilians."
25 Does this accurately reflect your version of the events?

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1 A. Would you read on, please, to the very end, because it appears that you cut off
2 part of the excerpt?

3 Q. Would you like to see that document on the screen? Would the court officer
4 kindly display document CAR-OTP-0043-0241 on the screen, please? That is the
5 second document on the list.

6 PRESIDING JUDGE STEINER: The document is confidential, so it should not be
7 displayed to the public.

8 THE COURT OFFICER: The document is available on your screens. It's a
9 confidential document. The reference is CAR-OTP-0043-0228, first redacted version,
10 at page 0241.

11 MR KILOLO: (Interpretation) Please kindly highlight the fourth and fifth
12 paragraphs of that page.

13 Q. Mr Witness, you can now read the document as it appears before you, and my
14 question is specifically in relation to the question that was put to you as follows:
15 "Who did the commander receive instructions from?" Your answer was the
16 following, as appears below: "The orders were issued in Bangui by President
17 Patassé. That was Patassé's slogan, which everyone knew in Bangui. Patassé had
18 said it to Bemba, and Bemba said it to the commander, asking him to work according
19 to what the Presidential Guard had told him, particularly in relation to killing
20 civilians." My question, then, is to find out from you whether this is indeed what
21 you said to the OTP?

22 A. Yes, and to be specific those civilians were the Muslim civilians who were on
23 the two axes, including traders and cattle breeders, as well as people who appeared
24 or looked like Chadians.

25 Q. I will read the next paragraph: "How did you become aware that Mukiza

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1 received those instructions from the Presidential Guard?" Your answer: "The
2 commander was at the front with Miskine, who was the leader of the Presidential
3 Guard, but I know that it was Patassé who gave those instructions. Even in Bangui,
4 Patassé had arrested many Muslims and even threatened to arrest imams in Bangui."
5 The following question: "Who did the commander receive those instructions from?"
6 And your answer: "From Patassé; (Redacted). The commander
7 often went to Patassé's place whenever he came to Bangui, and he also received that
8 information through Miskine."

9 Now, Mr Witness, at this level can you confirm that this is your statement?

10 A. Yes, that indeed is my statement.

11 Q. To be very specific, how did you become aware that the commander had
12 received instructions, those instructions actually, from Patassé as well as from
13 Miskine? How did you become aware of that information?

14 A. (Redacted)

15 (Redacted) the complaints of the Muslims and the imams to
16 him. You see, at that time, many Muslims were arrested. Well, you are not a
17 Central African. Maybe if you had a Central African lawyer on your team he would
18 have been able to confirm that many Muslims were killed at PK14 --PK12 and PK13,
19 right through to the battlefield. (Redacted) whether it
20 was possible for the leaders of the MLC to stop that practice, and he said no, that it
21 was not possible, and this is the information that I also provided.

22 Q. Do you confirm before this Court that the content of document
23 CAR-OTP-0043-0241 are correct, to the extent that you yourself never heard Patassé
24 say these things directly to Mr Jean-Pierre Bemba? Can you confirm that?

25 A. I have already told you that these things happened through the leader of the

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1 MLC, and he can tell you that himself. (Redacted)

2 (Redacted) But as far as the situation of civilians is

3 concerned, they were targeted both by the MLC and by Patassé's troops, and they

4 knew that if they had lost the front that would be the end of the matter for them, so

5 they had to target these people as well.

6 Q. Mr Witness, this is what you said: "I did not hear with my own ears Patassé

7 saying those things to Bemba." Was this indeed a statement that you made to the

8 OTP or not?

9 A. Yes, I told them. They asked me whether I heard the conversation between

10 Bemba and Patassé, and I said, no, because I was not part of that conversation, (Redacted)

11 (Redacted)

12 Q. Do you know when or how frequently the commander often went to President

13 Patassé's place?

14 A. It was quite regular. He was the one representing the MLC forces in the

15 Central African Republic, so he was often in contact with the Presidency.

16 Q. As far as you know how did these things happen, in concrete terms? Did

17 President Patassé have to call him up so that he could go there or was he

18 accompanied by someone to President Patassé's place?

19 A. He was called up from time to time, and even it happened that we were there

20 when he would be called up and he would say "I am going to the Presidency." You

21 see, when somebody calls, it is difficult to hear what is being said on the other side,

22 but the commander would say that he was going to the Presidency and those who

23 were around him would hear him say that.

24 Q. On what type of communication device did the commander receive the phone

25 calls, asking him to come to the Presidency of the Central African Republic?

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1 A. He had a Celtel telephone number in Bangui, which is a mobile phone number.
2 It is through that number that he was able to contact the president and the element of
3 the Presidential Guard in Bangui, so he had a means of communication which was a
4 mobile telephone.

5 Q. As far as you know, what did he do, what did the commander do on a regular
6 basis when he went to President Patassé's place?

7 A. They were involved in a joint mission. They were in the Central African
8 Republic to defend their common interests, so he went there to talk about that
9 business, and this is only normal. The commander of a major force that had come to
10 Bangui under those circumstances could not be so disconnected, so he went there on
11 a regular basis.

12 Q. As far as you know, when he was received at the Presidency, were there any
13 other persons in attendance at those meetings between the commander and President
14 Patassé?

15 A. I believe I have already told you clearly that I was not present when they had
16 those conversations.

17 Q. A short while ago you talked about instructions from President Patassé to the
18 commander when the commander went to the Presidency. Do you know whether
19 those instructions were given orally or in writing? Can you tell us a little bit more
20 about that, based on the information or the intelligence that you received?

21 A. Can you repeat the sentence in which I talked about those instructions? That
22 might help me provide a clearer answer to your question.

23 Q. We will take it one step at a time. Now, you talked about instructions or
24 orders. What do "instructions or orders" in military terms mean?

25 A. I have asked you, please, to start by re-reading or repeating the sentence in

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1 which I talked about instructions. That will help me to move forward in my
2 answers.

3 Q. Who did Mukiza receive those instructions from?

4 A. From Patassé.

5 MR KILOLO: (Interpretation) Now, I would like to please ask the court officer to
6 please highlight the five last paragraphs of that page, and I'm still referring to
7 CAR-OTP-0043-0241.

