

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Tuesday, 30 August 2011

9 (The hearing starts in open session at 9.33 a.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in session.

11 Please be seated.

12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are

13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call

15 the case.

16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much.

19 Good morning and welcome the Prosecution team, legal representatives of victims,

20 the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters

21 and court reporters.

22 We will commence the evidence of Witness 178 today. First, as I see new faces at the

23 Prosecution team, I would like the Prosecution, Mr Badibanga, please to introduce his

24 team.

25 MR BADIBANGA: (Interpretation) Thank you, your Honour. Good day. Good

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 day, Honourable Judges. Today the OTP is represented by: Ms Laurence  
2 Carrier-Desjardins, legal assistant; Ms Sylvie Vidinha, who is a support assistant to  
3 the OTP; and Jean-Jacques Badibanga, myself, trial lawyer. Thank you.  
4 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Maître Kilolo, you  
5 are alone today?  
6 MR KILOLO: (Interpretation) Yes, your Honour. I am here as assistant counsel  
7 and Kate Gibson, legal assistant, and I would like to ask you now that I have the floor  
8 whether, before the witness enters the courtroom, that the Defence should respond to  
9 the question that was raised yesterday with regard to the video issue?  
10 PRESIDING JUDGE STEINER: I was about to give you the floor in that respect.  
11 You have the floor.  
12 MR KILOLO: (Interpretation) Thank you, your Honour. In fact, the Defence asked  
13 leave to use the video that was shown yesterday. It was the fifth document on the  
14 Defence list. We wanted to use it as evidence. It is true that we hadn't noted it in  
15 the list of evidence that was to be tendered by the Defence. We have had the  
16 opportunity to apologise for this and to warn all the participants, and we sent a copy  
17 to the Chamber in a mail dated 26 August. It was a Friday.  
18 We informed everyone that the Defence had the intention of using this video and had  
19 the intention of tendering it into evidence. I would also like to draw your attention  
20 to the fact that, in fact, all the parties had already been informed and had been  
21 informed for about two months about the Defence's intention to make use of this  
22 video as evidence, and I am now referring to the revised French transcript of  
23 11 July 2011, page 24, line 10, or lines 10 to 14.  
24 Your Honour, you yourself put a question to Maître Nkwebe Liriss and asked  
25 whether this very same video that he had used for a previous witness, you asked

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 whether he had the intention to use this video as evidence, and he said, in fact, that it  
2 would be used with the following witness who had also addressed the issue of Sibut,  
3 to talk about Sibut, and this was done.

4 I imagine that if the OTP wants the usual time to respond in writing, the usual  
5 amount of time to respond in writing and to raise an objection, we have no problem  
6 with that, but we would like to point out that no objections were made by the OTP  
7 with regard to the use of this video in relation to the witness in question.

8 The entire segment has been transcribed, it's all been admitted into the record and we  
9 don't see any particular prejudice caused to the Prosecution as a result of which they  
10 would refuse to have this document admitted into evidence, above all because the  
11 witness recognised the president of the organisation of the Central African Women.  
12 He recognised her, or he said that he had already met this lady, so there are certain  
13 elements, certain individuals, met by the witness.

14 And on 14 July, for example, this was mentioned. The date 14 February 2003 is the  
15 date that was mentioned on a number of occasions by various individuals who  
16 appeared in the video, and these individuals said that it was on that date that MLC  
17 troops arrived for the first time in the town of Sibut.

18 So with regard to all these matters the Defence would like this document to be  
19 admitted into evidence.

20 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Has the Prosecution  
21 anything to add?

22 MR BADIBANGA: (Interpretation) Thank you, your Honour. First of all, I would  
23 like to remind everyone of the fact that the Chamber handed down a decision in  
24 which it instructed the parties about the manner in which evidence was to be  
25 tendered and admitted, and this is what we are dealing with here.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 We would have expected the Defence to follow this procedure and request that the  
2 evidence be admitted in this manner with regard to the use of the video itself and,  
3 naturally, it's the Defence's right to use the means it deems appropriate to examine  
4 the witness and to try and obtain or to try and determine what the truth is, in their  
5 opinion. We are not opposed to the Defence putting such questions to the witness.  
6 On the other hand, and this is our main objection, there was certain deviation made  
7 from the procedure and one now wants the document to be admitted into evidence  
8 through the witness who has just been heard.

9 As we have said, this witness is not the author of the document, he does not appear in  
10 the video, he did not participate in the making of the video and on a number of  
11 occasions we heard the witness say that he did not know anything about the film, he  
12 had never seen it, he wasn't present when the video was made, he didn't know  
13 anything about the circumstances under which the video was made.

14 Now I hear that the Defence claims that the date was recognised and this gives value  
15 to all the evidence and justifies the admitting of the document through this witness.

16 This is why we object to this procedure. The witness said what he knew as truth or  
17 as evidence and documents that come from other sources, in our opinion, cannot be  
18 introduced through this witness given the fact that he's absolutely -- he has absolutely  
19 no knowledge of the document. This is the reasoning of the Prosecution and this is  
20 the procedure we would like to follow in this case. Thank you.

21 PRESIDING JUDGE STEINER: Thank you very much. Before we go ahead, Maître  
22 Kilolo, would you like to reply? Any further comment?

23 MR KILOLO: (Interpretation) Not in particular, your Honour. I would just like to  
24 point out that the debate boils down to one issue: The Defence had the obligation to  
25 inform in advance the parties of the fact that it had the intention of using this video

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 and it should have been -- and to have it tendered into evidence.

2 As we said, this was done. It wasn't done in accordance with the usual procedure in  
3 sufficient time. When we realised the error that was in the document that everyone  
4 had, that mentioned the video, that mentioned the intention to use the video,  
5 nevertheless, the Defence forgot to say that this document was also going to be  
6 tendered into evidence.

7 We corrected the error on the 26th, on Friday, no objection was raised and it is in the  
8 course of a hearing that this objection has been raised, but we will leave the matter in  
9 the hands of the Chamber. It is for the Chamber to decide.

10 PRESIDING JUDGE STEINER: Thank you very much. The Chamber will come  
11 back with a decision on the issue after considering the observations made by the  
12 Prosecution and Defence.

13 Now we are going to start with the testimony of our Witness 178, and for that  
14 purpose I ask, please, the court officer to turn into closed session in order for the  
15 witness to be brought into the courtroom.

16 \*(Closed session at 9.46 a.m.) Reclassified as Open session

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

18 (The witness enters the courtroom)

19 WITNESS: CAR-OTP-PPPP-0178

20 (The witness speaks French)

21 PRESIDING JUDGE STEINER: We can turn into open session, please.

22 (Open session at 9.47 a.m.)

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

24 PRESIDING JUDGE STEINER: Thank you.

25 Good morning, Mr Witness.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

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

2 PRESIDING JUDGE STEINER: You are very welcome to this Court. Before we  
3 start I will ask the court usher, please, to facilitate you taking the oath by reading out  
4 the words on the printed card containing the words of the oath for you to repeat.  
5 Court usher, please.

6 THE COURT OFFICER: Madam President, if I may, I will read the solemn  
7 undertaking in English for the witness to repeat, unless the witness wants to read it  
8 himself in French? He has a French card in front of him. I will do as you will  
9 indicate.

10 PRESIDING JUDGE STEINER: Mr Witness, you have a card in front of you.  
11 Would you like to read it, or do you prefer the court officer to read it to you and you  
12 just repeat it?

13 THE WITNESS: (Interpretation) I prefer to read what is on the card: "I solemnly  
14 declare that I will speak the truth, the whole truth and nothing but the truth."

15 PRESIDING JUDGE STEINER: Thank you very much.

16 THE WITNESS: (Interpretation) Thank you.

17 PRESIDING JUDGE STEINER: Now that you have taken the oath, can I confirm  
18 that you understand what the oath means?

19 THE WITNESS: (Interpretation) Yes, I have understood.

20 PRESIDING JUDGE STEINER: Do you understand it means that you must give  
21 answers to questions asked of you that are true and accurate to the best of your  
22 knowledge and belief?

23 THE WITNESS: (Interpretation) Of course.

24 PRESIDING JUDGE STEINER: Mr Witness, as the staff of Victims and  
25 Witnesses Unit have explained to you during your familiarisation process, you'll be

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 questioned first by the Prosecution, then by legal representatives of victims and  
2 finally by the Defence.

3 As you know, the Chamber has put in place measures to protect your identity from  
4 the public. Therefore, during your questioning you will be referred to as "Witness,"  
5 or "Witness 178," or "Mr Witness."

6 Your voice and your image that are broadcast outside the courtroom are being  
7 distorted, so the public cannot identify you by your image or by your voice, but in  
8 order to keep the protection of your identity it is important that during open or public  
9 sessions you refrain from giving any information that could lead to your  
10 identification; for instance, names, names of friends, of neighbours, of people who  
11 you contacted, the places where you work, people who you visited.

12 If you need to provide the Chamber with this information, you let us know and we  
13 can turn into private session. In private session, the public cannot listen to what you  
14 are saying here. Do you understand that, sir?

15 THE WITNESS: (Interpretation) Yes, I do, but with your leave may I say something  
16 with regard to what you have just said? I would like certain clarifications. With  
17 your leave, there are a few questions I would like to put to you. Would it be  
18 possible to do it in private session, because there is something I would like to tell you,  
19 your Honour?

20 PRESIDING JUDGE STEINER: Of course, Mr Witness. I will turn then into private  
21 session. Court officer, please.

22 \*(Private session at 9.54 a.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Mr Witness, you have the opportunity to talk. I  
25 just ask you please to speak slowly, because we have interpretation and we need to

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 allow the interpreters to do their job. So please feel free to say what you want to  
2 address to the Chamber.

3 THE WITNESS: (Interpretation) Thank you, your Honour. In the course of my  
4 hearing -- well, I was a (Redacted); I believe (Redacted) during the events that occurred  
5 in the past. I was the only (Redacted) during those events and, since we have to  
6 conceal my identity, would you allow me in the course of my hearing, in the course of  
7 this hearing -- well, I was a (Redacted). Would you allow me to use a different term  
8 for my profession, because I was the only (Redacted) during the events in question,  
9 from the beginning to the end of those events?

