

Trial Hearing
Witness: CAR-OTP-PPPP-0173

(Open Session)

ICC-01/05-01/08

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 2
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Friday, 26 August 2011
- 8 (The hearing starts in open session at 9.35 a.m.)
- 9 THE COURT USHER: All rise. The International Criminal Court is now in session.
- 10 Please be seated.
- 11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
- 12 in open session.
- 13 PRESIDING JUDGE STEINER: Good morning. Good morning. Could, please,
- 14 the court officer call the case.
- 15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
- 16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: Thank you very much.
- 18 Good morning and welcome Prosecution team, legal representatives of victims, the
- 19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and
- 20 court reporters.
- 21 We will continue this morning with the testimony of Witness 173, and for that
- 22 purpose I ask, please, the court officer to turn briefly into closed session in order for
- 23 the witness to be brought into the courtroom.
- 24 *(Closed session at 9.37 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: Court officer, we can turn into open session, please.

5 (Open session at 9.38 a.m.)

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

7 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

9 PRESIDING JUDGE STEINER: Are you feeling well and ready to give your
10 testimony this morning's session?

11 THE WITNESS: (Interpretation) Yes, I feel fine.

12 PRESIDING JUDGE STEINER: As you are aware of, we are having two hours'
13 session and then for the rest of the day we are not continuing with your testimony in
14 order for you to take care of your duties, or take your time for yourself.

15 Before we start, I need to remind you that you are still under oath. Do you
16 understand that, sir?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: I also need to remind you that you are under
19 protective measures. Your image and your voice, broadcast outside the courtroom,
20 are being distorted so that the public cannot identify you. Therefore, you should
21 refrain from saying anything that could lead to your identification. We will continue
22 using the codes we already established but, if you feel the need for saying something
23 that in your view could lead to your identification, you just inform the Bench and we
24 go into private session. Is that fine with you, sir?

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

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1 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.

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

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

4 Q. Witness, good day.

5 A. Good day, Counsel.

6 Q. We will continue this morning and I will put my first question to you
7 straightaway. Is it true that the commander did not participate, as far as you know,
8 in the first MLC intervention in the CAR in 2001?

9 A. It was only for the second time. First of all there was the liberation war in the
10 Congo, and then secondly it was in Damara.

11 Q. Are we to understand from your answer that the commander did not take part
12 in the intervention of the MLC in the CAR in 2001? I'm referring to the first
13 intervention. Should we take it that he was not present in the CAR?

14 A. No, he did not take part in the first operation.

15 Q. I will remind you of a statement you gave to the OTP, document
16 CAR-OTP-0043-0208. I'll quote the question put to you: "How much time passed
17 between the first and second time that MLC troops arrived in the Central African
18 Republic?" Your answer: "I remember that the first time was an operation that didn't
19 last for more than 48 hours and Kolingba had even fled to Zongo. It was Bemba who
20 had driven him out and who subsequently helped him flee to Kampala. Bemba let
21 him pass through Gbadolite and had then allowed Kolingba to go to Kampala."

22 Witness, can you confirm that statement?

23 A. Yes.

24 Q. How do you know that -- in the course of the first MLC intervention, how do
25 you know that the first MLC intervention in 2001 in the CAR didn't last more than

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1 48 hours? How do you know this?

2 A. I was in Bangui.

3 Q. Witness, between October 2002 and March 2003, during that period of time did
4 you complain or denounce the perpetrators of crime committed in the CAR to
5 authorities of any kind?

6 A. No.

7 Q. As of 15 March 2003, as far as you know, the border between the DRC and the
8 CAR was it open, or not?

9 A. The border was closed on 15 March -- from 15 March, in fact, until 2007.
10 15 March 2007/2008, I think.

11 Q. I'm referring to your statement in document CAR-OTP-0043-0208. Who issued
12 the order to close this border between the DRC and the CAR?

13 A. It was President Bozizé that the border was open on the other side; but towards
14 the CAR, it was closed. On the CAR side, it was closed and this was Bozizé's order.

15 Q. Do you know why President Bozizé had ordered the closure of the border
16 between the DRC and the Central African Republic during that period from
17 15 March 2003 up until approximately the year 2007 or 2008, as you have said?

18 A. It was as a result of the war between Bozizé's troops and MLC troops. As the
19 MLC was on the other side, they were obliged to close the border.

20 Q. To the best of your knowledge, Witness, is it correct to say that within the army,
21 within the MLC army, there were many soldiers who came from the regular army of
22 the Congolese armed forces?

23 A. Everyone knows about that. It's true, Jean-Pierre Bemba and Patassé, they
24 went to Mobayi to persuade our troops who were in Mobayi to go to the other side,
25 over 500 troops.

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1 Q. In addition to this group of soldiers that came from the Congolese armed forces,
2 do you know whether within the MLC army there were other troops that came from
3 the Zaire armed forces?

4 A. Yes, there were such troops everywhere. There was -- from the President
5 Kabila Laurent, as well as in the MLC. At the camp of President Kabila Laurent, as
6 well as in the MLC.

7 Q. As far as you know, what was the proportion within the MLC -- among the
8 MLC soldiers, what was the proportion of troops that came from the regular armed
9 forces of Zaire and of the Congo? When you take them together, what would the
10 percentage of these troops be? Could you give a rough estimate?

11 A. No.

12 Q. After the events had come to a conclusion, after 15 March 2003 in the CAR, do
13 you know as of which date the MLC soldiers started joining the National Congolese
14 Army?

15 A. If I remember this, it must have been towards the end of 2003 or 2004.

16 Q. With regard to this question, I'm referring to your statement in document
17 CAR-OTP-0043-0210. Witness, as you stated to the OTP in document
18 CAR-OTP-0043-0261, can you confirm before the Chamber that the Central African
19 radio station Ndeke Luka wasn't broadcast in Gbadolite, or didn't broadcast in
20 Gbadolite?

21 A. I wasn't in Gbadolite when the MLC was there. At the time we were in
22 Gbadolite, we didn't listen to radio Ndeke Luka.