8 Q. And this is the question: "Who did the commander receive those instructions
9 from?" Your answer: "From Patassé. (Redacted) The
10 commander often went to Patassé's place when he came to Bangui, and he also had
11 received the information from Miskine."

12 A. Yes, that is my statement.

13 Q. Question number 1: In military terms, when you say "instructions," what are
14 you referring to? What does it mean? What are "instructions" in military terms?

15 A. Instructions or orders are somewhat -- are guidelines, to some extent. That is
16 it.

17 Q. When then you say that Mukiza was supposed to work according to what he
18 was told by the Presidential Guard, what does it mean when you say work pursuant
19 to, or according to, what the Presidential Guard of the Central African Republic was
20 telling him?

21 A. Counsel, is it not clear? They had gone there to support the Presidential Guard
22 and President Patassé and, therefore, they had to work with them, to be in contact
23 with them, because what they had come to do was to be spelt out by the Presidential
24 Guard, given that they were working together.

25 MR KILOLO: (Interpretation) I no longer need the document to be displayed on the

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1 screen.

2 Q. Now, Mr Witness, can you tell the Court where and when President Patassé
3 made a statement over television to the effect that those who wore those big robes
4 were rebels and that their robes, or gowns, were hiding weapons? I'm referring to
5 CAR-OTP-0043-0241.

6 A. This matter is of common knowledge, but I have forgotten the date, and this
7 happened a long time ago, and the fact is that at that time he made such statements.

8 Q. Before I proceed, and for the benefit of the Court, I would like to refer to
9 document CAR-DEF-0002-0567. For the benefit of all and sundry, it is document
10 CAR-DEF-0002-0567. That is the tenth document in the Defence bundle of
11 documents. I am going to rely on this document to put the next series of questions
12 to the witness.

13 Now, Mr Witness, who was the supreme leader of Abdoulaye Miskine in the Central
14 African Republic?

15 A. The supreme leader of Abdoulaye Miskine in the Central African Republic was
16 President Patassé.

17 Q. How did you become aware of that?

18 A. I am not the only one to hold that position. If you put the question to all
19 Central Africans, they will give you the same answer.

20 Q. My question is to you, Mr Witness: How did you become aware that President
21 Patassé was the supreme chief of Abdoulaye Miskine in the Central African Republic?

22 A. Miskine was answerable to President Patassé, and that is it, isn't it?

23 Q. On what grounds do you come to that assertion? What is the source of your
24 information?

25 A. Abdoulaye Miskine was appointed to the Presidential Guard by a presidential

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1 order, and everybody in Bangui is, or was, aware of that, and his chief was President

2 Patassé. I was in Bangui at the time myself.

3 Q. Who did General Bombayake receive orders from?

4 A. President Patassé.

5 Q. How did you become aware of that?

6 A. He was the chief, or leader, of the Presidential Guard.

7 Q. What was his role? What was General Bombayake's role regarding the events
8 of October 2002 and March 2003 in the Central African Republic?

9 A. His role was to defend their regime, to defend President Patassé.

10 Q. Within that specific context, what did he do by way of military operations and
11 intelligence during that conflict?

12 A. I have no answer to that question.

13 Q. Did you learn, or become aware, that Libyan planes or aircraft had bombarded
14 or shelled some parts of the city of Bangui?

15 A. Yes. Bangui was shelled as well by aircraft.

16 Q. How did you become aware of that?

17 A. I was in Bangui, after all.

18 Q. Did you see that with your own eyes?

19 A. It was in the northern areas, around PK15. They were shelling the area in
20 order to ward off the rebels.

21 Q. Who did those planes belong to?

22 A. They were Libyan planes, and one or two planes belonging to the Central
23 African Republic.

24 Q. What was the role of Abdoulaye Miskine in the events that occurred between
25 October 2002 and March 2003?

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1 A. Abdoulaye Miskine was of the Presidential Guard and he led the operations
2 against the rebels. That was his role, he was of the Presidential Guard and he was
3 the field commander of operations on the ground.

4 Q. Do you know General André Mazi?

5 A. Yes, from a distance.

6 Q. Did (Redacted) about General Mazi, within the context of
7 operations within -- or in the Central African Republic?

8 A. The commander was in contact with his officials. They were close to President
9 Patassé. Mazi, Bombayake, Abdoulaye Miskine and who have you, Alain Jérôme
10 and the others, they were close to President Patassé.

11 Q. What did (Redacted) about the role of General André Mazi?

12 A. We did not talk about that.

13 MR KILOLO: (Interpretation) I note that we have just covered two hours.

14 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Thank you very much,
15 Mr Witness. We are going to have a break, a little bit shorter than usual. We'll
16 have a one-hour break. We hope that you can take some rest during this break time.
17 It's 1.30. We'll turn now into closed session in order for the witness to be taken
18 outside the courtroom. In the meantime, we will suspend this hearing and resume
19 at 2.30.

20 Court officer, please.

21 *(Closed session at 1.31 p.m.) Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 1.31 p.m.)

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- 1 *(Upon resuming in closed session at 2.36 p.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask, please, the
- 4 court usher to bring the witness in.
- 5 (The witness enters the courtroom)
- 6 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 7 (Open session at 2.38 p.m.)
- 8 THE COURT OFFICER: We are in open session, Madam President.
- 9 PRESIDING JUDGE STEINER: Thank you very much.
- 10 Good afternoon and welcome back, Mr Witness.
- 11 THE WITNESS: (Interpretation) Thank you, your Honour.
- 12 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with your
- 13 testimony?
- 14 THE WITNESS: (Interpretation) Yes, for the time being I feel fine.
- 15 PRESIDING JUDGE STEINER: Please do not hesitate and let us know if you need a
- 16 break. We'll have a two-hour session. If need be, we will have a short break in order
- 17 for you to take some time for yourself.
- 18 Maître Kilolo, you have the floor.
- 19 MR KILOLO: (Interpretation) Thank you, your Honour, for giving me the floor.
- 20 Q. Good afternoon, Mr Witness.
- 21 A. Thank you.
- 22 Q. We are going to continue our questioning. For the transcript, I would like to note
- 23 that the following questions concern document CAR-DEF-0002-0567. Mr Witness, did
- 24 (Redacted) about the role of General Ernest Mbeti-Ti-Bangui as part of the
- 25 operations which took place during the events which we are currently discussing?