10 PRESIDING JUDGE STEINER: Mr Witness, the Chamber fully understands your  
11 concern and we have done it before with other witnesses. Some information like  
12 this one can be said in public hearings using a code. You can say that you were  
13 whatever. The Prosecution may help you in finding a code for the definition of your  
14 profession. In the same way, the Prosecution will help you in suggesting some  
15 codes for names of persons that you may have to cite, to mention, in order for these  
16 persons not to be identified in public session as well. So when in private session the  
17 Prosecution will put to you some more personal questions, I'm sure that Maître  
18 Badibanga will have some suggestions to put to you in order to conceal your  
19 profession from the public.  
20 Do you understand?

21 THE WITNESS: (Interpretation) Thank you, your Honour. I understand. I have  
22 also brought something with me to add to my statement. (Redacted) that I would  
23 like you to allow me to add to my statement. I could put it into the right hands. It is  
24 for you to see what you could do with it now, as you are the Presiding Judge. Thank  
25 you.

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: You are referring to some evidence that you have  
2 not tendered to the Prosecution? You have not given it to the Prosecution before?

3 THE WITNESS: (Interpretation) (Redacted), if you like, what is contained  
4 in my statement. (Redacted)

5 (Redacted) We are in private session,

6 so I can say that. So it completes my statement. It's something I did later, after  
7 I had finished giving my statement, if you like.

8 So I contacted Mr Jean-Jacques Badibanga in the OTP and he advised me to bring it  
9 and put it in the hands of the Judges, because it is no longer -- at this stage it is no  
10 longer the OTP that can deal with this. It would be the Judges. Thank you.

11 PRESIDING JUDGE STEINER: Mr Witness, it's not a rule that the Judges receive  
12 evidence directly from witnesses. In any case, in due time the Chamber will give the  
13 opportunity for the Prosecution, and of course for the Defence, to make observations  
14 in that respect, and the Chamber will come back with a decision on your request.

15 I would ask now the court officer, please, to turn again into open session.

16 (Open session at 10.00 a.m.)

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

18 PRESIDING JUDGE STEINER: Thank you. As I mentioned to you, Mr Witness, we  
19 speak different languages and that is why we have interpretation, and we have also  
20 court reporters that are responsible for the transcripts. Because of this, it is  
21 important that you speak slower than normal in order to allow them to follow you  
22 and to do their job. Because speaking so slow may seem unnatural, it may be that  
23 you start speeding up and then I will have to interrupt you and to ask you to please  
24 slow down. This is purely for practical reasons and I hope does not discourage you  
25 from speaking.

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 At the same time, Mr Witness, we need to adopt the so-called five-seconds rule.

2 That means that, whenever one of the parties puts to you a question, you count to five  
3 before giving your answer. This is important to allow the court reporters to finish  
4 the transcript of the question.

5 At the same time, when you finish giving your answer, the parties will have to wait  
6 five seconds before they put to you another question. It seems weird, but you will  
7 get used to it, I'm sure.

8 Mr Witness, now the Chamber needs to put to you a few questions. Have you been  
9 given the opportunity to read or have read to you the statement or statements that  
10 you made to the Court?

11 THE WITNESS: (Interpretation) Yes, I did have the opportunity to read my  
12 statements.

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

15 THE WITNESS: (Interpretation) Yes, I did it voluntarily.

16 PRESIDING JUDGE STEINER: Is the information that you have provided in your  
17 statement or statements true and accurate, to the best of your knowledge and  
18 understanding?

19 THE INTERPRETER: The witness nods and says, "Yes, the statements I made are  
20 the truth."

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

24 THE WITNESS: (Interpretation) No, I have no objection.

25 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, now I'll give

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 the floor to Maître Badibanga. He will start questioning you.

2 Maître Badibanga, you have the floor.

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

4 QUESTIONED BY MR BADIBANGA: (Interpretation)

5 Q. Good morning, Witness.

6 A. Good morning, Maître Badibanga.

7 Q. As you know, I'm Jean-Jacques Badibanga, and it is my honour to ask you  
8 questions on behalf of the Prosecution. Our exchanges will follow fairly simple  
9 outline. We will begin by asking you to introduce yourself and then to answer a  
10 number of questions about your occupation and, as soon as that introductory part is  
11 over, we shall go on to deal with the events that you were a witness of and which is  
12 the reason you are testifying before this Court today.

13 I shall not go back to the explanations that the Presiding Judge has already given you,  
14 as they were perfectly clear. As you know, there are interpreters, court reporters,  
15 and as such I will be trying to speak slowly and that is also the reason that I pause  
16 somewhat so as to be perfectly sure that everything we say is on record.

17 Similarly, the Presiding Judge spoke to you about the security measures that have  
18 been granted to you, and at this particular stage I shall ask to go into private session  
19 so that we can have some information about your identity and then we shall go back  
20 into open session. Throughout your testimony, we will probably be switching from  
21 open session mainly, and short periods of private session, to cover a number of  
22 aspects for reasons of your safety. Have you understood me well?

23 A. Yes, very well.

24 MR BADIBANGA: (Interpretation) With your permission, your Honour, could we  
25 go into private session so that I could ask the usual questions, or rather ask the

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 witness the usual questions about his identity?

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

3 \*(Private session at 10.07 a.m.) Reclassified as Open session

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

5 MR BADIBANGA: (Interpretation) Before asking the witness the first questions,

6 simply to be sure that the transcript is perfectly clear, I would like to point out that

7 what the witness mentioned during private session is a situation that we encounter

8 with many witnesses. In other words, quite a while after the investigation is over,

9 and once disclosure is complete, remembers -- remembers that he has documents that

10 he would like to hand over.

11 Our standard answer, I might say, is to respond by saying that we can no longer

12 collect evidence at this stage, but that if they believe it is relevant then they can put

13 the question to the Chamber when they arrive. That is why the witness shared with

14 you these exchanges that he and we had.

15 Q. Witness, let's begin with your identity. We need to know who you are.

16 Could you give us your identity? What is your name?

17 A. I'm called (Redacted)

18 Q. Could you tell us your date of birth?

19 A. I was born in (Redacted) in the Democratic Republic of Congo,

20 DRC.

21 Q. Here it is not necessary to actually say the name, but just tell us whether or not

22 you're married. What is your marital status?

23 A. I have children with a woman, (Redacted)

24 Q. Without giving their names, please tell us how many children you have?

25 A. I'm the father (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 Q. You didn't wait five seconds between the question and the answer and so we  
2 missed the beginning of your answer.

3 A. I am the father of (Redacted)

4 Q. What languages do you speak?

5 A. I speak several languages; (Redacted)

6 (Redacted)

7 Q. And although you mentioned this earlier on during private session, could you  
8 tell us what your occupation is?

9 A. I am (Redacted)

10 Q. You told us you were born in the Democratic Republic of Congo. What is your  
11 nationality?

12 A. I'm Congolese.

13 Q. At this stage I would like you to just mention the city and the country, but not  
14 give any other details; just the city and the country. Where do you live right now?

15 A. At this particular moment in time, I'm living in Bangui in the Central African  
16 Republic.

17 Q. Since when have you been living in the Central African Republic?

18 A. I've been living there since (Redacted)

19 Q. What is your (Redacted)

20 A. I have (Redacted)

21 Q. (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. And, very briefly, could you tell us what were the circumstances? (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

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Page 14 redacted

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. Yes.

20 Q. I was going to ask you what your occupation was, but you told us that you

21 were (Redacted). At this stage I would like to return to the suggestion made to us by

22 the Presiding Judge. When we shall be in open session, and to answer your question

23 as well, I would suggest that instead of saying (Redacted) if you need to describe the

24 occupation, you should say "artist." Will that -- does that suit you?

25 A. Yes.

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 Q. But you have to be careful that if you say, "I was an artist and (Redacted)  
2 (Redacted) well, then it will be known that you were (Redacted) So be very careful  
3 about this.  
4 When you talk about your occupation, if that is required, just say, "I was an artist."  
5 Any additional information that you might want to provide us with and that allows  
6 your occupation to be identified, well, when -- then we should go into private session.  
7 If, for instance, in one of your answers you have to say, "I had (Redacted) to  
8 somebody," just don't say that. Simply say that you want to go into private session or  
9 else you say, "I supplied the order." That will be enough.  
10 I myself will try to warn you when I ask you a number of questions and when  
11 I believe that your answer might possibly contain something that could identify you  
12 but, of course, I don't always know what you're going to answer, so you yourself  
13 must be careful about this.  
14 Another example I'd like to give you is that if, for instance, you were in a stadium  
15 where there were 5,000 people, you can say, "I was in the stadium." Just say, "I was  
16 in the stadium on that date." But if, on the other hand, you were in a room with only  
17 three people, in that case don't say, "I was in the room with Maître Badibanga," for  
18 instance, or "Mr X, Y or Z." In this case, just get rid of Mr Maître Badibanga, "Mr X,"  
19 to find out who the third person was, i.e., you.  
20 So simply say, "I was in the room with those two people," or "Those two people  
21 confided in me." You just say, "I learnt this or that," and then in private session we  
22 can find out the particular circumstances. Do you understand?  
23 A. Yes.  
24 MR BADIBANGA: (Interpretation) Your Honour, if you will allow, could we go  
25 into open session?

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

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

2 (Open session at 10.24 a.m.)

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

4 MR BADIBANGA: (Interpretation)

5 Q. Witness, where were you in the year 2002?

6 A. In 2002 I was in Bangui.

7 Q. Do you know what the political situation of the Central African Republic was at  
8 the time in and around 2002, in particular, the end of 2002, October 2002?