23 Q. With regard to this matter, I would like to remind you of the statement you
24 gave to the OTP, CAR-OTP-0043-0261. Here is the question put to you: "Radio
25 Ndeke Luka, did it broadcast in Équateur?" And your answer was: "Only in

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1 Zongo."

2 Can you confirm this?

3 A. Yes, I can confirm that, Ndeke Luka did broadcast in Zongo, as well as the
4 Central African radio, the MLC radio broadcast in Bangui.

5 Q. Are we to understand on the basis of your answer that when you say "Only in
6 Zongo" with regard to the Ndeke Luka radio station, are we to understand that this
7 Ndeke Luka radio station did not broadcast in Gbadolite?

8 A. I've already answered that question. I said that when I was in Gbadolite, we
9 didn't listen to the Ndeke Luka radio.

10 Q. Witness, you stated to the OTP in document CAR-OTP-0043-0245 -- how do you
11 know that MLC troops had a disciplinary code?

12 A. I think you have the answer there. You can read the answer I provided there.

13 Q. Witness, my question is the following: How were you aware of what -- of the
14 fact that the MLC troops had a disciplinary code? How were you informed of this?

15 A. I was in contact with (Redacted) their leaders. I think my answer is
16 there. (Redacted)

17 Q. When you speak about a disciplinary code, what does this mean exactly, "a
18 military disciplinary code"? Could you explain that for the benefit of the Chamber,
19 please?

20 A. There are various kinds of military disciplinary codes. I'm not really in a
21 position to explain this though.

22 Q. When you yourself used the terms "disciplinary code" and confirm that the
23 MLC had such a code, what are you referring to exactly?

24 A. I'm referring to disciplinary rules. Every army or every rebel force has to
25 follow disciplinary rules, rules of discipline. Sometimes troops don't respect things

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1 on the ground. These rules are not respected on the ground. I think I spoke about
2 this. These codes were not respected, these rules were not respected on the other
3 side in the CAR.

4 Q. Witness, could you clarify this central issue for the benefit of the Chamber, if
5 you are willing to do so. What does that mean when you speak about disciplinary
6 rules in the army? You said that the MLC had a disciplinary code. What does this
7 mean exactly for ordinary people? What do these rules have to do with?

8 A. Disciplinary rules in an army have to do with protecting civilians and their
9 property, even in the case of war or at peace time. I said that these rules were not
10 respected in the CAR. That's it. The troops have to be disciplined. They have to
11 respect the principles of their leaders. They have to abide by the rules of their
12 leaders. They mustn't cause damage to the civilians. They must not loot their
13 property. They must not kill civilians. Those are the disciplinary rules of an army.
14 There are many rules that an army has and I can't go through all of them here.

15 Q. And when did you learn that the MLC had a disciplinary code? When were
16 you apprised of that fact?

17 A. I don't have the exact date to provide you with, unfortunately.

18 Q. Is it correct that some 5,000 Congolese soldiers of the Congolese armed forces
19 crossed the river at Bangui in 1999 in order to seek refuge in the Central African
20 Republic in the city of Mobayi? And here I am referring to the statement that you
21 made, CAR-OTP-0043-0207.

22 A. Yes. Yes, and I think that the population of Mobayi will bear witness to that as
23 well.

24 Q. Is it correct that three weeks after their arrival, that these soldiers were moved
25 from Mobayi back to Bangui?

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1 A. That movement took several -- was done in stages. It didn't happen in just one
2 day. They would come along and they would move 200, 300 soldiers, for example,
3 at a time back to Bangui and that's how the operation was conducted.

4 Q. I would like to refer you to the testimony that you made here in this Chamber.
5 This is the French real-time version of the transcript from August 23, 2011, page 93,
6 lines 20 to 28, and also page 94, lines 1 to 8, and I quote: "For the first time I was in
7 Mobayi, we were there with all of our elements in Mobayi when he came with
8 President Patassé to ask us to join his movement. We were in a group but we did
9 not talk with him like that. We were in a group. Our leaders were there, the
10 commanders of the operations. Nsau, he was killed afterwards by the MLC there.
11 He convinced us, and there were many people, about a thousand people and some
12 soldiers, who went back to Mobayi, and they went back to Gbado in order to join the
13 MLC movement and others, including myself, refused.
14 We had to go back to the city of Bangui. I remained in Bangui. There was an
15 aeroplane that had been sent to Kinshasa in order to repatriate other soldiers. The
16 rest of us sought refuge in the Central African Republic."

17 Sir, do you recall making that testimony?

18 A. Yes.

19 Q. To the best of your knowledge, how many soldiers were repatriated by air back
20 to Kinshasa?

21 A. There were several rotations. I can't give you an exact figure. I wasn't at the
22 airport to see how many soldiers went back but I know that there were several lifts
23 that went back.

24 Q. I'd like to try to sum up what we are discussing here, in order to ensure that we
25 both understand the same thing, that we are both interpreting your testimony

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1 correctly. Sir, you stated the following: A group of approximately 5,000 soldiers,
2 Congolese armed forces, left the Congo in 1999 and sought refuge in the Central
3 African Republic; is that correct, sir?

4 A. Yes.

5 Q. In this group of 5,000 Congolese soldiers approximately 1,000 soldiers left the
6 Central African Republic in order to join the MLC in Gbadolite; is that correct, sir?

7 A. A thousand and more, yes.

8 Q. Could we perhaps put that figure at 1,500?

9 A. Yes.

10 Q. The 3,500 remaining soldiers went to Bangui, and out of this group of 3,500 who
11 went to Bangui some left Bangui to go to Kinshasa; is that correct, sir?

12 A. Yes, the majority of those soldiers.

13 Q. To your knowledge, what became of these former Congolese soldiers, members
14 of the Congolese armed forces? And I'm referring to those who remained in Bangui,
15 which is to say those who did not go to Kinshasa and those who did not immediately
16 join the MLC in Gbadolite, what became of those soldiers?