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1 A. No.

2 MR KILOLO: (Interpretation) Just to facilitate things, I am going to spell out the name.

3 This is General Ernest Mbeti-Ti-Bangui: M-B-E-T-I hyphen T-I hyphen B-A-N-G-U-I.

4 Did (Redacted) about the role of Major Tutu Kuese in the operations?

5 A. No.

6 MR KILOLO: (Interpretation) For the record, I would like to spell out that name as

7 well. Major Tutu Kuese: T-U-T-U K-U-E-S-E.

8 Q. Did (Redacted) about the role of the command -- of the operational

9 command centre which was set up in Camp Béal?

10 A. No.

11 MR KILOLO: (Interpretation) I would like to go back to a statement which you made

12 here in this Chamber the day before yesterday. I would like to ask the Presiding Judge to

13 please take us into private session, please.

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

15 *(Private session at 2.44 p.m.) Reclassified as Open session

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

17 MR KILOLO: (Interpretation)

18 Q. This is the transcript, the French version, the real-time version, from 23 August 2011,

19 page 95, line 13 to line 14. I would now like to read to you what you said: (Redacted)

20 (Redacted), he told me that, no, we're going to go. There is the chairman, who is

21 arriving."

22 Do you recall having said that here in Court?

23 A. Yes.

24 Q. Sir, is it correct that when (Redacted) spoke of Mr Jean-Pierre Bemba by

25 using his title, he referred to him as "The Chairman," is that correct?

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1 A. Yes, that is correct. (Redacted) he would talk to him as "The

2 Chairman," but he was speaking to everybody else he would call him "The President."

3 Q. What title did (Redacted) use when he referred to Mr Patassé?

4 A. He called him "President Patassé."

5 Q. To the best of your knowledge, in what house did (Redacted) live in

6 Damara?

7 A. (Redacted) He was in a

8 well-built house and that's all.

9 Q. Can you perhaps explain to us where this house was located in Damara?

10 A. The house was near. Going this way, it was on the left side. That's where the

11 house was located. Going up towards Damara -- Sibut, when you go towards Sibut it

12 would be on the left. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Are we to understand that you went to Damara a total of two times during the

17 events between October 2002 and March of 2003?

18 A. Yes.

19 Q. I would now like to refer to document CAR-OTP-0043-0233. Mr Witness, can you

20 confirm that you met (Redacted) in Damara, the first time that you saw him, from

21 the beginning of the events in October 2002?

22 A. Yes, I saw him in Damara.

23 Q. Can you confirm that you went there (Redacted)?

24 A. Yes, yes.

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

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1 (Redacted)

2 (Redacted)

3 Mr Witness, according to the information that we have, and according to the information
4 that the Chamber also has, the first time, the very first time since the beginning of the
5 events that you went to Damara and that you met (Redacted)

6 (Redacted) you actually (Redacted) which you had; is
7 that information correct?

8 A. No, that's completely false unfortunately. False.

9 Q. Mr Witness, is it not true that the second time that you went to see (Redacted) in
10 Damara (Redacted)

11 (Redacted)

12 A. That's false. That's completely false. Unfortunately, that's false.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Mr Witness, are we to understand that you deny this information, specifically that
17 the Defence and that the Chamber both have? This information states that the second
18 time that (Redacted)

19 (Redacted) Do you deny
20 that information, sir?

21 A. It's false. I told you it was false. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 They stored that somewhere near PK12. They had that in another place in Central Africa,

3 I don't remember exactly where. I believe we are in closed session -- a private session.

4 (Redacted)

5 (Redacted)

6 (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, I would like to put the following question to you: Do you deny the
18 information which we have in our possession which states that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) Do you deny that information?

23 A. I told you very clearly that that was not true. (Redacted)

24 (Redacted)

25 Q. Mr Witness, I would now like to refer you to a statement which you made to the

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1 Office of the Prosecutor. This is document CAR-OTP-0043-0219. Here is what you said
2 in that statement: "I saw Mukiza one time in Damara. When he spoke to Bemba, he
3 gave the device to Maurice Zeka." Investigator's question: "Did you hear the discussion
4 of Maurice Zeka with Bemba?" Your answer: "No, I could not listen. I could not hear.
5 He had moved away a bit."

6 Is this indeed what you told the Office of the Prosecutor?

7 A. Yes.

8 Q. When you were with Ernest Agida in Damara and when Mustapha Mukiza,
9 according to you, spoke with the person he alleged to be Bemba, were you able to follow
10 the conversation?

11 A. Yes, when Mustapha spoke I listened. I could hear.

12 Q. At that exact moment, at what distance were you (Redacted)

13 (Redacted)?

14 (Redacted)

15 Q. Could you be precise, Witness, please? How far were you (Redacted)

16 (Redacted)?

17 A. Look, it can't have been more than (Redacted)

18 (Redacted)

19 (Redacted) at the time that he was speaking with

20 so-called Bemba?

21 (Redacted)

22 Q. Witness, please could you be precise? What distance are we talking about (Redacted)

23 (Redacted) How far apart were you?

24 A. It would be similar to the distance (Redacted).

25 Q. Could we say that the distance was (Redacted)?

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1 A. (Redacted)

2 Q. Witness, when Mustapha spoke to so-called Bemba, would you say that he moved
3 away (Redacted)?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Witness, according to the information that the Defence has, but also the Chamber,
14 Mustapha Mukiza moved away when he was speaking to so-called Bemba. Do you deny
15 this?

16 A. I have told you that he didn't move away from me. (Redacted)

17 (Redacted) I was there for a certain amount of time and

18 then he left, (Redacted). There were other

19 people who came and that I didn't know. I don't know how things went as far as these
20 people are concerned, between these people and him.

21 Q. I am referring to the precise moment at which you went to Damara, (Redacted)

22 (Redacted). Do you stand by your statement with regard to this subject,
23 this issue?