9 A. Yes, I am familiar with the situation there because I was on the spot. I know  
10 the situation well.

11 Q. Could you please describe to us the political situation at the time?

12 A. Thank you, Mr Prosecutor, for having asked this question so that I can provide  
13 insight on the events that took place in 2002, in particular the month of October of  
14 that year. Well before that - of course, the Court doesn't consider this - there were  
15 certain mutinies in Bangui, but we are talking here about the month of October 2002.

16 In October 2002, on 22 October to be specific, the Libyan forces were present in  
17 Bangui and were shelling the positions of the rebels. The Central African army, that  
18 was at the time of Ange-Félix Patassé, could not respond and had called on  
19 Mr Gombo, Jean-Pierre Bemba, to assist it.

20 On 27 October, we, and when I take about "we," it is "I," I saw that a change had taken  
21 place; in other words, the mutiny had gotten worse. This was the arrival of the rebel  
22 soldiers of Mr Jean-Pierre Bemba Gombo, referred to as the Banyamulengue.

23 On 27 October, in view of the geographical location, it was difficult to see where I was.

24 I want to try to get a message across. I'm going to explain some geography to you  
25 about Bangui.

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 Opposite Bangui, there is Zongo. Zongo is in the Democratic Republic of Congo,  
2 and someone who leaves Zongo, when he or she crosses the river, he or she finds  
3 himself or herself in the capital of the CAR, in Bangui. They directly get to the city  
4 of Bangui if they do that.  
5 There is a main road that everybody knows in Bangui - Central Africans and  
6 foreigners all know this main road - it is called Barthélémy Boganda Avenue.  
7 By the way, for the sake of clarity about the geography here, well before then, there  
8 were mutinies, as I mentioned earlier, well before 27 October, and well before that,  
9 when the current President Bozizé was head of the armed forces under Patassé, there  
10 were the neighbours, the Yakoma, the Sango, Bboubou , Mbaka, Mbaté. The former  
11 President Kolingba, he was a Yakoma, so when there was a mutiny, you can see what  
12 I mean.  
13 From the distance from where I am to the Presiding Judge's distance, for instance, on  
14 the right there would be the neighbours, neighbouring communities, and on the left  
15 the community of President Patassé. So that is apart. The people on my right were  
16 the ones attacked, and in this particular case actually things turned against him. The  
17 head of the armed forces of Mr Patassé's forces went against Patassé. That's why  
18 there was war, because they all lived in the same neighbourhood and we who were  
19 on the other side could see the mutiny from a distance. It used to be the opposite.  
20 They were the ones who would look at us from a distance, but in this case we were  
21 the ones to observe them. That's just an aside.  
22 When Mr Jean-Pierre Bemba's soldiers crossed over on the 27th, they were  
23 equipped - in fact, endowed - with equipment, uniforms, backpacks and what have  
24 you, but they still continued to play their dirty tricks because while they were there  
25 Mr Bemba was unable to buy Rangers, the military boots for them. He instead

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 bought some plastic shoes for them.

2 So they went straight for the battle-front and attacked on the 27th. On the 28th they  
3 continued to attack, but things were already shaky in the evening of the 28th. Then  
4 on the 29th there were activities going on in one part of the city, the bars were still on,  
5 some shops were still open, but to the left, the area which I was describing to you a  
6 short while ago, in Pétevo people were able to travel freely. They would take the  
7 buses and taxis to go to town. On the Boganda Avenue people were able to travel to  
8 town, but from the Avenue du France, going towards Fouh and Bobolo, PK12, PK13  
9 neighbourhoods, things had already heated up in that area.

10 On the 29th, (Redacted) I received a phone call from a lady called  
11 (Redacted)

12 Q. I'm sorry, Witness. We will visit this part of your testimony later on. I know  
13 you have a lot of information to provide, but you see in five minutes you have  
14 already said so much. We are within the context of legal proceedings, and we want  
15 to ensure that your testimony is properly recorded for the best understanding of all  
16 parties and to enable the Judges to come to a final decision based on your statement,  
17 or your testimony.

18 So, Mr Witness, let us slow down, and I would like us now to process somewhat in a  
19 few minutes the information that you have already provided to the Court. Is that  
20 okay with you?

21 That being the case, we were talking about the political situation and it is my  
22 understanding that you were referring to two events when you opened those  
23 parentheses. For example, you talked about Kolingba and you talked about Bozizé,  
24 who was the former Chief of Staff. Now, can you tell us what the events in -- or  
25 when the events in what you referred to as the parentheses took place? Was it in

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 October 2002?

2 A. Thank you, Mr Prosecutor. Maybe you missed the point, because I spoke too  
3 much, but I think my testimony was clear enough and I can repeat the point again.  
4 These events of 27 October 2002 and forward did not have any direct link to, or with,  
5 the past activities of former President André Kolingba.

6 Q. Do you remember approximately at what time, or what date, those events  
7 relating to Mr Kolingba took place?

8 A. If memory does not fail me, I think it was on 28 May that it was being said in  
9 Sango "akola que a oliangwa" (phon), meaning that people -- the men were fleeing  
10 and the women -- rather, the men were fleeing and the women stayed back.  
11 Well, I did not have a proper mastery of the Sango language in Bangui and so I was  
12 also fleeing and, you know, that in the capital even to this day Zaireans are not very  
13 welcome and I do remember that on two occasions I went into two houses and I was  
14 driven out. I was asked to leave -- to leave.  
15 So I think this must have been in 19-something, 19-something like that, 1990 or  
16 '80-something, I don't quite remember, but so that we do not waste time on that  
17 particular issue those events have no relationship whatsoever with what we are going  
18 to be talking about today.

19 So let me not belabour the point, Mr Prosecutor, and maybe we should move forward  
20 since these events have no relation to what our real business is. I simply opened  
21 those parentheses to point out to you that our area of the town that is to the right was  
22 somewhat safe and secure, whereas the area to the left where President Bozizé and  
23 Patassé lived had become unsafe, and I was simply trying to point out the  
24 geographical layout of Bangui in those examples. Thank you.

25 Q. That is very well, Mr Witness. We have fully understood what you are saying,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 but allow me to ask for one clarification. During those events of 28 May -- and you  
2 do not remember the year granted, but during those events were the MLC troops  
3 involved as far as you know?

4 A. Yes, they came to Bangui on two occasions. The first time they crossed over  
5 through Ouango and looted and ransacked and raped. I don't even know what to  
6 say. All I can say is thank God they did not cross the entire city. They stopped at  
7 Ouango and, in fact, they actually ransacked part of the city.

8 I do remember that the house of (Redacted) whose name I  
9 will not mention otherwise I will be identified -- maybe we can talk about this in  
10 private session and I could mention his name? (Redacted)  
11 (Redacted) and his home was looted, but he and his wife and children were only able  
12 to escape with the clothes that they had on them. His entire house was ransacked  
13 entirely and even when they came back they could not find even their dog, so  
14 everything had been looted and plundered.

15 Q. Are you referring to the events of 28 May in that segment?

16 A. Yes, this is what happened before between Mr Kolingba and Mr Ange-Félix  
17 Patassé, because as I have said there were several mutinies over the years.

18 Q. Let us now move to October 2002, as you have said. Do you know why  
19 Mr Jean-Pierre Bemba's MLC troops joined the conflict in October 2002?

20 A. Yes, the former President Ange-Félix Patassé had a weakness, and Mr Bozizé,  
21 who is the current president, was his former Chief of Staff. So when he withdrew,  
22 he took with him almost the entire - well, maybe not the entire, but part of the troops  
23 of the army - and that is what made President Patassé to feel that he was in a weaker  
24 position and, therefore, to ask for help first from President Qadhafi to send him some  
25 soldiers. The Libyans had come, they were there, but they were not many in

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 number and could not meet the challenge.

2 Things were going badly, and they went right to the palace where President Patassé  
3 used to live, the Adrienne Villa, and this was about one day away from a possible  
4 power takeover. It is in those circumstances, then, that he called on Mr Jean-Pierre  
5 Bemba to send his troops over to Bangui.

6 Q. You say that President Patassé called on Jean-Pierre Bemba, but do you know  
7 who took the decision for the MLC troops to intervene in the Central African  
8 Republic?

9 A. Mr Prosecutor, your question is not clear. Is it the decision that was taken here,  
10 or in the Democratic Republic of Congo?

11 Q. Yes, you're right, Mr Witness, my question was not clear enough, but I  
12 understand from your testimony that a request was made by Mr Patassé and I simply  
13 want to find out from you who then decided, or who responded, or who answered  
14 favourably to that request from him; the request being for troops to be sent?

15 A. President Patassé asked Mr Jean-Pierre Bemba Gombo and he did not hesitate.  
16 He responded promptly, and the troops - his troops - were on ground more or less  
17 immediately.

18 MR BADIBANGA: (Interpretation) Madam President, with your leave, I would like  
19 to apply for a private session.

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

21 \*(Private session at 10.44 a.m.) Reclassified as Open session

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

23 MR BADIBANGA: (Interpretation)

24 Q. Mr Witness, we are now in private session and feel free to mention names and  
25 talk about situations that are likely to identify you without any hesitation. Other

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 than those in this courtroom, no one else will hear what you are testifying to at this  
2 time.

3 Now, you were telling us about the flow of events, and I interrupted you when you  
4 talked about (Redacted) This is what you were saying at that time, and I will read it  
5 out to you verbatim, and I am reading from the transcripts, page 24, if  
6 I am not mistaken, towards the bottom of page 23 and the top of page 24.

7 "On the 29th (Redacted) and I had received a phone call from (Redacted)

8 (Redacted) Well, let me say that when we're in open

9 session, please, you don't need to mention that you are (Redacted) You can  
10 simply say "I was there," and then we can talk about the specific location later on.

11 So now I want you to talk about what happened from the 29th, after you received that  
12 phone call from (Redacted)

13 A. Thank you, Mr Prosecutor. It was around 10 a.m., or thereabouts, (Redacted)

14 (Redacted) who used to live

15 in town and he said, (Redacted)

16 (Redacted)

17 (Redacted) - at the time I was living not too far from (Redacted) - and I

18 went quickly to change, dress up, catch a taxi and go to town. During that time, and

19 during that delay, I received another phone call but at that time I was very close to

20 her home, and the question on the phone at the time was "Where are you?" And my  
21 answer was "Very close by."