17 A. We stayed in Bangui and there were only about 20 of us. There was a colonel
18 with us who joined the MLC from Zongo in 2001, if memory serves me correctly, and
19 there were three elements which I talked to you about earlier. I do not remember
20 their names, but their names are on the list of Central African military refugees (Redacted)
21 (Redacted) and then there were others who

22 joined from Zongo and the others are still there but, (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Out of this group of soldiers, these soldiers who were in Bangui, do you know

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- 1 when the last group moved back to Kinshasa, what year?
- 2 A. The repatriation operation was in 1999, towards the end of 1999.
- 3 Q. And what did the soldiers who remained in Bangui live on?
- 4 A. (Redacted)
- 5 Some people had work. (Redacted) and others were working in
- 6 various places. (Redacted)
- 7 Q. In what language did the Congolese soldiers who remained in Bangui speak?
- 8 A. After a year or so we began speaking Sango. We had to adapt to life there.
- 9 Q. Are we to understand that these soldiers spoke both Lingala and Sango?
- 10 A. Yes.
- 11 Q. Did they also speak French?
- 12 A. Yes.
- 13 Q. Mr Witness, when the events began in October of 2002, do you recall having
- 14 stated that the MLC soldiers did not remain essentially in the city of Bangui, that they
- 15 were deployed to the various fronts?
- 16 A. Yes.
- 17 Q. For the most part, who remained in the city of Bangui? Which soldiers
- 18 remained in the city?
- 19 A. PK12 was already considered as being the front of the Damara axis as well and
- 20 the Bossembélé-Bozoum, but the commanders would come from time to time to
- 21 Bangui. They would go around and visit the fronts. They would be in Bangui
- 22 therefore, from time to time.
- 23 Q. And which soldiers occupied the area going from downtown in PK0, in other
- 24 words, all the way to PK12? Which soldiers occupied that sector?
- 25 A. The Presidential Guard, gendarme and the police.

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1 Q. Are we to understand by what you're saying that, between October of 2002 and
2 March of 2003, the MLC soldiers were deployed to various fronts? Are we to
3 understand that the entire area from PK0 to PK12 was essentially covered by Central
4 African Republic soldiers from the Presidential Guard, from the gendarmerie and
5 elements of the Central African national police? Are we correct in understanding
6 that, sir?

7 A. Just across from there, near enough, there's a military base up until PK4. At
8 PK4 and up to PK12, there were no soldiers along the road. There were houses there,
9 but there were no soldiers, but there was a position - a post - at PK12 and they would
10 control people going in and out of the city.

11 Q. The soldiers at PK12 who controlled movement to Bangui, were these members
12 of the Central African Presidential Guard, or did they belong to the national
13 gendarmerie of the Central African Republic?

14 A. There were not very many soldiers. There was the Presidential Guard, the
15 gendarmerie and the police.

16 Q. Can you provide us with names and the various abbreviations of the various
17 elements that were covered from PK0 to PK12; the acronyms that go up to the
18 checkpoint at PK12? Can you please explain to the Court who was there and when?

19 A. In PK4 -- at PK4, rather, there was Fouh and Gobongo, and then they would
20 take up to PK12. From PK4 to Fouh and Gobongo, there were no soldiers. That
21 area is covered by civilian neighbourhoods. There were some soldiers at PK12, but
22 from PK12 when you go to Bangui up to PK4, you go with the ONAF and that is
23 where there was a military camp right next to President Patassé's house, next to the
24 UNDP office. There's the ONAF, and you run into that just outside of the école
25 martyrs, and up to PK12 there was no -- at PK12 there were no soldiers. Once again

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1 these are civilian houses; privately owned homes.

2 Q. Do you know how many soldiers were in the camp which was close to the
3 President's house?

4 A. No.

5 Q. Do you know if the Central African soldiers who were in the camp, which was
6 located next to President Patassé's residence, provided security for the entire area
7 from the downtown area all the way to the position, or post, at PK12?

8 A. That's the city of Bangui, but I'm not entirely sure that I can provide you with
9 exact information about what you're referring to.

10 Q. Who was fighting with the Bozizé's -- Bozizé's rebellion before the arrival of the
11 MLC soldiers, when the rebellion broke out on the first days or the first hours after
12 October 25, 2002?

13 A. There were elements from the Presidential Guard and some FACA elements
14 which were loyal to President Patassé.

15 Q. And the clashes occurred where exactly?

16 A. They started outside President Patassé's residence. They were able to push the
17 elements back to PK12 and there they took the road to Chad.

18 Q. Do you know how long it took the Central African soldiers of the Presidential
19 Guard and the members of the FACA to push back the rebel members of Bozizé's
20 movement from the downtown area to PK12?

21 A. It didn't take very much time, not very many days, three, four, five days
22 perhaps, and then the MLC intervened.

23 Q. Is what you're saying to us that the MLC arrived approximately five days after
24 the beginning of the clashes which started on 25 October 2002?

25 A. I don't have exact dates to give you, but it was just after those events. I mean,

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1 just after those events started they got involved. They intervened.

2 Q. Can you please explain to the Chamber what the different quartiers or
3 neighbourhoods are, beginning in the downtown area to PK12, where clashes
4 occurred between the rebel elements under Bozizé and the Central African soldiers
5 belonging to the Presidential Guard and also the FACA?

6 A. There's ONAF, Combattant, Gobongo, Fouh. Combattant is the axis that goes
7 to the airport, because there were some soldiers who went to the airport. I haven't
8 been there for a long time, but it's between Combattant, Gobongo and PK12.

9 Q. And at that moment what was happening to the civilian population?

10 A. There were acts of abuse and violence.

11 Q. Exactly what kinds of acts of abuse and violence are you referring to?

12 A. These were perpetrated by the soldiers.

13 Q. But these were acts of abuse and violence committed by exactly which soldiers?

14 A. It started with the Presidential Guard. All of Abdoulaye Miskine's soldiers
15 basically committed acts of abuse and violence.