24 A. Yes, I stand by what I said.

25 Q. Witness, is it true that when Mustapha Mukiza spoke to so-called Jean-Pierre Bemba

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1 they didn't speak about acts of violence committed, at least as far as you know, by MLC
2 troops? Now I am referring to document CAR-OTP-0043-0237, as well as to document
3 CAR-OTP-0043-0239. I would like to repeat my question, Witness.

4 PRESIDING JUDGE STEINER: Maître Kilolo, I am informed that there is a technical
5 problem with the computer that belongs to the usher, which is the only one able to display
6 documents on the screens. If you intend to ask any document to be displayed, we will
7 have to suspend until the problem is fixed. Otherwise, we can continue normally.

8 MR KILOLO: (Interpretation) Your Honour, I think that we can continue without any
9 problems for the time being.

10 Q. Witness, on two occasions the same question was put to you by the OTP. On 2
11 July 2009, that was the second day of your interview, the first question was put to you,
12 and I'm referring to CAR-OTP-0043-0237: "In the course of (Redacted)
13 (Redacted) during the discussions between Bemba and Mukiza, could you tell us
14 whether acts of violence committed by MLC troops were mentioned?" And in response
15 you said that: "No, they never spoke about that." This was about 1300 hours. On the
16 very same day, when you resumed after the break, as of 3 p.m. the same question was put
17 to you, but on this occasion it was put in broader terms. It didn't only concern Damara.
18 I'm referring to document CAR-OTP-0043-0239: "Do you know whether, in the course of
19 their discussions, questions about acts of violence against the civilian population were
20 mentioned?" And you said: "No, they didn't speak about that amongst themselves."
21 Can you confirm this?

22 A. Yes, that is what I said.

23 Q. Witness, we'll be more precise now. In the discussions - wherever they took
24 place - between Mukiza and so-called Bemba, were you able to hear the voice of the -- of
25 Mustapha Mukiza's interlocutor when he spoke to so-called Bemba?

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1 A. I've already spoken about this. I listened to Mustapha, who responded, who spoke
2 about positions, but I couldn't hear the person on the other end.

3 Q. Second question: You personally, at your own level, were you in a position to
4 verify who was speaking on the other end of the line?

5 A. He said it was the chairman, I've spoken about this, President Bemba.

6 Q. "He," who is that?

7 A. Mustapha said he was speaking to Bemba.

8 Q. Were you personally able to speak to his interlocutor, the person alleged to be
9 Bemba, who was according to what you say at the other end of the line?

10 A. No.

11 Q. At that precise point in time, when these telephone conversations were held, did
12 you know where Mr Jean-Pierre Bemba here present was exactly?

13 A. On two occasions when we were in Damara he called from Gbado, but when we
14 were in Bangui from time to time he would call. I didn't know about the location, but in
15 Damara he said that they -- that the call was from Gbado.

16 THE INTERPRETER: The interpreter would like to point out that the witness's voice is
17 trailing off again on occasion.

18 MR KILOLO: (Interpretation)

19 (Redacted)

20 (Redacted)

21 A. I'm not claiming this. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Witness, what is your version of the events as far as the frequency of Mr Jean-Pierre
25 Bemba's movements in the CAR is concerned, as far as his movements to Bangui is

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1 concerned, at the time of the events? Are you claiming before this Chamber today that
2 Mr Jean-Pierre Bemba came to Bangui every week between October 2002 and March 2003,
3 during the time of the events?

4 A. He came to Bangui regularly. He came, he went to Zongo sometimes and then he'd
5 go to Bangui. He came to Bangui regularly.

6 Q. How often did he go to Bangui, as far as you know, during the events?

7 A. Well, this took place a long time ago. It's difficult to say. I know that he came
8 regularly; sometimes every week or after two weeks. (Redacted)
9 sometimes he would say, "Bemba has come." It was above all when there were clashes
10 that he would come regularly.

11 MR KILOLO: (Interpretation) Your Honour, could we move back into open session,
12 please?

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

14 (Open session at 3.19 p.m.)

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

16 MR KILOLO: (Interpretation)

17 Q. Witness, every week or so would you see Mr Jean-Pierre Bemba in front of the
18 BAMAG supermarket, which is where he would go to do his shopping in Bangui?
19 Would you see him there once a week, roughly speaking?

20 A. I think I've already spoken about this in my statement. It was on one sole occasion.
21 Not once a week, but on one sole occasion.

22 Q. Witness, how are we to understand matters? How are we to understand your
23 statement? Can you yourself testify before this Chamber and say that you saw
24 Mr Jean-Pierre Bemba during the events in the CAR, in Bangui, on one sole occasion, or
25 did you see him on several occasions?

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1 A. Maître, perhaps you've never seen Bangui. Bangui's a big town. I saw him only
2 once in front of the BAMAG, but he would come to Bangui on a regular basis.

3 Q. You only saw him once. During which period of time did you see him in Bangui?

4 A. It was at the beginning of 2003. The month of January, roughly speaking.

5 Q. And who told you that he went to Bangui regularly during the events, whereas you
6 yourself only saw him once?

7 PRESIDING JUDGE STEINER: Maître Kilolo, sorry to interrupt you. It appears that the
8 witness has already answered that and it was in private session. If you want the witness
9 to repeat again his answer, we have to go into private session.

10 MR KILOLO: (Interpretation) If you so wish, your Honour, I have no objection.

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

12 *(Private session at 3.23 p.m.) Reclassified as Open session

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

14 MR KILOLO: (Interpretation)

15 Q. Witness, who told you that Mr Bemba went to Bangui on a number of occasions
16 during the events we are interested in?

17 A. The answer is in my statement. (Redacted)

18 (Redacted) I also had (Redacted)

19 (Redacted). Sometimes we were (Redacted) together. (Redacted)

20 (Redacted) I was informed about this situation by them.

21 MR KILOLO: (Interpretation) Your Honour, could we move back into open session,
22 please?

23 PRESIDING JUDGE STEINER: Court officer, could we please turn back into open
24 session.

25 (Open session at 3.25 p.m.)