22 And the compound was full of soldiers, fully armed with vehicles and what have you,

23 and so she said, "Come on, come in, don't be frightened. Come in, there's

24 no -- nothing to fear." So I went on, I went into the compound, and I saw a tall,

25 fair-skinned person and, you know, at the time, it was a safe -- it was fashionable for

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 all Congolese people to lighten their skin colour using products, chemical products,  
2 which lightened one's skin and disguised one to become fair in complexion. Maybe  
3 the Prosecutor can explain these matters better, but that was the way to recognise  
4 Congolese people.  
5 I saw a tall, huge, fair-skinned man sitting and behind him was a bodyguard.  
6 (Redacted) was next to him. So I went into the compound. I walked some two or  
7 three metres away from them, the distance was like between myself and the judge, so  
8 I greeted him -- no, rather, he greeted me in Lingala saying "Mbote," which means  
9 "How are you?" or "Good day." I was courageous enough to say "Mbote."  
10 He stretched out his hand to greet me, and so I moved forward and shook his hand,  
11 and I shook the hands of (Redacted) and they gave me a seat. I sat down and  
12 then (Redacted)  
13 (Redacted).  
14 Are we in private session? Okay. He said "Where does he work?" (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 So he said "Can you come in the evening?" I said "Okay, no problem." I know the  
19 place, I knew -- I could see the sign "Tropicana," but I had never had the opportunity  
20 to get into the club. But I knew the club, and so I asked at what time should I show  
21 up? And he said "At 7 p.m." And I said "That is fine."  
22 So I went back and continued to work. Then in the evening I dressed up, and then  
23 took a taxi and went to town. When I got to the entrance there were soldiers all over  
24 the place and I went in, but since we had met in the day -- I met this tall, fair-skinned  
25 person during the day, so when I went in he recognised me and he said "Oh, so

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 you're here." I said "Yes."
- 2 So we -- he said he was going to take me (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 And that was a way of breaking the ice, so to speak, and trying to warm me up in the
- 11 conversation. (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 So I asked them "What did you want?" And he said they wanted (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 So I asked him, or he asked me, how much I would charge per unit? (Redacted)
- 25 (Redacted) and we agreed on the final price. (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) I don't know you. You don't know me. Now, if you are  
3 going to do this work, (Redacted) and bring them to me, that is fine, but if  
4 you flee, if you make any mistake, woe betide you."

5 So I was shaken up a little bit, but I told him "Sir, sir, I will bring your order back to  
6 you." And he said "When?" And I said "I'm not sure, but I will be brief. I'll come  
7 back quickly." And he said "You tell us you cannot be reliable, but I expect you to  
8 perform." So I went back.

9 And since he was the man in charge at the time, I had to work very hard with my  
10 team to ensure that we delivered the goods in time. So on the morning of the 30th I  
11 told my team that we needed to work very hard to be ready in time, (Redacted)  
12 (Redacted) So I do remember that it was

13 on a Sunday, Sunday the 3rd --

14 PRESIDING JUDGE STEINER: Sorry to interrupt you. The court reporters are  
15 asking you please to speak a little bit slowly. They are having difficulties in  
16 following you.

17 THE WITNESS: (Interpretation) Thank you, Madam President. Thank you. May  
18 I proceed? All right.

19 So I got my team together and we got to work, and I think it was on 3 November, we  
20 are no longer in October 2002, November 2002. So I called them up and I called  
21 them up, that is (Redacted) they had given me their phone

22 number. So I called them up on the phone and they asked me whether I know the  
23 support regiment? And I said "Yes." So they asked me to take everything. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted) They were all sitting down, many of them. (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 They said it was a good job. "Good job, good job."
- 12 He, (Redacted) was happy. He was happy, and he asked me (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted) and so he gave me the cost of the material and labour
- 22 charges, and that was the second order that was placed, but I do not remember how
- 23 much that came out to.
- 24 (Redacted) so it
- 25 was a mixed order and I do not remember how much the total amount went to. So I

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 went back on the 3rd and came back one-and-a-half weeks later.

2 Thank you, and I will give the floor back to the Prosecutor. If there is anything else  
3 you would like to know, I'm here to answer any questions.

4 MR BADIBANGA: (Interpretation) Thank you. Thank you. The time is running  
5 out. Thank you for reminding me. We could have the break now, your Honour.  
6 Thank you.

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

8 (Open session at 11.01 a.m.)

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

10 PRESIDING JUDGE STEINER: Mr Witness, we have a half-an-hour break. You  
11 can take some rest. These breaks are also for our interpreters and court reporters to  
12 take some rest. It's 11 o'clock. We will suspend and resume at 11.30.

13 Court officer, please turn into closed session for the witness to be taken outside the  
14 courtroom and, in the meantime, we are going to suspend for half-an-hour.

15 \*(Closed session at 11.02 a.m.) Reclassified as Open session

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

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

19 (Recess taken at 11.03 a.m.)

20 \*(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Welcome back. Before I ask the court usher to  
23 bring the witness in, I would suggest maybe for Maître Badibanga to insist with his  
24 witness that you have still too many questions to be put and that for the sake of  
25 the -- to obtain as much information as possible the witness should try to be more

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 concise and objective, because otherwise we can see by the first part of today's  
2 hearing that it's going to take too long and with not so relevant information. If need  
3 be, the Chamber comes in your support.  
4 Court usher, please bring the witness in.  
5 (The witness enters the courtroom)  
6 PRESIDING JUDGE STEINER: Can we turn into open session, please.  
7 (Open session at 11.38 a.m.)  
8 THE COURT OFFICER: We are in open session, Madam President.  
9 PRESIDING JUDGE STEINER: Thank you.  
10 Mr Witness, welcome back.  
11 THE WITNESS: (Interpretation) Good day.  
12 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?  
13 THE WITNESS: (Interpretation) Yes.  
14 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.  
15 MR BADIBANGA: (Interpretation)  
16 Q. Good day again, Mr Witness.  
17 A. Good day.  
18 Q. In the morning, during our first stage, you provided us with much information.  
19 We will now try together, you and I, to approach things systematically so that  
20 everyone is able to follow your testimony and reasoning, so from time to time I will  
21 interrupt you to make sure that we are taking things step-by-step. We will have  
22 covered all the issues by the end and, if by the end there are certain things that are  
23 missing, you will have the opportunity to add the missing information; is that all  
24 right?  
25 I'll now put shorter answers (sic) to you, and I would ask you to provide shorter

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 answers to my questions and then if necessary additional information can be added.

2 Is that all right, Witness?

3 A. That is all right.

4 MR BADIBANGA: (Interpretation) Your Honour, perhaps at this point in time we  
5 should move into open session to obtain some information that the witness referred  
6 to this morning in private session?

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

8 \*(Private session at 11.42 a.m.) Reclassified as Open session

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

10 MR BADIBANGA: (Interpretation)

11 Q. You told us that the MLC soldier that (Redacted) introduced you to was a big  
12 person and used certain products. What is the name of this person who used these  
13 products to lighten one's skin and how big was he?

14 A. He was, as I said, (Redacted)

15 (Redacted)

16 Q. Could you spell (Redacted) for us, please?

17 A. That's not a problem: (Redacted) I'll repeat it once again so that  
18 it is clear: (Redacted)

19 Q. Thank you. You said that (Redacted)

20 Could you officially tell us which army you're referring to?

21 A. To the MLC, Mr Jean-Pierre Bemba's movement. (Redacted)

22 (Redacted) and it was within the MLC.

23 In parenthesis I could add the Banyamulengue, which is what they were called.

24 Q. We will now move back into open session. You have described the

25 circumstances under which you met these individuals; subsequently, it will no longer

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 be necessary to say (Redacted) confirmed this," or "I was with (Redacted) or to  
2 say (Redacted) explained this to me because I was with him." In the future, I  
3 suggest that when you have to refer to (Redacted) you should refer to him as "the  
4 commander," and when you have to speak about (Redacted) you should refer to  
5 him as "his deputy" quite simply.

6 A. Thank you.

7 Q. But it's sufficient to say "I learned about such-and-such a thing." You don't  
8 have to say (Redacted) you can just say I  
9 learned about such-and-such a thing. In private session, I can ask you who you  
10 learned something from and then you can answer the question. Is that all right?

11 A. Thank you.

12 Q. And one last thing before we move back into open session: This morning you  
13 said there is the name of a person who I believe was an official from the CAR. I  
14 won't give it to you now, but I can give you the name in private session. Can you do  
15 that now?

16 A. Thank you. I said a politician, not official. (Redacted)  
17 Perhaps you missed that.

18 Q. Just to make sure that the transcript is complete --

19 A. Should I spell it?

20 Q. No, but you have noticed that I didn't wait for five seconds before responding.  
21 For the sake of the transcript, what was his position and why was it necessary for you  
22 to refer to this gentleman? Is it relevant with regard to your statement?

23 A. Yes, Mr Prosecutor. This name was referred to because I wanted to provide  
24 clarifications with regard to the question that you put to me a while ago.

25 The question had to do with the time when the Banyamulengue first arrived in the

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 CAR - which year did they arrive in - and I explained that I knew (Redacted)

2 (Redacted)

3 (Redacted) Why did I refer to his name? Well, for very simple reasons.(Redacted)

4 (Redacted)

5 MR BADIBANGA: (Interpretation) Thank you. We will now move back into  
6 open session, so you have to be careful. Your Honour, with your leave, we may  
7 move back into open session.

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

9 (Open session at 11.48 a.m.)