16 Q. What kind of acts of abuse and violence did these -- the soldiers of the
17 Presidential Guard and Miskine's men commit during the period that we are
18 discussing?

19 A. They killed civilians. They killed civilians at PK12, at Combattant, at the
20 Gobongo axis; Gobongo-Fouh axis to be exact.

21 Q. Can you please provide the Chamber with specific cases of murder committed
22 by these Central African soldiers, specifically Abdoulaye Miskine's troops and
23 members of the Presidential Guard? If you wish, we can move into private session.

24 A. No, I don't really have any names to give you, but each time that I went to the
25 mosque at PK5 I saw that there were people being brought to the mosque. Then

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1 they would -- and then the people would be buried. There was Bozizé, his soldiers
2 and his family, there were also members of Kolingba's family who were victims as
3 well, and this was all done by Central African soldiers.

4 Q. And in addition to the murders that were committed by Central African soldiers,
5 all the way up to PK12 and PK13 as you say, were there any other kinds of crimes that
6 were perpetrated? Was there any rape? Was there any looting which was
7 occurring at that point?

8 A. I didn't really hear much about rape at that point. I heard about some looting.

9 Q. You have spoken to us about murder. You also mentioned a few cases of
10 looting. Where did this looting occur and who was responsible for it? Once again
11 we're still talking about the five day period beginning with 25 October, which is to
12 say just before the arrival to the best of your knowledge of the MLC soldiers. Where
13 did this looting occur and who was responsible for it? Was it done by members of
14 the Central African Presidential Guard, or members of Miskine's troops?

15 PRESIDING JUDGE STEINER: Just to make it clear, the answer given before by the
16 witness - and it is on page 15, line 12 - talks about "not very many days, three, four,
17 five days." So it's not five days. It's three, four, five days, just to make it clear,
18 unless the witness of course wishes to review his answer.

19 MR KILOLO: (Interpretation)

20 Q. Before we continue, Mr Witness, could you please help the Chamber
21 understand this, because there is indeed a difference between two, three, four and
22 five days? Perhaps your personal experience might help you shed some light on this
23 issue. A few minutes ago I provided you with a resumé of - a summing-up of - your
24 version of the facts. You said that the MLC showed up five days after the beginning
25 of the hostilities on 25 October. Can you confirm that, sir, or not?

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1 A. I said that I didn't really have an exact date to give you, but there was five days,
2 or a week, perhaps. They came in to push out Bozizé's soldiers up to Damara and
3 also out to the Bossembélé axis. They pushed them very far out, they moved them
4 far back.

5 Q. To clarify the matter, can we take it that as of 25 October, which is the date on
6 which the clashes commenced, according to your version of events, the MLC arrived
7 between 30 October - that's five days later - they arrived between 30 October and
8 2 November. So that's between five days and a week. Could that be taken as an
9 approximate estimate?

10 A. Counsel, I don't have any fixed dates for that. I didn't note all this down in a
11 diary to be able to tell you when it was. I'm just telling you about the events on the
12 ground.

13 Q. And the MLC, from where did they start engaging in combat against Bozizé's
14 rebel force? Where did this start?

15 A. The MLC intervened -- well, this zone was threatened, PK12 to Gobongo.
16 There were incursions here and there by the rebel forces. That's why I said that the
17 MLC came from there to drive them back to the Damara axis and the
18 Bossembélé-Bossangoa axis.

19 Q. You've already started clarifying the issues of murder for the benefit of the
20 Chamber committed by Central African troops. What about looting, because you
21 also said that you heard about cases of looting, some cases of looting? Who
22 committed these cases of looting? Who looted and in which areas, which sectors,
23 according to what you heard?

24 A. When I spoke about it, it wasn't a large scale; it was looting in shops towards
25 Combattant and Gobongo and also at PK12.

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1 Q. Combattant and Gobongo, which PK are we talking about in those two cases?

2 A. Combattant and Gobongo, well, PK4, PK5 and further up, as far as PK12, that
3 would be the area.

4 Q. Who engaged in this looting in this entire area during the period that we are
5 currently interested in, the period up until the arrival -- just before the arrival of MLC
6 soldiers.

7 A. As I said, it wasn't large scale, it wasn't on a large scale. There were some
8 troops from the Presidential Guard that were involved.

9 Q. I would like to remind you of a statement you gave before this Chamber.
10 Witness, could you tell the Chamber how it is that you know, how did you receive
11 this information according to which Central African troops from the Presidential
12 Guard and troops belonging to Abdoulaye Miskine committed murder but also
13 engaged in looting right up to PK12 from the centre of the town in Bangui up until
14 PK12? How are you aware of this?

15 A. I think I've already answered that. I often went to the Ali Babolo (phon)
16 mosque, and all the bodies were taken there. All the Muslims who had been killed,
17 their bodies were taken there to wash them and bury them. I went there.
18 On each occasion, I was informed of what was happening of the situation. Even
19 when we were in Bangui, what was going on in Bangui was well known by everyone.
20 You saw the bodies that would be taken to the mosque. It was a good place to wash
21 the bodies, and so on and so forth. The hall had air-conditioning. Sometimes two
22 or three bodies would be taken there, and everyone was aware of this.

23 Q. How many bodies were you able to see, or how many bodies did you hear
24 about? How many victims of murder committed by Central African troops did you
25 hear about?

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1 A. I have already answered that. There were a lot of bodies, but during that
2 period seven or eight bodies were taken there. But during all the operations and
3 when the MLC arrived too, there were over 40 bodies.