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

2 MR KILOLO: (Interpretation) As far as this specific question is concerned, the question
3 that concerns how frequently Mr Jean-Pierre Bemba went to Bangui during the events, for
4 the sake of the transcript the Defence would like to refer to the following document: The
5 revised French transcript of 4 May 2011, page 11, lines 1 to 15, testimony given by
6 Oradimo Pamphile, but also to the revised French transcript of 6 April 2011, page 35, lines
7 7 to 19. This testimony was given by Firmin Findiro. Finally -- and finally the Defence
8 would like to refer to the following document containing the charges, DCC, reference
9 ICC-01/05-01/08-856-Conf-Anx-B, paragraph 27.4.

10 Q. Witness, is it true that you were not present in Zongo when MLC troops crossed
11 over to Bangui? Now I'm referring to document CAR-OTP-0043-0217.

12 A. I have already told you that I was in Bangui, not in Zongo.

13 Q. Witness, to the best of your knowledge, did the OTP investigators try to establish
14 contact with (Redacted) through you in order to verify whether Mr Bemba, as you have said,
15 briefed MLC soldiers prior to crossing over from Zongo to Bangui?

16 A. That's a question that you should put to them. I don't have the answer.

17 Q. Did you personally hear any exchanges between Mr Jean-Pierre Bemba and the
18 Minister of Defence of the CAR?

19 A. No.

20 Q. Still based on what you may have heard or seen yourself, were you present at or did
21 you hear any discussions between Mr Jean-Pierre Bemba and the Chief of Staff of the
22 Central African Republic?

23 A. No.

24 PRESIDING JUDGE STEINER: Maître, Judge Aluoch would like to seek a clarification.

25 JUDGE ALUOCH: Mr Kilolo, I'm looking at the current transcript, but I have the English

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1 version right in front of me. It's line 51 beginning from -- sorry, it's page 51 beginning
2 from line 20. You asked a very long question. It starts, "As far as this specific question
3 is concerned," and I think you are talking about the frequency, how often Mr Bemba went
4 to Bangui. It starts from line 20 and goes down, up to line -- up to page 52.
5 You made several statements referring to other transcripts, referring to other transcripts
6 and referring to what other persons said, but you did not really conclude it. Did you
7 mean that these statements, these transcripts, differed from what the witness - the present
8 witness - said, or what exactly did you mean? It starts from line 20, so it's a very long
9 piece of evidence but I don't see any conclusion.
10 And how do you connect all this with the present witness? Did you mean that all these
11 people differed, or all these transcripts? And people like Oradimo and Firmin Findiro,
12 do you mean that their evidence differed from the evidence of this current witness, or
13 what did you mean, because I don't see any conclusion or anything that came out of this
14 evidence. You just made several statements and you moved on to something else. Can
15 you just clarify this part of the evidence, please, from the transcript? Do you understand
16 what I'm talking about? Thank you.
17 MR KILOLO: (Interpretation) Thank you, your Honour, for that relevant comment.
18 Allow me, however, to simply say that the references I have quoted are in relation to other
19 witness statements, which state that Mr Jean-Pierre Bemba came to Bangui only once
20 during the events of October 2002 and March 2003. I did not want to speak to that point
21 because I didn't really want to put those issues directly to the witness but, rather, to
22 simply draw the Court's attention to those specific points.
23 I'll conclude by saying that some of those witnesses testified in open session. There's no
24 secret about it. There are senior magistrates in the Central African Republic who have
25 investigated and cross-checked that matter. I thank you.

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1 JUDGE ALUOCH: Sorry, Mr Kilolo, I did not -- I didn't mean that I doubted you. I
2 just -- it's either -- it looks like submissions, final submissions or something like that,
3 because it's not concluded at all and it's not put to the present witness, but I will not
4 pursue it. I just made that observation, but I'm not going to pursue it at this time.

5 MR KILOLO: (Interpretation)

6 Q. Mr Witness, is it correct to say that you never heard President Patassé providing any
7 intelligence to Mr Jean-Pierre Bemba on the identity of the enemy? I'm referring here to
8 your statement, CAR-OTP-0043-0241.

9 A. I think that I talked about that. Mustapha received orders directly from his boss,
10 from his chief - his chief, Bemba - who was in permanent contact with President Patassé.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Let me be more specific in my question. Is it correct to say that you yourself -- you
16 never heard with your own ears President Patassé providing military intelligence to
17 Mr Jean-Pierre Bemba on the position or identity of the enemy?

18 A. I have already told you that I never heard any such conversation, nor any other
19 conversation between Mr Bemba and Mr Patassé, but what I have told you is (Redacted)
20 (Redacted)

21 Q. Mr Witness, did you yourself personally see any signed agreements between
22 Mr Jean-Pierre Bemba and President Ange-Félix Patassé?

23 A. No.

24 Q. Did anyone tell you that such agreements may have been in place?

25 A. No.

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1 Q. Mr Witness, I would like to refer you to your testimony before this Court, the French
2 version of the real-time transcript of 23 August 2011, line 17 to 24, and I quote you. This
3 is the question that was put to you: "Who did President Patassé give the money to?"
4 And your answer: "To their chief, the number 1 of the movement." Question: "Are
5 you saying that it was the number 1 of the movement on the ground in Central Africa or
6 the overall number 1?" Your answer: "The overall number 1 of the MLC." Question:
7 "Can you give us the name of that number 1 of the MLC?" Your answer: "Jean-Pierre
8 Bemba himself."

9 Do you remember this part of your testimony?

10 A. Yes.

11 Q. Mr Witness, did you yourself see with your own eyes who received the money from
12 Patassé to Mr Bemba?

13 A. Well, I don't know whether we are in private session.

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

15 *(Private session at 3.43 p.m.) Reclassified as Open session

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

17 THE WITNESS: (Interpretation) I talked about this on the 23rd. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MR KILOLO: (Interpretation)

23 Q. Relying on the information available to you, at what time were those funds handed
24 over?

25 A. It was at the beginning of the operations and it was -- a part of the amount was paid

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1 at the beginning of the operations and then in the middle of the operations as well.

2 Q. Are there any people whose names you can provide to the Court who witnessed this
3 transfer of funds from Patassé to Bemba?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) That is it.