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

11 MR BADIBANGA: (Interpretation)

12 Q. Witness, this morning you said that the MLC troops arrived in the CAR on  
13 27 October; is that correct?

14 A. Yes, as far as I know. I know that it was on 27 October that they arrived in the  
15 territory of the CAR.

16 Q. Where did they set up their base when they arrived in the CAR?

17 A. When they crossed over, Mr Jean-Pierre Bemba's men crossed over, for the first  
18 time, it's true I was present on -- or, rather, I wasn't present on the ground when they  
19 arrived, but a few hours or a few days later the town noticed certain things. There  
20 were people who spoke Lingala and they noticed that there were people speaking  
21 Lingala, and it is in this manner that the entire town was informed of the fact that  
22 there were Bemba's soldiers on the ground and there were Banyamulengue too.

23 Q. My question was: When they arrived on 27 October, and in the following days,  
24 where did they set up their base?

25 A. Thank you. When they arrived, I don't know if it was the Camp Roux or

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 elsewhere, but when they arrived they were provided with certain things. I don't  
2 know if this was just when they crossed over that they were provided with these  
3 things, but perhaps it was at Camp Roux, because the Port Beach and Camp Roux it's  
4 zero metres away. When I say "zero metres away," it means two minutes by car.  
5 That is where Camp Roux is located.  
6 They attacked, but I -- well, as far as I am concerned, the first main staff of theirs that I  
7 was familiar with was located at the soutien régiment, the support regiment. It was  
8 at the support regiment, or régiment soutien. In parenthesis, I would say that at the  
9 time this support regiment was a main staff. At the time of Ange-Félix Patassé, it  
10 was the main staff and that is where they were located. That's the area they  
11 occupied (Redacted)

12 Q. As I said, and this is also for the sake of the interpreters and court reporters,  
13 could you try and be a little more brief when answering the questions. With regard  
14 to the question "Where did they set up their base," you say that it was at the support  
15 regiment; isn't that correct, Witness?

16 A. Thank you.

17 Q. And subsequently, after they had been based at the support regiment, did they  
18 go anywhere else or did they spend the entire period at the support regiment?

19 A. After having been based at the support regiment they relocated to PK12.

20 Q. Did they set up a base of any kind at PK12, or were they there in a very general  
21 sense?

22 A. Thank you. I am laughing. I'll tell you why I am laughing. These were  
23 mobile HQs. When I say "mobile," I mean something that can be moved. The  
24 support regiment could be moved to PK12, PK12 would then become a main staff, so  
25 I don't know if I can continue in this vein.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 After PK12, their third base was at Damara. And after Damara, their fourth base  
2 was located -- well, Damara is on the axis that leads to Chad. I'd like to add that in  
3 parenthesis. And their fourth base, as I was saying, was in Bossembélé. That is the  
4 road that leads to Cameroon. Boali, if you like, towards Cameroon.  
5 So when they started withdrawing their last base was at PK26, and from there they  
6 returned to Congo, if you like. President Bozizé had already taken power, so that  
7 was around 15 March 2003.  
8 So as far as the bases are concerned, I think I have provided you with the locations  
9 and now it is for you to put questions to me about each of the locations. I am at your  
10 disposal and will tell you about what happened and provide you with the relevant  
11 dates, if it is possible.  
12 Q. Where was the command of this entire operation located, if we can term it that  
13 way? You mentioned the operations commander. Where was he, in fact, located?  
14 A. Thank you. Among these various sites, locations that I have just mentioned, if  
15 the commander was in the support regiment then the command was there. If the  
16 commander - Mustapha, of course - was at PK12, then the commander would be at  
17 PK12. And if he was in Damara -- because Damara is the first place they attacked,  
18 however, they had placed soldiers, positioned soldiers on the Cameroon axis in order  
19 to try and block them.  
20 They first attacked Damara and, after having taken Damara, Sibut. They returned  
21 first from Damara. There were the others who had already started advancing, and  
22 then they left again. However, they positioned other troops on -- in the area where  
23 they had won the battle. And then they attacked the Cameroon axis and they  
24 arrived in Bossembélé, and when they arrived there that's where the commander was  
25 located and that's where the command was set up and orders were issued. I hope I

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 have been clear in my answer, Mr Prosecutor.

2 Q. Are we to understand it that the commander would move to these various  
3 towns during the period of conflict?

4 A. Yes. I'll provide you with an example. Let's say if this courtroom was a  
5 country, well, the main staff would be where I'm sitting. And their sites, if you like,  
6 the commander leaves where I am, the command leaves where I am located, but in  
7 their case that was not the case. They were mobile.

8 It was a slightly disorderly manner of proceeding. Orders would be issued at PK12,  
9 in Damara, on one occasion elsewhere, for all the leaders and everywhere.

10 Q. The leader would move around. Were there other officers amongst these  
11 leaders? Could you provide us with the names of officers, or junior officers below  
12 the level of commander, and perhaps tell us which axis they were located at?

13 A. Thank you, Mr Prosecutor, for that question. I'll be brief, to assist you, to help  
14 you to understand and to help the interpreters as well, if you like. Could you please  
15 rephrase your question? Put it to me again so that everything is quite clear and then  
16 I will be able to answer it.

17 Q. It's just that you said that the commander moved about to various cities, and I  
18 wanted to know whether there were any officers, other officers in this army, and  
19 where they were, along which routes they were.

20 A. Thank you, Prosecutor. I wanted you to repeat that question so as to be sure  
21 that that question was well formulated. During the period in question, from  
22 27 October onwards, there were several main players, i.e, those who marked that  
23 period. Let me list their names. I'll list them first and then say where they were  
24 positioned: First of all, Commander Mukiza Gabriel, Mukiza Gabriel, in other  
25 words Mustapha, that's his name; his deputy, Eboma René. There was Kamisi; Yves

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 Ibiza -- Yves Ibiza; Coup-Par-Coup; Ndongala; François Senge, alias Seguin; and also  
2 Brown; Adolphe; Aimée; Dragula; Ben-el-Aden, and many others. If you want to  
3 know more about this, there is a document that you copied and this can provide you  
4 with other names.

5 Now, let me say what their positions were. At PK12, first of all, at the support  
6 regiment, they were all together. At PK12, they were still all together. At PK12,  
7 they stayed there for quite a while. Is it useful for me to give the date they left PK12?

8 Q. If you know it, please do so, yes.

9 A. They arrived in Damara on 7 December 2002 -- 2003, or perhaps 2002.

10 Twenty-seven December, in Damara.

11 THE INTERPRETER: Interpreter's correction: 7 December.

12 THE WITNESS: (Interpretation) Now, in Damara, there was Mustapha, René and  
13 Kamisi -- sorry, Kamisi and Coup-Par-Coup. There were four of them. At the  
14 same time Yves, Ndongala, Seguin and Richard were positioned on the route to Boali,  
15 in the direction towards Cameroon. They were making progress but they hadn't  
16 reached Boali.

17 Now, from Damara, when it fell, Mustapha would go to and fro. He would go on to  
18 the route to Boali and on the route towards Chad. In Damara, Kamisi was the major,  
19 and he made progress with Coup --

20 PRESIDING JUDGE STEINER: You can continue, Mr Witness.

21 THE WITNESS: (Interpretation) Yes. Kamisi was making progress, along with  
22 Coup-Par-Coup, towards Damara, to -- and Sibut. So Mustapha was in Damara and  
23 a little later Kamisi was in Sibut. Mustapha, together with René, were in Damara.  
24 Kamisi and Coup-Par-Coup were in Sibut, on the route to Chad. Seguin and Yves,  
25 with their deputies Ndongala and Richard, were on the route towards Cameroon.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 So, as I said earlier, Mustapha would come and go from Damara. He would leave  
2 and go to the Chad route, to prevent the enemy. He was working on behalf of  
3 Patassé to prevent the enemy from attacking, and from there they went onwards, and  
4 when I say "they," I'm talking about Yves and the other one. Yves, and I've just  
5 mentioned his name but it escapes me -- yes, Seguin. They went ahead towards  
6 Bozoum and Bossangoa. So Yves was in Bossangoa and Seguin was in Bozoum.  
7 At the same time, in Damara, there was Mustapha, who is leaving and going on to  
8 Bossembélé, which means that the headquarters was in Bossembélé, no longer in  
9 Damara. I think I've explained the various positions of these people.

10 Q. Yes. That gives us a very complete picture of how they were deployed.  
11 Thank you very much. Were you able to assess the size of the troops? More or less  
12 how many troops made up the MLC troops that arrived in the Central African  
13 Republic on 27 October 2002?

14 A. Thank you, Prosecutor. It's difficult to give a precise figure for that number  
15 but there were a lot of them. There were many of them. It's difficult for me to  
16 speculate. Maybe 3,000, 4,000, 5,000, I don't know, but there were many of them.  
17 There were truly many of them. I don't know whether it was the size of a battalion.  
18 I don't know how many soldiers there are in a battalion, but I would say perhaps  
19 more or less a battalion. Maybe there are soldiers here who know this. The  
20 accused, in any case, is a soldier and perhaps he can help us, how many men make up  
21 a battalion. I personally don't know.

22 Q. Thank you. What I would like to ask you is to answer the questions I ask you,  
23 and if you don't know just say, "I don't know," but if you do know, please give us  
24 your answer. It's not your role or mine to call on Defence or the accused. So let's  
25 set that aside.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 You've just talked about a battalion. Do you know whether there was one or  
2 whether there were several battalions involved?

3 A. I think the simple answer is that I don't know that, but there were -- but there  
4 were many of them.

5 Q. Those troops that arrived in October 2002, according to you. Well, did the  
6 situation remain as it was, or were there additional movements? Did troops go  
7 away? Did additional troops arrive?

8 A. Thank you. After their arrival on 27 October, what I noticed was the fact that  
9 there were soldiers coming and just a very few had gone away again. I remember  
10 that. Just a few individuals had left again.

11 MR BADIBANGA: (Interpretation) Your Honour, perhaps we could go into private  
12 session for just a few minutes?

13 \*(Private session at 12.13 p.m.) Reclassified as Open session

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

15 MR BADIBANGA: (Interpretation)

16 Q. Witness, you just gave us a lot of information about troop movements within  
17 the Central African Republic and the various routes that they occupied. Now, what  
18 I wanted to ask you in private session is to explain to the Chamber how you were  
19 able to glean all that information. How did you know about those movements?