4 Q. We are now going to focus on the period prior to the arrival of MLC troops and
5 later we will deal with other aspects, but we'll take this in order, chronological order.
6 I'd like to remind you of something you stated before this Chamber. I'm referring to
7 the French LiveNote of the 23 August 2011, page 61, lines 23 to 28, and page 62, lines 1
8 to 2, and I quote your testimony:

9 "You know, at PK13 there are stock-breeders who live there. The Central African
10 economy is based on stock-breeding. These are people who have money. They sell
11 their cattle, the cattle that is taken to Congo, Brazzaville. They know that these
12 people had money. They were their target. Even Abdoulaye Miskine's troops
13 would go there to engage in looting, killing, and MLC troops also did the same thing.
14 With regard to PK13, one could say that it was at the beginning and right until the
15 end. At the beginning of their arrival until the end these things continue."

16 Witness, I will pursue that line of thought and remind you of another statement that
17 you made, and this is the French LiveNote of the 23 August 2011, page 24, lines 25 to
18 28, and page 25, last line, and this is what you said:

19 "There were acts of violence committed by troops of -- from the Presidential Guard as
20 well. There were acts of violence committed by both sides."

21 And in another part of your testimony given to this Chamber, I'm referring to the
22 following transcript, the French LiveNote of 23 August 2011, page 62, lines 6 to 14,
23 and this is what you said there:

24 "With regard to PK13, one could say that it was at the beginning and right up until
25 the end. At the beginning of their arrival up until the end, these things continued.

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1 There were serial killings committed there. On each occasion, there were problems
2 up there. Presidential Guard troops would not hesitate to kill. And they told their
3 friends, 'These are the rebels who live in that area up there, all those living at PK13
4 were considered to be rebels.' There was rape. Even women at PK13 were raped."
5 Witness, do you remember this?

6 A. Yes.

7 Q. When you say -- when you refer to looting, murder, rape, and when you say
8 that these acts of violence were committed on one side and on the other, what do you
9 mean?

10 A. The MLC troops killed, Presidential Guard troops also killed. My answer is
11 clear.

12 Q. I'd like to remind you of something else you testified to before this Chamber.
13 I'm referring to the French transcript, the LiveNote of 23 August 2011, page 56, lines 9
14 to 11, and this is what you said there: "You see what the effect was when Bozizé's
15 troops arrived. There were also cases on our side, cases of killing, rape."

16 Do you remember having said this before this Chamber?

17 A. Yes. After 15 March, after the departure of the MLC, the Congolese were
18 threatened in the CAR by these troops, Bozizé's troops, and I myself was a victim of
19 this.

20 Q. With regard to rape, could you clarify this for the Chamber? You said rape
21 committed by Bozizé's troops in the CAR. What are we talking about exactly?

22 A. When they arrived, we had to hide. At one point in time, we went out to look
23 for our children but it was difficult because elements from Bozizé's forces were killing.
24 They would kill each other and we, the Congolese, were the targets. Given what
25 MLC troops did in the CAR, we were considered targets of these troops.

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1 Q. You spoke about Bozizé's Central African forces committing rape. Can you
2 refer to the neighbourhoods where rape was committed?

3 A. You want more information, but you ask -- you should ask the (Redacted) That's
4 where (Redacted) were, the (Redacted). Well, all (Redacted) went to complain
5 there. There were some (Redacted) who were raped, some (Redacted) lost their parents.
6 (Redacted) so that's where the information was
7 received after 15 March.

8 Q. Given the information you received about this, about rape committed by
9 Bozizé's rebel troops, could you provide us with some examples, the names of
10 neighbourhoods in the centre of Bangui, in PK12? Could you tell us in which areas
11 Bozizé's troops committed rape?

12 A. There was a tailor who was killed in Gobongo, a Congolese tailor. There were
13 also some shoe-shiners. People thought that they would facilitate MLC tasks, help
14 them, point out houses for them, houses where there were people with money and
15 possessions, so that these houses could be looted and so that other wrongdoings
16 could be committed and when the MLC arrived the shoe-shiners paid the price.
17 There are many shoe-shiners in the CAR, they're all Congolese. Even domestic
18 service men are Congolese. So this community paid the price, the shoe-shiners and
19 domestic service men. We also paid the price. They came to kill me in my house
20 but, fortunately, (Redacted)
21 (Redacted) I can't give you names. This took place a long time ago.
22 If you go to the (Redacted) they will provide you with far more detailed information,
23 because everyone went to complain there. The victims also went there to lodge
24 complaints.

25 Q. You are now focusing on cases of murder committed by Bozizé's rebel troops.

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1 When you speak about these shoe-shiners and the tailors who were murdered, where
2 is it that Bozizé's troops committed these acts of murder? Which neighbourhoods
3 are we talking about, roughly speaking?

4 A. The Congolese everywhere, in all the neighbourhoods of the CAR. This was a
5 result of the anger that these troops felt. That's why they acted in this way, because
6 the troops committed a lot of crimes, the MLC troops committed a lot of crimes.
7 They did much wrong there, and this is why the Chadian army intervened, because
8 there was a lot of killing. I don't know if we can just focus on this problem. I've
9 already spoken about this at length. There were a lot of crimes when Bozizé's
10 elements, troops, arrived. They were obliged to make us pay the price, to make the
11 Congolese who were there pay the price.

12 Q. Witness, according to the information that we have, shoe-shiners were recruited
13 in Bangui within the framework of the hostilities, as part of the hostilities. Can you
14 tell us anything more about that?

15 A. Yes. These are MLC troops who recruited these shoe-shiners because they
16 spoke Lingala and Sango. They recruited them so that they could point out places
17 where they could engage in inappropriate behaviour.

18 Q. Who provided them with weapons and ammunition, as far as you know? Who
19 provided this to the shoe-shiners in Bangui?

20 A. That's a question that should be put to the MLC.

21 Q. You remember that you referred to the Presidential Guard. You said that they
22 provided uniforms, weapons, ammunition, to MLC soldiers. Are we to understand
23 it that the Presidential Guard provided these shoe-shiners with all the combat
24 equipment?

25 A. That's you who has just said that. I'm telling you, you should ask MLC troops

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1 about that, MLC troops who were on the ground.

2 Q. You said that when they were withdrawing, crimes were allegedly committed
3 by the MLC at Kilometre 5 in the Ari neighbourhood, in Kokoro and Katan (phon)
4 between PK4 and PK12. Do you remember this?