8 Q. Can you tell the Court specifically how those funds were transported and what
9 means was used to transport them from Mr Patassé to Mr Bemba?

10 A. I have told you about information that I became aware of. I was not present and I
11 don't know about how the funds were transferred. I've simply told you about those who
12 were there and who told me that the President of the MLC had already received the first
13 tranche of money, but that subsequently he received another tranche, and the manner in
14 which the funds were transferred or conveyed is unknown to me. I was not present and
15 I cannot tell you.

16 MR KILOLO: (Interpretation) Madam President, can we now return to open session?

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

18 (Open session at 3.47 p.m.)

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

20 MR KILOLO: (Interpretation)

21 Q. Mr Witness, how did you become aware that there was a trial in Gbadolite on the
22 crimes allegedly committed in Mambasa, according to you? I'm referring here to
23 document CAR-OTP-0043-0259.

24 A. This trial was carried over the media and we were able to listen, or hear about it,
25 over the MLC radio that was broadcast in Zongo. The news was carried over radio.

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1 Q. Mr Witness, you say that this trial was covered extensively over the media, but at
2 the same time there was a trial on the events in the Central African Republic. Were you
3 aware of that, or did you not hear of it?

4 A. That is untrue, Counsel. That is untrue. There was never any trial on, or relating
5 to, the events that unfolded in the Central African Republic in the Democratic Republic of
6 the Congo. That is untrue.

7 Q. Mr Witness, on the very specific issue of the trial, the Gbadolite trial relating to the
8 events in the Central African Republic, how certain can you be that there was never such a
9 trial?

10 A. Counsel, you are doing your job, I hope, and, you know, what happened in the
11 Central African Republic, had it been the subject of any trial, the first person to have been
12 arrested would have been Mustapha Mukiza. So what happened in Mongoumba, the
13 looting and the crimes, and what have you, anyone who would have been the first to be
14 tried would have been Mustapha Mukiza, but he is a free man. All the troops of the
15 MLC, who were in the Central African Republic, none of them has ever been tried. I
16 don't know if you have evidence to the contrary. All of those people today have been
17 absorbed into the national army and the rest are all there in Gemena. None of them has
18 ever been tried. Even if they were brought here today, you would see that none of them
19 has ever been tried, including their chief. None of them has ever been tried for those
20 crimes.

21 MR KILOLO: (Interpretation) On that specific issue, I would like to produce document
22 CAR-DEF-0002-0001. This is a document which clearly proves that there was a judicial
23 proceeding, or a trial, or a judicial proceeding in Gbadolite on the events in the Central
24 African Republic. I would like to produce that document. Let me specify that this is the
25 ninth document on the Defence list of documents.

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1 Madam President, I would like us to move briefly into private session.

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

3 *(Private session at 3.54 p.m.) Reclassified as Open session

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

5 MR KILOLO: (Interpretation)

6 Q. Mr Witness, I'm going to put a question to you in -- or I just put to you a question in
7 open session, but I have applied for a private session to tell you that my question relates
8 to (Redacted) (phon). I am not going to mention that name in open session, but I'll
9 simply refer to him as (Redacted) and when I say that you should understand that to
10 mean (Redacted), is that fine with you?

11 A. Yes. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 You see, Mr Jean-Pierre Bemba is a very popular man in Kinshasa, supported by about 75
20 per cent of the population, so things of this matter. People think that this is a political
21 trial and that it has no bearing on what happened in the Central African Republic. You
22 know, people claim that it is Kabila who sent Bemba to the ICC. When these types of
23 things begin to emerge and people are pointing at us, saying that (Redacted)

24 (Redacted)

25 (Redacted) Thank you.

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1 PRESIDING JUDGE STEINER: Please, if I understood, are you fearing any kind of risk
2 to your security or the security of your family?

3 THE WITNESS: (Interpretation) Yes, I am seriously very afraid, for all those reasons.

4 PRESIDING JUDGE STEINER: Did you tell anyone in VWU, Victims and Witnesses
5 Unit, about your fears?

6 THE WITNESS: (Interpretation) Yes, I talked about it here. I tried, whenever possible.
7 I think I mentioned it and we talked about it to the head of that service, and I've always
8 raised this point, these fears.

9 PRESIDING JUDGE STEINER: Let me follow the English transcript, because I want to
10 have everything very clear before I ask for any initiative from VWU. Who told (Redacted)
11 that you were about to come to the Court?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE STEINER: But is it of your knowledge the name of the person that
18 gave the information to (Redacted) that you were coming to testify before the Court?

19 THE WITNESS: (Interpretation) I think that (Redacted) had contact with the Defence,
20 so there are many of those things that were said to the Defence (Redacted), and when (Redacted)
21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE STEINER: I will ask VWU to prepare, on an urgent basis, for the
3 Chamber a report on that respect. Has the Defence anything to say about that, or let's
4 just continue with the testimony?

5 MR KILOLO: (Interpretation) Thank you, your Honour. First of all, the Defence
6 would just like to say that we support the approach that the Chamber has adopted, which
7 consists of elucidating this incident which we feel is totally abnormal, and we would like
8 to know as soon as possible who told the witness that (Redacted)

9 (Redacted)

10 (Redacted) was in contact with.

11 THE WITNESS: (Interpretation) This is what we call the Defence. The Defence
12 protects itself, defends itself, but I told you that (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) So when I arrived here the first thing that I wanted to do is to bring
16 that up to the woman who came to meet me at the hotel on the first day, who brought me
17 here, and I spoke to her about that issue and I believe she wrote it down somewhere. I
18 was worried at that time, and I talked about this to (Redacted) as well from the security
19 division. I believe that that's the Defence -- the Defence is simply protecting itself. I'm
20 not a magician. I can't know everything that happened. I was simply informed of that,
21 and at that time I was already concerned, I was afraid and that is why I spoke about it
22 when I arrived here at the Court.