20 A. Thank you, Prosecutor, for that question. The answer's very straightforward.

21 You might remember that during the introduction I had said what the date was, the  
22 3rd, (Redacted)

23 (Redacted) When

24 I say "they," the commander, I mean the commander and all those other people there.

25 (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Now, can we infer from that that you went to the various cities that you  
6 mentioned earlier on and that you met or seen that the MLC was present during that  
7 period?

8 A. When we talk about the MLC, it's not the political party. We're talking here  
9 about the military men, the Banyamulengue, for all the sites that I mentioned. In  
10 any case, the Central African army could not in all these places be there. There were  
11 only the soldiers of Mr Jean-Pierre Bemba; the MLC soldiers.

12 Q. Now, more specifically, could you tell us which towns you went to where you  
13 noticed the presence of MLC soldiers among the list that you quoted?

14 A. Among the cities I mentioned, the reference is PK12, where there are roads, one  
15 to Chad and one to Cameroon, and I went there, Damara, but not to Sibut. I went to  
16 the road to Cameroon, to Bossembélé. Bossangoa was at night. I didn't get across  
17 because of the security issues. I just got to the bridge to Bossembélé and then came  
18 back to Bangui.

19 Q. We're still in private session, so you can mention particular people if you want  
20 to do so. Now, as for the towns that you didn't go to, such as Sibut or Bossangoa,  
21 about these towns how did you get to know that MLC soldiers occupied those towns?

22 A. Thank you. I don't know the exact date any more, but anyone who followed  
23 the news at the time, well, the RFI radio channel gave an interview with  
24 Coup-Par-Coup, when the city fell. Coup-Par-Coup spoke slowly, like the Court  
25 here compels us to do here so as to facilitate the job of the court reporters and the

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 interpreters. So he spoke on that radio channel and said that Sibut had fallen.  
2 Captain Coup-Par-Coup did this, so this was no secret. It was common knowledge  
3 to anyone who had listened to the media, to RFI. Everybody knew that Bemba's  
4 elements had taken over Sibut and controlled it, and I myself when I went to Damara,  
5 well, there were troops leaving Sibut, going to Damara, and then on from -- back from  
6 Damara to Sibut because the operations commander was in Damara at the time. I  
7 saw him with my very own eyes. Thank you.

8 Q. Let's go back perhaps into open session and I will be asking you a number of  
9 questions to find out how you were able to get this information, or rather I will avoid  
10 asking you how you got the information, but when you answer my future questions  
11 please be careful. Sometimes you can remain fairly vague, and we could, if we need  
12 to, go back into private session for the details. Is that all right?

13 A. Yes.

14 MR BADIBANGA: (Interpretation) Your Honour, could we go into open session  
15 again, please?

16 (Open session at 12.20 p.m.)

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

18 MR BADIBANGA: (Interpretation)

19 Q. Witness, do you know whether prior to the military operations, before going  
20 out on the various routes that you mentioned, do you know whether the MLC  
21 soldiers received instructions?

22 A. Yes, they received instructions from Mustapha. No doubt these instructions  
23 came from Mr Gombo, Jean-Pierre Bemba.

24 Q. Do you know in what way those instructions were conveyed to the soldiers?

25 A. The operations commander before, he had a Thuraya set, and on the spot the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 soldiers had mobile telephones, cell phones and they also had Motorolas and  
2 walkie-talkies. They also were equipped with radio telephone devices that we refer  
3 to as "phonie," "telephonie." These were the means they used for communication.

4 Q. Among the various devices you have just mentioned, do you know which were  
5 used by officers?

6 A. I wasn't told, but what I saw with my own eyes was that Mr Bemba, Gombo  
7 Jean-Pierre, President Ange-Félix Patassé, they communicated with the operations  
8 officer using a Thuraya set.

9 Q. To be perfectly clear, could you tell us what a Thuraya set is?

10 A. I'll answer that, yes. A Thuraya is a telephone - a portable telephone - but the  
11 difference with cell phones is that, while a cell phone cannot receive calls beyond a  
12 certain radius, a Thuraya even in the bush is capable of receiving signals from the  
13 satellite directly. That's the difference. Thurayas can be used in the middle of the  
14 forest. You can speak to someone without having to set up antennas for other types  
15 of phones, such as one sees in Bangui here and there.

16 Q. So this is what is referred to as a "satellite phone"?

17 A. Yes, that's right. A satellite phone can be used in the bush, yes. A Thuraya is  
18 that type of device.

19 Q. I suppose that some sort of invoice has to be paid for those telephones. You  
20 have to have a subscription, or something like that. Do you know who covered that,  
21 in that particular case?

22 A. At the time it was Mr René who would go out and buy the credit at Dameca,  
23 but it cost a lot at the time. That would cost a lot. He would procure those credits  
24 at Dameca. Dameca is a supermarket, a department store, where you could buy  
25 those credits. That is where he procured them and I remember that it was very

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 expensive. I don't remember the exact amount, but I do remember that that -- those  
2 credits were very expensive.

3 Q. And did Mr René pay for them out of his own pocket? Where did he get the  
4 money to buy those credits?

5 A. No, not from his own pocket. It was funded. The Banyamulengue were  
6 funded and you will wonder who by? They were funded by the government of the  
7 Central African Republic via General Bombayake. Now, if you want more details, I  
8 can continue to assist you. How did I get to know that it came from Bombayake?  
9 Well, two occasions.

10 Q. Yes, we will come to that later on. We have a whole section on that later on.  
11 So let's just follow the thread of what I was saying before, but rest assured we will  
12 come back to that particular question at a later stage.

13 We were talking about the credits for the telephone, but perhaps we should have  
14 begun with the actual set itself. I should have asked you whether you knew how  
15 they got those Thurayas and how the MLC officers acquired them?

16 A. The Central African government at the time gave them those sets, or gave  
17 Mustapha those sets rather, and to the soldiers as well so as to facilitate  
18 communications.

19 MR BADIBANGA: (Interpretation) Your Honour, with your leave I'd like to have a  
20 document up on the screen. It's a confidential document, so it should not be shown  
21 to the public, and it bears the reference CAR-OTP-0046-0387. This is one of the  
22 documents that appears on the Prosecutor's list for the purposes of this hearing.  
23 Yes, and to make things easier, perhaps we can go into private session because it will  
24 be far easier to ask the witness questions?

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

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

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

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

3 MR BADIBANGA: (Interpretation) My apologies to the court officer. Actually,  
4 what I'm interested in in this document is page 396. I should have been more  
5 specific.

6 THE COURT OFFICER: Document CAR-OTP-0046-0387, at page 0396, is available  
7 on your screens. This document is marked as confidential.

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, can you see the document on the screen?

10 A. Yes, very clearly.

11 Q. Could you first of all explain to the Chamber what this document is?

12 A. Well, it's a diary, but it doesn't correspond to the year when the Banyamulengue  
13 soldiers came to the Central African Republic. (Redacted)

14 (Redacted) And you can see on this page that is

15 open there is a name (Redacted) with a number below it, and this is circled. That is  
16 the Thuraya number.

17 (Redacted) among the list of people I quoted I'd forgotten this one, so you should add  
18 this name, (Redacted) He was one of them too. He was one of the players that  
19 played a role in the events pertaining to the Banyamulengue in the Central African  
20 Republic. So that is the Thuraya number for Mustapha.

21 Q. You say this is a page in a diary that belonged (Redacted)

22 A. Yes, absolutely.

23 Q. As far as I can understand, you said that the diary in question doesn't  
24 correspond to the year that we're talking about, i.e. 2002, is that right?

25 A. Yes.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. The entry you have just talked about, which is circled on the left page marked  
2 (Redacted) and a number of figures, when was that entry made into this diary?

3 When was that information put on the diary?

4 A. If memory doesn't fail me, this number was (Redacted) when they were in  
5 Damara. Damara. That was in December 2002.

6 Q. A few minutes ago you said that the number next (Redacted)

7 Mustapha's number. Can you explain that?

8 A. Yes, that is the Thuraya number. I do not know whether mobile phones are  
9 available everywhere, but you see there are a series of numbers there. Let me count.  
10 I see 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15. Well, some numbers might have up to  
11 14 or 15 digits, but here you have a number with a prefix - a kind of strange  
12 prefix - which is 88, and that in fact is a Thuraya number.

13 Q. A Thuraya number. Who did that number belong to?

14 A. To Commander Mustapha.

15 Q. You didn't observe the five-second rule. To who does that number belong?

16 A. That number belongs to the operations commander Mustapha, but why do I  
17 have it around (Redacted) name? It is because sometimes during the day Mustapha  
18 would hand over -- not hand over, but rather place the Thuraya on a small table, and  
19 this small stool was a long stool on which Mustapha would place the Thuraya.  
20 At any such time a soldier would always be seated next to phone, should Mustapha  
21 have gone into the room or gone elsewhere, and whenever the Thuraya would ring  
22 then the soldier would rush to call for Mustapha, who would rush back and then  
23 answer the call on the Thuraya. (Redacted) and that is  
24 why his name is written next to the number.