5 PRESIDING JUDGE STEINER: Mr Kilolo, please.

6 MR KILOLO: (Interpretation)

7 Q. This is a statement you gave to the Prosecutor, CAR-OTP-0043-0220 is the
8 number of the document. Do you recall this?

9 A. Yes, I do. When these troops went back, everyone wanted to go back with a
10 piece of foam on their head, with a mattress or piece of foam, with some clothes.
11 They committed a lot of crimes at PK12 up until PK4, Gobongo, Fouh, and houses
12 around PK11. There are a lot of Central Africans who had invested there and these
13 houses were visited more than others by MLC troops. When they were going back,
14 they would loot these houses, and this took place in other neighbourhoods too.
15 They would approach the doors. They'd go in and take everything they could, and
16 then they would kill and they did much harm, much damage, in Bangui.

17 Q. Witness, were you an eyewitness of the crimes committed by MLC troops
18 between PK4 and PK12, in that neighbourhood, during this period of time?

19 A. According to the information I had, well, no, I wasn't an eyewitness but when
20 they went home you could see what they had. They passed in front of my house. I
21 lived near. They had pieces of foam, other things, other items, with them. They did
22 these things in PK12, Gobongo. There were cases of rape. We saw the bodies that
23 were buried after these events as well and, as I said, I saw them because I didn't live
24 very far.

25 Q. Witness, during these acts -- the period when these acts of violence were

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1 committed, between PK4 and PK12, is it true that when these crimes were committed
2 you weren't in the neighbourhood but you were fleeing and you were in (Redacted)?
3 And I'm referring to the statement you have gave to the Prosecutor in document
4 CAR-OTP-0043-0221.

5 A. On 15 March, I think I've already mentioned this, I was at PK15, where the
6 Chinese had built some buildings. I was returning with some Central African
7 friends and we were intercepted by MLC troops. When I spoke to them in Lingala
8 they let me go through. (Redacted)
9 (Redacted) I saw him, I saw this gentleman at PK12. He was there with a lot of troops.
10 I didn't want to approach them as I was with Central African army, Central African
11 friends, as we went to sell bricks there. We had to go back home immediately but
12 they intercepted everyone. They make you sit down, they search you, and when I
13 spoke in Lingala, they asked me whether I was Congolese and I said yes. I said,
14 "These people here are my brothers." They let me pass through and I was obliged to
15 flee then as far as my house, (Redacted)

16 THE INTERPRETER: The witness is kindly asked to slow down for the
17 interpretation.

18 Q. Witness, we will take this by stages. You have already said that you were not
19 an eyewitness of the acts of violence attributed to MLC troops, acts of violence that
20 were committed between PK4 and PK12. Can we agree on that at this point in time
21 before we move on?

22 A. Yes.

23 Q. My second question: Is it true that during the period during which these
24 alleged crimes were committed, attributed to MLC troops, you were not personally
25 present in those neighbourhoods between PK4 and PK12? Do we agree on that, on

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1 this second point?

2 A. I think I told you (Redacted) I didn't live at PK4,

3 Gobongo, Fouh, Combattant. (Redacted) at that time and I believe that -- well,

4 it's as if you had forgotten that these troops came (Redacted)

5 (Redacted)

6 (Redacted) These aren't things

7 that they just picked up along the road.

8 Q. We'll get to that point. At this point in time can we take it that you were not

9 present in those neighbourhoods between PK4 and PK12 during the period when the

10 alleged crimes that you attribute to the MLC were committed? Can we agree on

11 this?

12 A. Yes.

13 Q. This is another question, my last question about the crimes between PK4 and

14 PK12: Did you have any contact with the population between PK4 and PK12, with

15 the population that was a victim of the crimes that, according to you, are attributed to

16 MLC troops? Did you have any contact with this segment of the population?

17 A. Yes, much contact because at the time there were people from Gobongo and

18 Combattant, they all fled towards Pétevo and PK9. That's where they went. They

19 would cry. Many people from the Central African Republic went there, people from

20 Fouh, Combattant, Gobongo, they all fled to PK9. They passed in front of me (Redacted)

21 (Redacted).

22 Q. If I'm not mistaken your actual -- your current position is to say that you had

23 contact with the population that, according to you, was a victim of the crimes

24 committed between PK4 and PK12; is that your position right now?

25 A. Yes. I told you that the Gobongo and Combattant populations were fleeing

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1 towards Pétevo in the Malimaka (phon) axis. And the people were there, I can tell
2 you about that.

3 Q. Mr Witness, on 1 July 2009, sir, you met with investigators from the Office of the
4 Prosecutor, and you discussed this issue in particular, and they put the same question
5 to you at that time. Here I would like to refer to document CAR-OTP-0043-0222.

6 Here is the question that was put to you: "Did you have contact with the population
7 between PK4 and PK12, and were members of this population victims of these acts of
8 abuse and violence?" Your answer to that question: (Redacted)
9 (Redacted)

10 Are these your words, sir, and is this what you said to the investigators from the
11 OTP?

12 A. Yes, those are my words. That's after (Redacted) and he said that a lot of
13 people had been killed. But where I was was where I could see all these people
14 moving to the north, and then that's what I said.

15 Q. Mr Witness, how can you explain that given the same question, which was
16 phrased in exactly the same terms, that today on 26 August 2011 that you now
17 complain that you personally had contact with the population which, according to
18 you, was the victim of acts of abuse and violence which were committed by the MLC
19 between PK4 and PK12?

20 On 1 July 2009 the same question was put to you, and you very clearly answered:

21 "No, I did not have any contact with them. (Redacted) was the one who spoke to me
22 about that."

23 How can you explain that, sir.

24 A. I think that you asked -- the question was to know whether I was in PK12 and
25 Gobongo when this happened. I said, no, that I wasn't there. That was my answer.