23 PRESIDING JUDGE STEINER: Mr Witness, here in the transcript it says that you were,
24 "... informed by (Redacted)"

25 but on another point you mentioned that you got the information from (Redacted)

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- 1 (Redacted). So now I don't know really what was the role of the (Redacted)
- 2 (Redacted), or I misunderstood maybe? Could you clarify, please?
- 3 THE WITNESS: (Interpretation) I think that you misunderstood. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 We talked about coming to the ICC and I told him that I didn't know anything about it.
- 15 That's what I told (Redacted) in question. I said that, "I don't know anything
- 16 about what was going on," that I didn't know anything about it, and when I arrived here I
- 17 mentioned that whole episode and you can even find that information in my statements.
- 18 I spoke about that. I said that (Redacted), when they put questions to me
- 19 here, but I'm not a magician. I can't know if (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 So the name which I just gave you, (Redacted)
- 23 (Redacted)
- 24 (Redacted) He's the one who really knows what is going on.
- 25 PRESIDING JUDGE STEINER: So I will order, as I said, VWU to provide the Chamber

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1 with a report. I ask, please, the Prosecution support to this report, or that the Prosecutor
2 brings whatever information the Prosecution has on this respect. I want a common
3 report as soon as possible.

4 Maître Kilolo, you have the floor.

5 MR KILOLO: (Interpretation)

6 Q. Mr Witness, we are going to continue with our questioning. I would like to ask
7 you a question concerning (Redacted), and I would like to return to open
8 session when we talk about (Redacted). We are going to talk about him.

9 Is that acceptable to you?

10 A. Yes.

11 MR KILOLO: (Interpretation) Your Honour, could we please move back into open
12 session?

13 PRESIDING JUDGE STEINER: Court officer, please.

14 (Open session at 4.09 p.m.)

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

16 MR KILOLO: (Interpretation)

17 Q. Mr Witness, I would like to refer to a statement you made before this Chamber. It
18 is the French version of the real-time transcript from 23 August 2011, page 32, line 12 to
19 line 28, and also on page 33 of the same transcript, lines 5 to 10. Here is what you said.
20 I won't read everything because it would be too long, but this is the essence of what you
21 said. You had a (Redacted) who joined the MLC movement in Zongo: "They crossed over
22 with him. He was on the Bossangoa axis. Once he arrived in Bossembélé, he killed a
23 mother and raped that mother's daughter. When (Redacted) in question returned to
24 Bangui, the girl whose mother he killed saw him about 200 metres away from our
25 embassy in Bangui. (Redacted) ran to the embassy and he entered our embassy. The

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1 (Redacted) fled. He entered the embassy. Since an embassy represents a State, or is a State,
2 the Central Africans could not stay in the embassy. The police came, but they were not
3 able to get (Redacted) out of the embassy, and that night he went to Zongo." Do you
4 recall having made that statement?

5 A. Yes, I recall that statement very clearly. (Redacted) is currently in Kinshasa - he's a
6 captain - and our president at the time was a Congolese refugee also -- or our president
7 gave him refuge in the Congo. He was a former soldier from Zongo. I recall the whole
8 affair very clearly.

9 Even people in Bangui were aware of it, I believe as well, because there were three
10 military refugees who joined the MLC after having received refugee status and (Redacted)
11 was one of those people. There was a colonel and then him. This is something which is
12 widely known, even by the embassy this is very well-known, and we would talk about
13 this (Redacted).

14 Q. My first question is this: (Redacted) in question, according to you, committed a
15 crime. That crime was committed in Central Africa and was committed as an MLC
16 soldier during the events which we are currently discussing; is that correct?

17 A. Yes.

18 Q. He is being prosecuted by the police. Exactly which police are prosecuting him?

19 A. The embassy of the DRC. I said there were police. I said that he wasn't being
20 prosecuted by -- he wasn't being chased by the police. He is being chased by the family.
21 Outside of each embassy now they have police. He was allowed to go into the embassy,
22 but when the family came to complain the people were not -- he was not able to stay
23 because the MLC soldiers were in the Central African Republic. The family simply had
24 to turn back. (Redacted) hid in the embassy, and then that night his departure was
25 facilitated and he crossed over the river to the other side.

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1 Q. I would like to remind you of your testimony. You said that (Redacted) fled. He
2 entered the embassy. Since the embassy is a State, the Central Africans were not able to
3 remain in the embassy. The police came, but they were not able to get (Redacted) out of
4 the embassy. Exactly what police are you referring to in that statement, sir?

5 A. I said in each, each embassy there are policemen. If you go to any embassy there
6 will be policemen, at the entry. But what I'm talking about here, I wasn't -- actually, I
7 wasn't there when that occurred. This was something which everybody knows about,
8 because when he fled there were refugees who were there with him who are currently in
9 Bangui. This is something which is known among all Congolese refugees. This is not a
10 story that is kept a secret. Even the president of the refugees, who is currently in Bangui,
11 also is aware of that and he can tell you the story as well as I did.

12 Q. You say the Central Africans were not able to remain in the embassy since the
13 embassy is a state. The police came and they were not able to get (Redacted) out of the
14 embassy. Is this a police station, a Central African police station, that you are referring
15 to?

16 A. Maybe it's a problem of interpretation. I said they tried to get him out of there, but
17 they were thought able to. An embassy it a different State, it's a different -- it's a different
18 State. The Central African police were not able to get into the embassy to do anything.
19 Somebody said "There's the person who killed our mother, he's in the embassy," but they
20 were not able to get him out of the embassy. And the countries weren't at war at that
21 time. They knew he was a Banyamulengue person, but they weren't able to insist. He
22 was there. We can't -- and this isn't a person who's dead. We can say that this is a lie.
23 This is something which concerns a live person and this is an affair which is known by
24 everybody. There are many refugees still in Bangui and many of them can tell you
25 exactly what's going on. I can give you their names, excuse me. This is a very

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1 well-known episode.

2 Q. I would just like to ask you to make an effort to sum things up so that we can finish
3 on time tomorrow. Sir, are we to understand that your version of the events consists of
4 saying that the Central African police attempted to stop and arrest an MLC soldier for a
5 crime which was committed in Central Africa, during the events which we are here to
6 discuss; is that what you're saying, sir?

7 A. The family and the police tried to, but they weren't able to get their hands on this
8 fellow. This was a time of war. I was in the army. I was in -- I was a soldier. There
9 were Banyamulengue elements in the Central African Republic. But neither the army,
10 nor the FACA, nor the police could intervene and do anything. Everybody was afraid,
11 you have to understand.