25 Well, I can provide further information. (Redacted), I asked him what

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 the Thuraya number was all about. (Redacted) He said "No,  
2 it's a different kind of number. It is something that would be extremely expensive  
3 (Redacted) So I gave him -- (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 So this is how (Redacted) and I talked about this number, which does not belong to  
7 (Redacted) rather to Mustapha.  
8 MR BADIBANGA: (Interpretation) Madam President, I no longer need this  
9 document. It could be taken off the screen and we may now return to open session.  
10 Thank you.  
11 (Open session at 12.36 p.m.)  
12 THE COURT OFFICER: We are in open session, Madam President.  
13 MR BADIBANGA: (Interpretation)  
14 Q. Mr Witness, we talked about the Thuraya being used for communication  
15 purposes. In which circumstances were the other tools - communications  
16 tools - used? You just mentioned the phonie, the mobile phone, and so on and so  
17 forth.  
18 A. Thank you. Out of curiosity, the radiophonique - or the phone radio - was set  
19 up in the Central African Republic, but it linked all points in the Équateur province,  
20 including the Équateur. And that -- including Gbadolite, rather, which was a  
21 stronghold of Mr Jean-Pierre Bemba at the time.  
22 You see, the wives of the Banyamulengue soldiers often used that phonie system to  
23 be able to identify or locate the positions of their husbands. The mobile phone was  
24 also used in Bangui more or less exclusively, because at that time the antenna had not  
25 yet been set up in the provinces. And the Thuraya was used in those locations which

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 I have already mentioned because at the time there were not too many  
2 telecommunications companies in Bangui and, therefore, no transmission towers had  
3 been built to facilitate mobile communication at that time. So the communication  
4 was done using the Thuraya sets. Thank you.

5 Q. How did the officers convey or transmit instructions or orders to the soldiers?

6 A. By word of mouth. By word of mouth.

7 Q. Am I to understand then that the Thuraya was used exclusively by officers?

8 A. Yes. The Thuraya was used only, first of all, by the officers, or rather the  
9 officer who was single-handedly the operations commander. He was the only one  
10 who had the Thuraya initially. Then, later on, when the troops would be deployed  
11 to various sites, then the other officers, commanding officers, would then be given  
12 Thurayas to facilitate communication with Mustapha.

13 Q. We talked about the date on which the MLC soldiers - called the  
14 Banyamulenge - arrived, namely 27 October, but we did not talk about how long they  
15 remained or they stayed in the Central African Republic. Can you tell us about that?

16 A. Thank you, Mr Prosecutor. They arrived on 27 October 2002. And this is the  
17 official position: They left on 15 March 2003, when Bozizé arrived. That is the  
18 current president.

19 Q. Throughout that period - and I want to focus on the positions of the  
20 troops - you talked about the soldiers, and stated a while ago that their wives were  
21 trying to locate them. Did some of their wives -- were some of their wives in their  
22 company or were all the wives on the other side of the river; that is, in the DRC?

23 A. Well, when I talk about the wives of the soldiers, I must specify that there were  
24 also women soldiers, and we need to bear that in mind. Their wives shuttled  
25 between Zongo and Bangui and would follow their husbands even right to the

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 battle-fronts where their husbands were positioned or installed, whichever word you  
2 use. That is it.

3 Q. You told us this morning that they received some appropriations or allowances  
4 or some materials from the authorities of the Central African Republic. Could you  
5 be specific as to what they actually received?

6 A. Thank you. They received new uniforms, weapons such as the Kalashnikov.  
7 You know, most of the foot soldiers had Kalas or Kalashnikovs. The foot soldiers  
8 had Kalashnikovs and then, as we went up the ranks, other soldiers had what was  
9 called the RPG, which is a weapon shaped like a bamboo.

10 I don't know whether you are familiar with bamboos, but it is a rocket propelled  
11 grenade system, at the top of which a pointed weapon is placed and then mounted on  
12 a vehicle, or sometimes they would even carry it on their shoulders and that's what  
13 the RPG was. Unfortunately, well, some of them had had Ranger boots and yet,  
14 unfortunately, some of them right to the end of the operations continued to wear  
15 those infamous plastic shoes which Mr Jean-Pierre Gombo Bemba had given them.

16 Q. Let us focus a little bit on the uniforms that you have been talking about. Can  
17 you describe in general terms the uniform of the MLC soldiers, or the  
18 Banyamulengue, in the Central African Republic?

19 A. Well, thank you. Thank you. While in the DRC, they were dirty, very very  
20 dirty. They had old uniforms. Some of them were even torn, in tatters, and they  
21 had plastic shoes, but when they got to Bangui, even the Central Africans who did  
22 not speak Lingala -- you see, today, if a Central African wants to pull a joke on a  
23 Congolese, they would say something like this in Lingala - I don't know if there's an  
24 Lingala interpreter in the courtroom so I'm going to say this in Lingala - which made  
25 people to laugh. With your leave, let me state the joke in Lingala, to bring out the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 idea of the soldiers having been given new attires while in Central African Republic.

2 Q. Now, you can say it in Lingala but you would have to translate it into French.

3 A. Yes. (Speaks Lingala) Now, all those who understand Lingala must be

4 laughing at what I just said. Now, instead of saying "Patassé gave" (speaks Lingala)

5 now, but since that was not their mother tongue, they would understand that the

6 Banyamulengue were very happy to receive new uniforms, which they had not been

7 given over several months, while the Central Africans understood why they were

8 happy and therefore used (speaks Lingala) to mean whatever was intended. I think

9 in French, this means that "Patassé gave us new uniforms, new backpacks, and

10 Patassé is a good man, indeed." That is the explanation.

11 Q. Thank you. Let me return to the first question to you about those uniforms.

12 Can you describe the uniforms? Can you tell us about the colour of the uniforms?

13 A. I do not know how to proceed. I am not a soldier, you see, but I will attempt to

14 answer your question. The uniforms were referred to as tache-tache and that is

15 spotted, so to speak. It's not just small spots but patches of red, black, green, and red

16 and white and what have you, but these were military uniforms, yes.

17 Q. When the MLC soldiers wore those military uniforms that they had just

18 received, was it possible to distinguish them from other soldiers who may have been

19 on the ground?

20 A. Yes, quite easily. As I was saying a short while ago, at that time almost all the

21 soldiers, including myself, we had all applied some skin-lightening products to our

22 bodies, and it was quite fashionable at the time. It sounded in Lingala as "If you

23 didn't have a good tan, you would not have a good holiday season."

24 THE INTERPRETER: And the witness spoke in Lingala and goes on to interpret that

25 "He who does not lighten his skin is not going to enjoy the New Year."

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 THE WITNESS: (Interpretation) So it was fashionable for all Zaireans, I mean, and  
2 I'm using this in a very general manner. Everybody was applying those  
3 skin-lightening products to their bodies, and it was very, very easy at that time to  
4 distinguish those Zaireans from the Central African Republic nationals. It is only  
5 lately that everybody is more or less getting involved in the skin-lightening practice.  
6 At that time it was mainly the Congolese who used to do so. If you saw any  
7 light-skinned soldier, you would understand that they had lightened their skin with  
8 those products. They belonged to Mr Jean-Pierre Bemba's soldiers.  
9 That was not only the telling sign. You could also recognise them from their attire,  
10 from the plastic shoes, and so on and so forth, and that those were Bemba's soldiers.  
11 You may also want to know that most of them spoke Lingala, whereas in the Central  
12 African Republic the language that is spoken is Sango, although among those soldiers  
13 there were a few who could speak proper Sango but, in general terms, most of them  
14 spoke Lingala. For those reasons it was quite easy to identify Congolese soldiers  
15 and -- Jean-Pierre Bemba's Congolese soldiers and distinguish them from Central  
16 African Republic soldiers.

17 Q. Did Jean-Pierre Bemba's Congolese soldiers, as you referred to them, were they  
18 the only ones who wore the plastic boots?

19 A. Yes. They were the only ones in the Central African Republic who wore those  
20 boots. Ever since I got to the Central African Republic, I have never seen a soldier  
21 wearing those plastic boots. It was only in the Congo that I saw it, and when I say,  
22 "the Congo," I am referring to Jean-Pierre Bemba's Congolese soldiers, who made the  
23 Central Africans to understand that it was possible to wear a military uniform and  
24 plastic boots at the same time.

25 Q. You also talked about a physiological aspect of the persons relating to the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 lightening of their skin. That is one thing. Then you talked about their uniforms  
2 and you also mentioned the plastic boots, and you talked about language as well, in  
3 which connection you said the following: In Bangui, it is Sango that is spoken, but  
4 in most cases Lingala was spoken by those soldiers, although a few of them spoke  
5 Sango. My question to you is the following: In general terms, what language did  
6 those troops speak?

7 A. Lingala, but every now and then the officers sometimes would have discussions  
8 in Swahili with Mustapha, and I heard that happen not only once but on a number of  
9 occasions. Commander René of the Équateur province, Jean-Pierre Bemba's  
10 favourite son, spoke in Lingala, or rather Swahili, to Commander Mustapha, and one  
11 group they spoke either Swahili or Kinyarwanda.

12 Q. The soldiers may have spoken in Lingala among themselves. What language  
13 did they use to communicate with the inhabitants, with the population at large?

14 A. Well, these were times of war and it was not easy and there was a lot of  
15 misunderstanding. You see, the Central Africans were now forced to speak Lingala,  
16 which was not an easy exercise for them. Those soldiers did not have the time, nor  
17 care, to learn Sango, so either communication was through sign language, or  
18 wherever an interpreter was available, they would use an interpreter to communicate.  
19 Otherwise, communication was very difficult at that time.

20 Q. You said also that some of the MLC soldiers were able to speak Sango. I know  
21 that this might be a difficult question for you, but are you able to attempt to give the  
22 Court an idea of the proportion of the MLC soldiers who were able to speak Sango?  
23 Of all of them, would it be 50 per cent, ten per cent, or how -- can you give the Court  
24 just an idea of how many of them spoke Sango?

25 A. Thank you. A good number of them, and when I say a good number of them, I

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 would put it at about 50, 50 per cent, and let me explain why. Mr Jean-Pierre  
2 Gombo Bemba is of the Mbaka ethnicity on his mother's side. The Mbaka can be  
3 found in the Équateur province and most of them, namely, those who did the dirty  
4 work in Bangui -- when I talk about dirty work, I am referring to house servants who  
5 shine shoes and who wash dishes and empty the septic tanks and what have you,  
6 those types of odd jobs are done by the Mbasha. Why? Because they are Mbaka  
7 and they are situated not far away from Bangui.  
8 It is true that the capital of their country is Kinshasa, but Kinshasa is very far away, so  
9 most of them, most of the Mbaka people, come to Bangui, which is quite close to their  
10 area, to look for work. They clean dishes, they do laundry and wash clothes for  
11 people, and after that they return to their villages. So when they come over to  
12 Bangui, they learn to speak Sango. That is how most, or the majority, of the youth or  
13 the young people, and even the adults, are able to speak Mbaka, because they come to  
14 Bangui for work or for other purposes before returning to their villages. That is  
15 why, given that the MLC leader, Mr Jean-Pierre Bemba, was Mbaka, the young  
16 Mbakas signed up massively, including 11 and 10 year old children, for the army.  
17 They enrolled in the army. And in order not to anticipate your questions, let me stop  
18 here by way of answer to the question at hand.