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1 You asked me the question if (Redacted). And all the people in the Gobongo
2 Fough people knew what happened, they all fled the events to where we were, and we
3 heard about what was going on by people who were going through, but I didn't talk
4 with any families of victims. I was informed by the population, which was coming
5 through. They were fleeing the war.

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

8 *(Private session at 11.04 a.m.)Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Maître Kilolo, could I remind you, please, not to
11 mention this kind of information, that a certain person talked to the witness, because
12 this could be seen as identifying information? If need be, please ask and we go into
13 private session. Thank you very much. Let's turn back into open session, please.

14 (Open session at 11.05 a.m.)

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

16 MR KILOLO: (Interpretation) Unfortunately, your Honour, I would have to ask us
17 to move back into private session, if you please.

18 *(Private session at 11.05 a.m.)Reclassified as Open session

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

20 MR KILOLO: (Interpretation)

21 Q. Mr Witness, I would like to be able to rely on your co-operation in our quest for
22 the truth. I would like to refer again to document CAR-OTP-0043-0222. I'm going
23 to read two questions which were put to you, and at each time I'm going to read the
24 answers that you provided to those questions. The first question had to do with the
25 crimes which you talk about having occurred between PK4 and PK12.

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1 "Were you in these quartier or neighbourhoods at that time?" Your answer: "No,
2 I had already fled." I asked you the question and you confirmed to me that you were
3 not in those neighbourhoods at the time that the supposed acts of abuse and violence
4 were committed.

5 Do we agree on this point?

6 A. Yes.

7 Q. Then a second question was put to you, and this question was very different
8 from the first, and here's the second question: "Did you have contact with the
9 population between PK4 and PK12, a population which was a victim of these acts of
10 abuse and violence?" And, there again, your answer was: "No, I heard of it from
11 (Redacted)

12 Can you confirm this? Can you confirm here before the Court that your source of
13 information concerning the acts of abuse and violence which were blamed on MLC
14 soldiers between PK4 and PK12 was (Redacted) that he was the one who
15 provided you with that information.

16 A. If you only took part of the Bible. You haven't read my entire statement.
17 There were members of the MLC and -- who were there, and I talked to you -- they
18 had pictures and they were able to show those pictures. They'd killed various
19 people.

20 And (Redacted) was not the only source. I heard of several things which had
21 happened. And I told you very clearly that I was in the mosque at PK5, and there
22 were only Muslims who were brought there. Christians who were killed were
23 brought there as well, but in that mosque I saw many cases, many dead, who had
24 been brought there.

25 People were in mosque, and they were bleeding. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) and I saw all of these people going by while

4 we were bringing the bodies to the mosque. I didn't get that information from just

5 from (Redacted) I didn't get that information just from (Redacted) I got

6 that same information from other people, including members of the MLC.

7 Q. We're going to continue with our line of questioning. Here's the third question

8 which was put to you: "Were you in contact with the MLC soldiers which

9 supposedly committed acts of abuse and violence between PK4 and PK12?" Your

10 answer: "No. However, I spoke with MLC soldiers who had committed acts of

11 abuse and violence in Bossembélé, Bossangoa, Bozoum. We are talking about acts of

12 violence between PK4 and PK12."

13 And this brings me, once again, back to my question: Who told you of the acts of

14 abuse and violence between PK4 and PK12? Was it, indeed, (Redacted)

15 A. I mentioned the name (Redacted) because he was there, and he talked about

16 what the MLC did to people at PK12 and Bossangoa, and I confirmed that I had

17 indeed said that. But there were many people. I knew the population very well.

18 (Redacted)

19 (Redacted)

20 (Redacted) And when

21 people went there, they would go right in front of the house, and they would talk,

22 and people were crying, and we could hear everything that was going on.

23 I wasn't outside of Bangui to tell you that there were acts of abuse and violence. I

24 was where I told you. And even MLC soldiers were leaving to cross the river, and

25 people who were fleeing were also going past that same point. I was not an

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1 eyewitness to all that, excuse me.

2 Q. Can we sum up your statement to the investigators as follows in document
3 CAR-OTP-0043-0222? I'd like to sum up what you said in the following manner:

4 One, you were not personally in the neighbourhoods when acts of abuse and violence
5 were committed between PK4 and PK12; two, that you were informed of these acts of
6 violence and abuse by (Redacted) and, three, that you did not have contact with
7 the MLC soldiers who allegedly committed acts of abuse and violence between PK4
8 and PK12.

9 Is that an accurate resume of events?

10 PRESIDING JUDGE STEINER: Maître Badibanga.

11 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'm sorry that I
12 have to interrupt this line of questioning, but I think that the Defence is now going
13 back over information that the witness has already provided.

14 If we go back to the statement that the witness made which begins on page 22,
15 CAR-OTP-0043-0220, and which continues on to page CAR-OTP-0043-0222, we're
16 going to see that the witness mentions several sources.

17 I would just like to refer now to page 0221, where we ask if the people who were
18 killed were civilians or soldiers. And he answers: "Civilians, inhabitants of
19 Bossembélé and Bossangoa". Do they talk about the number of civilians?" And he
20 says: "They didn't give me a number, but they said that they killed and raped."
21 And then when we continue in his statement, we can see that he talked about (Redacted)
22 (Redacted), which refer to crimes. He talks about PK4 and PK12, and he finally
23 refers to several different sources.

24 If we want to sum up what he's saying, then I think that we should be sure that we
25 don't exclude a part of his statement, and since we are in private session I would also

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1 like to say that perhaps the witness should no longer say that he was living in (Redacted)
2 because that is information that makes it possible for him to be identified. He has
3 made that reference in fact several times in open session and I think that he should in
4 the future avoid doing that. Thank you.

5 PRESIDING JUDGE STEINER: Maître Kilolo, I must say that I'm always concerned
6 when you start summarising what the witness said because in these summaries you
7 prepare, you pick and choose the information that, in your view, should caught the
8 attention of the Chamber, but I'm sure the Chamber is not really happy with this
9 system.