12 Q. At exactly -- at what time was this, according to you, your recollections? During
13 what period?

14 A. I don't have an exact date to give you, but it was during the second intervention by
15 the MLC. From October, up until 2003. The friends that I have who are still in the
16 Central African Republic can provide you with a precise date.

17 Q. Do you know why the Central African police attempted to -- to arrest this MLC
18 soldier, relative to the crimes that you have talked to us about during the period that we
19 are here to discuss?

20 A. It was a heinous crime. And when the police hear about something of that nature,
21 then of course they try to do something but they weren't able to do that because he took
22 refuge in the embassy and basically it was through doing that that he was able to cross the
23 river.

24 Q. And when you say that he hid in "our" embassy, what embassy are you referring to?
25 What embassy did he hide in?

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1 A. When I talk about "our" embassy, I'm referring of the -- I'm referring to the embassy
2 of the Democratic Republic of Congo.

3 Q. Do you know who the ambassador was at that time?

4 A. There were several people working in the embassy. There were chargé d'affaires,
5 so I can't provide you with the name of the ambassador. I don't have that. I don't
6 remember.

7 Q. Do you know whether the ambassador was under the authority of the
8 President of -- under the authority of the President of the Republic, who was President
9 Kabila at that time?

10 A. Yes, of course, the embassy was under the control of President Kabila. But our
11 embassy was very inefficient, given the situation at that time.

12 Q. Mr Witness, are you saying here today, before this Court, that this soldier of the
13 MLC was protected by the embassy of the Congo which was under the authority of
14 President Kabila, the political adversary, this leading political adversary of Jean-Pierre
15 Bemba? Is that what you're telling us here today, sir?

16 A. That's what you're saying. I said that when he went in there he was protected, but I
17 don't know who protected him. I don't know if he was protected by the number 1
18 adversary or Jean-Pierre Bemba. That's what you're saying.

19 Q. As far as you know, administratively speaking, who is the embassy in Bangui under?
20 Under whose administrative control?

21 A. The embassy is under the administrative control of Kinshasa, but sometimes people
22 from the embassy would cross over to Zongo, when Zongo was occupied by the MLC, for
23 example.

24 Q. By taking refuge in the embassy of the Democratic Republic of the Congo, this MLC
25 soldier, as far as you know, was he protected under the authority of President Kabila or

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1 was he protected under the authority of Mr Jean-Pierre Bemba while he should have been
2 arrested by the Central African police?

3 A. He was protected by the embassy in the Central African Republic. I don't know if
4 Kabila was informed of the situation, I can't tell you whether that was the case, I can't tell
5 you if he was protected by him but I know that the embassy answered to the central
6 government. But this person was being protected by the people who were there in the
7 embassy at the time.

8 Q. Mr Witness, (Redacted)

9 (Redacted) that MLC elements had killed and raped women in the Central African
10 Republic?

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. I'll reformulate my question. (Redacted) MLC

25 soldiers had raped and killed women in Central Africa, and I'm referring here to

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- 1 document CAR-OTP-0043-0222. Is that indeed what you are telling us?
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted) I mean, this is something which we can say very
- 10 well in open session, we don't need to be in closed session for this. I mean, they shot at
- 11 my house. Everybody knew it.
- 12 MR KILOLO: (Interpretation) Perhaps one last question in private session, Madam
- 13 President, before we wrap up today's proceedings.
- 14 *(Private session at 4.28 p.m.) Reclassified as Open session
- 15 THE COURT OFFICER: We are in private session, Madam President.
- 16 MR KILOLO: (Interpretation)
- 17 Q. Mr Witness, was it after 15 March 2003, which is to say at the end of the events, after
- 18 the events, that (Redacted) informed you that MLC elements had raped and killed
- 19 women in the Central African Republic? That's my last question, sir.
- 20 A. I think I already answered that. He didn't inform me. He said that the elements,
- 21 soldiers, had killed. (Redacted) Everybody in the
- 22 neighbourhood knows about it. I can tell you where I lived at the time. I can give you
- 23 my address.
- 24 Q. What date did he say that the MLC soldiers had killed and raped women? When
- 25 did he tell you that? Was it before or after March 15?

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1 A. When I talked to you about (Redacted), it's after 15 March. That's when they
2 came into the city of Bangui and they were basically hunting Congolese.

3 MR KILOLO: (Interpretation) I can see, your Honour, that it is time for us to stop for
4 the day.

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

6 (Open session at 4.30 p.m.)

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

8 PRESIDING JUDGE STEINER: Thank you very much.

9 Mr Witness, thank you very much for your efforts in continuing with your testimony to
10 the end of today's session.

11 I have to inform the parties and participants that the Chamber granted the request made
12 by the witness through VWU that tomorrow we have a hearing only in the morning, in
13 order to allow the witness to comply with religious duties, so tomorrow we'll have our
14 hearing from 9.30 to 11.30.

15 Bearing that in mind, I would like to ask Maître Kilolo whether Maître Kilolo has
16 already -- is already in a position to give to the Chamber an estimate on how long it will
17 take to complete Defence's questioning of the witness?

18 MR KILOLO: (Interpretation) We've made a great deal of progress, but I fear that with
19 just one session we won't be able to get to the end of our questioning. I hope that by
20 Monday we will be finished. I'm unable to -- to finish before noon.

21 PRESIDING JUDGE STEINER: Thank you very much, Mr Kilolo.

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

24 Let's turn into closed session in order for the witness to be taken outside the courtroom.

25 In the meantime, we are going to adjourn and resume tomorrow morning at 9.30.

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- 1 *(Closed session at 4.33 p.m.) Reclassified as Open session
- 2 THE COURT OFFICER: We are in closed session, Madam President.
- 3 (The witness stands down)
- 4 THE COURT OFFICER: All rise.
- 5 *(The hearing ends in closed session at 4.33 p.m.) Reclassified as Open session
- 6 RECLASSIFICATION REPORT
- 7 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 8 ICC-01/05-01/08-3038 and the instructions in the email dated 4 June 2014, the version
- 9 of the transcript with its redactions becomes Public