10 If you want to summarise, we are going to summarise with the references and
11 summarise the whole of the statement, not the way you've been doing, more than
12 once, and the Prosecution is correct, just picking and choosing what is of the interest
13 for the Defence.

14 You can proceed.

15 MR KILOLO: (Interpretation) Thank you, your Honour. I'm not going to spend
16 much more time on this question but, for the transcript, I would like to nevertheless
17 state that if we carefully read page CAR-OTP-0043-0222, that the witness refers to acts
18 of abuse and violence which occurred in various places, not only in the centre of
19 Bangui between PK4 and PK12. And when my colleague from the OTP spoke in
20 order to mention (Redacted) to identify them as sources of information, that is
21 relative to a question which has to do with the crimes which were committed in
22 Bossembélé, Bossangoa and Bozoum. The question is to know which members of
23 the MLC spoke with him about the crimes. What we have to do is to read the next
24 part. The crimes committed in Bossembélé, Bossangoa and Bozoum. My question,
25 however, in order to be a bit more consistent, was to try to take the witness through a

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1 series of questions which would make it possible to cover the area region by region,
2 and we are still dealing with the Bangui area, and we're still dealing with crimes
3 which occurred between PK4 and PK12. I'm simply reading the statements that the
4 witness has made and I'm asking him if his statements do indeed accurately reflect
5 what really happened.

6 PRESIDING JUDGE STEINER: Maître, just to remind you, what you say has been a
7 rule on this questionings, when you want the witness to confirm what the witness
8 said to the Office of the Prosecutor in his statement, that you quote the whole part,
9 not half a sentence or just the beginning of a paragraph. This is what I called "pick
10 and choose." Read to the witness the whole information or ask the Chamber to
11 display that part of the statement in order for the witness to refresh his memory.
12 You can proceed.

13 MR KILOLO: (Interpretation) Could I ask the court officer to please display on the
14 screens the document CAR-OTP-0043-0222. This is the first document on the
15 Defence's list of documents.

16 THE COURT OFFICER: Document CAR-OTP-0043-0199, first redacted version, is
17 available on your screens at page 0222. This document is confidential.

18 PRESIDING JUDGE STEINER: Maître, are we to continue in closed session, in
19 private session?

20 MR KILOLO: (Interpretation) Yes, please, your Honour.

21 Q. Mr Witness, there is one page of the statement that you made to the OTP on 1
22 July 2002 on the screen in front of you. This is CAR-OTP-0043-0222. I would like
23 you to please focus only on the crimes which were committed in Bangui, between
24 PK4 and PK12, and later on we'll talk about Bossangoa, Bossembélé and Bozoum, and
25 even Damara, but that will come at a later time. I'm not going to read the entire page

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1 out to you but rest assured that I have read it personally very carefully, line by line.

2 This page has seven questions, and I would like to focus solely on the information

3 which is contained in the third and fourth questions which were put to you. Here is

4 the question which was put to you, this is the third question: "Did you have contact

5 with the population living between PK4 and PK12 who were victims of these acts of

6 abuse and violence?" Your answer to that question was the following: "No, I heard

7 about that from (Redacted) I have just one question for you, sir: Does this

8 accurately reflect the statement which you made to the Office of the Prosecutor?

9 A. Yes.

10 Q. I would now like to move on to the fourth question and there again I quote the

11 question: "Did you have contact with MLC soldiers who allegedly committed acts of

12 abuse and violence between PK4 and PK12?" Your answer: "No. However, I

13 knew and I spoke with MLC soldiers who had committed acts of violence in

14 Bossembélé, Bossangoa and Bozoum. Between PK4 and PK12 people were leaving

15 in great haste, everybody was fleeing, but at PK13 there was the livestock market and

16 there many crimes were committed."

17 Sir, does this accurately reflect the statement which you made to the members of the

18 Office of the Prosecutor?

19 A. Yes.

20 Q. When you say "no," when you answer "no" to this question concerning the

21 crimes which were committed in Bangui between PK4 and PK12, are we to

22 understand that that means that you did not have contact with the MLC soldiers,

23 those who supposedly committed acts of abuse and violence between PK4 and PK12,

24 and we're only talking about those? When you say "no," how exactly are we to

25 understand your "no"?

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- 1 A. Well, it's written. It's written down right in front of you.
- 2 MR KILOLO: (Interpretation) Thank you.
- 3 PRESIDING JUDGE STEINER: Maître Kilolo, first, the court officer, please turn into
- 4 open session.
- 5 (Open session at 11.26 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you. Maître Kilolo, when we have two
- 8 hours session, we have also the problem with the tape, and I am informed that we
- 9 have three minutes left. So, if this is not a problem for the Defence, maybe we
- 10 should adjourn for now, unless the Defence has only one short question to put;
- 11 otherwise, it would be better if we continue on Monday.
- 12 MR KILOLO: (Interpretation) I agree, your Honour, no problem.
- 13 PRESIDING JUDGE STEINER: Thank you very much then. Mr Witness, thank you
- 14 very much. We will adjourn for today. We will resume now only on Monday.
- 15 We hope you can spend a restful weekend in The Hague. I would like to thank very
- 16 much the Prosecution team, the legal representatives of victims, Defence team,
- 17 Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters. We are turning
- 18 now into closed session for the witness to be taken outside the courtroom, and in the
- 19 meantime we are going to adjourn and resume Monday morning, 9.30, in this very
- 20 same courtroom. Wishing all of you a restful weekend. Court officer, please.
- 21 *(Closed session at 11.28 a.m.) Reclassified as Open session
- 22 THE COURT OFFICER: We are in closed session, Madam President.
- 23 (The witness stands down)
- 24 THE COURT OFFICER: All rise.
- 25 (The hearing ends in closed session at 11.29 a.m.)

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(Open Session)

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- 1 RECLASSIFICATION REPORT
- 2 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 3 ICC-01/05-01/08-3038 and the instructions in the email dated 4 June 2014, the version
- 4 of the transcript with its redactions becomes Public