19 MR BADIBANGA: (Interpretation) Thank you, Mr Witness.

20 Madam President, I think this might be a good time for the break and we can  
21 continue in the afternoon. Thank you.

22 PRESIDING JUDGE STEINER: Mr Witness, we'll have now our lunch break. We  
23 suspend for one-and-a-half hours. You can have your lunch and take some rest.  
24 It's 1 o'clock. We will resume at 2.30.

25 I ask, please, the court officer to turn into closed session in order for the witness to be

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 taken outside the courtroom. In the meantime, we will suspend and resume at 2.30.

2 \*(Closed session at 1.00 p.m.) Reclassified as Open session

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

4 (The witness stands down)

5 THE COURT OFFICER: All rise.

6 (Recess taken at 1.01 p.m.)

7 \*(Upon resuming in open session at 2.34 p.m.) Reclassified as Open session

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

9 THE COURT OFFICER: Your Honours, Madam President, we are in open session.

10 PRESIDING JUDGE STEINER: Thank you and good afternoon. Before we call

11 Witness 178, who will continue giving his testimony before this Chamber, the

12 Chamber has a short oral decision to issue. It's the Chamber's ruling on the

13 evidentiary matter discussed at the beginning -- at the end of yesterday's hearing and

14 beginning of today's hearing.

15 This morning's discussion raised two questions: The first is whether the Chamber

16 should consider the Defence request to admit the video used at yesterday's hearing,

17 even though the video was not identified on the Defence's list of items to be used

18 during the examination of Witness 173, as an item that would be moved into evidence.

19 The second question is of a more general nature and is as follows: What is the

20 process through which the parties are required to identify items whose admission is

21 sought?

22 On the first issue, the Chamber will consider in due time the video's admissibility,

23 despite the fact that it was not identified on the Defence list as an item whose

24 admission was sought.

25 The Chamber reaches this conclusion on the basis of two

26 30.08.2011

Page 52

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 facts: First, as Maître Kilolo observed this morning, the Defence had previously  
2 sought the admission of the video via its written filing of 14 June 2011, filing 1515,  
3 and had previously stated in court that it intended to move the video into evidence.  
4 Second, the Defence sent the Chamber, the parties and participants, on the evening of  
5 Friday 26 August, a message stating that it intended to offer the video into evidence.  
6 Although the Defence email gave the wrong identification number, the email referred  
7 to, and I quote, "Fifth item on the Defence list of documents," which enabled the  
8 reader to deduce, albeit with some difficulty, what item the Defence was talking  
9 about.  
10 Because of these miscommunications, there was some surprise when the Defence  
11 tendered the video through Witness 173 yesterday. The Chamber will, therefore,  
12 consider the video's admissibility on the merits and will rule on that issue in due  
13 course.  
14 The second issue related to the process through which the parties are required to  
15 identify items they wish to move into evidence. This morning's discussion presents  
16 an appropriate opportunity to remind the parties of the procedure for the submission  
17 of evidence that was established under the Chamber's 31 May 2011 order on the  
18 procedure relating to the submission of evidence, filing 1470.  
19 Paragraph 7 of that order states that, and I quote, "When submitting their respective  
20 lists of documents intended to be used during the questioning of each witness, the  
21 parties shall identify the specific material intended to be submitted as evidence  
22 during the questioning of a witness."  
23 Translated into practice, paragraph 7 means that where a party knows in advance that  
24 it intends to tender an item through a witness it must identify that item as such on its  
25 list of materials to be used in relation to the witness.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 This process enables the Chamber to focus on those items in advance of the hearing  
2 and also allows the other party to consider ahead of time whether it objects to  
3 admission of the item or items in question.

4 Finally, the Chamber wishes the Defence to clarify for the record the current ERN  
5 number for the video. The Defence's email of Friday 26 August referred to  
6 document CAR-DEF-0001-0205. That number appears to be incorrect. It is a press  
7 article, not a video.

8 The Defence list of documents to be used in relation to Witness 173 identifies the  
9 video as item CAR-DEF-0001-0832. Apparently, also, the reference number  
10 CAR-OTP-0022-0007 does not relate to the video in question.

11 So by the end of today's hearing, or at the latest tomorrow at the beginning of the  
12 hearing, the Chamber would appreciate if Defence clarifies the exact ERN number of  
13 the video it intends to submit as evidence.

14 We are now resuming the questioning of Witness 178, and for that purpose I ask,  
15 please, court officer to turn briefly into closed session in order for the witness to be  
16 brought into the courtroom.

17 \*(Closed session at 2.42 p.m.) Reclassified as Open session

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

19 (The witness enters the courtroom)

20 PRESIDING JUDGE STEINER: Let's turn into open session, please.

21 (Open session at 2.44 p.m.)

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

23 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome back.

24 THE WITNESS: Merci.

25 PRESIDING JUDGE STEINER: Did you manage to take some rest during the lunch

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 break?

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

3 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving  
4 your testimony?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE STEINER: Thank you. I'll give back the floor to Maître  
7 Badibanga.

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

9 Q. Witness, we are going to resume with your examination this afternoon and we  
10 will resume where we stopped off just before the break. You were telling us that a  
11 certain number of young people from the same area as Mr Jean-Pierre Bemba had  
12 joined the MLC. Is that correct, is that what you were saying this morning?

13 A. Yes, Mr Prosecutor, as you have just pointed out. 50 per cent or a large  
14 number of youngsters who are from the ethnic group of Mr Jean-Pierre Bemba, they  
15 were of the same ethnic group; they were Mbaka, if you like.

16 Q. And they had joined the MLC; is that correct?

17 A. Yes, most of the young people were in his movement.

18 Q. You said a while ago that the MLC soldiers would speak in Lingala amongst  
19 themselves, and then you spoke about these young people when we spoke about  
20 knowledge of the Sango language. Did these young people speak in the Lingala  
21 language or in Sango amongst themselves?

22 A. They spoke in Lingala amongst themselves but on occasion these young people  
23 were used to speak in Sango or in Mbaka, which is a dialect of theirs.

24 Q. Concerning this linguistic issue, this was a subject that was addressed when we  
25 were trying to determine how an MLC soldier could be identified or distinguished

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 from other soldiers or troops on the ground. I'd like to remind you of the fact that  
2 you mentioned physical appearance; you spoke about their clothing; you spoke about  
3 the language used but you also spoke about weapons being provided. Would you  
4 tell us once more what sorts of weapons they had in their possession?

5 A. Thank you, Mr Prosecutor. In most cases they had Kalas, Kalashnikovs.

6 Q. When you say "Kala," you are referring to Kalashnikovs; is that correct?

7 A. Yes.

8 Q. Do you know whether they arrived in the CAR on 27 October with these  
9 weapons, or did they receive the weapons at some other point in time?

10 A. On 27 October, well, a while ago I said that they arrived and for me, in my  
11 opinion, that's when they arrived, on that day. They may have crossed over on the  
12 26th and then they might have been provided with equipment, but as of the 27th they  
13 were fully present. I can't explain other things to you because I didn't see them  
14 crossing over but I did see them on the ground.

15 Q. I apologise, my question was not sufficiently clear. What I wanted to know is  
16 whether, when they crossed over, they were already armed or not? That was the  
17 meaning of my question.

18 A. In Bangui, to be clear, they were already armed.

19 Q. I know you've already mentioned this, I don't want to make you go into all the  
20 details again, but just to conclude with regard to this matter there is one last question  
21 I would like to put to you: How, according to you, can a Central African, an  
22 inhabitant of Bangui or another town in the CAR, recognise a Congolese soldier, a  
23 member the MLC? How can they be distinguished from other soldiers who might  
24 be on the ground?

25 A. On the basis of the clothing they have, I was in the CAR for a long time and

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 some Central Africans don't recognise certain items. There's the pronunciation; even  
2 if you can speak French, that someone from Zaire or someone from the DRC can't say  
3 "Dieu," he says "Jeu" (phon) instead of "Dieu." If they count from one to ten, he starts  
4 with "an de" (phon) and doesn't say "un deux." So there's this issue of pronunciation  
5 that I provided as an example and they also used these products, makeup, so it's easy  
6 to identify the Congolese in this manner. There were -- there was their clothing,  
7 their uniforms, rather. Most of them had plastic foot-wear, boots, plastic boots, if  
8 you like, and -- well, yes, that would be it. They also spoke Lingala.

9 Q. Thank you. I thought you had completed your answer. Witness, where does  
10 this expression come that you used this morning to designate Congolese soldiers in  
11 the MLC? You called them the Banyamulengue. Could you tell us where this  
12 expression comes from?

13 A. Yes, thank you, Mr Prosecutor. Banyamulengue. Banyamulengue, it's an  
14 ethnic group which straddles, I would say, Rwanda, and they are in the DRC and in  
15 Rwanda. It straddles, they straddle both countries. You have to go back into the  
16 past, and if you do so then I believe that some of us are familiar with this, this is a  
17 people --

18 Q. I apologise, I am going to be more precise. It wasn't really the historical issue I  
19 was interested in but rather why, in the CAR and within the context we are dealing  
20 with, they are called the Banyamulengue? So that is the purpose of my question.  
21 In this specific context why are they designated as the Banyamulengue? Why do  
22 you call them the Banyamulengue?

23 A. Well, first of all because the operations commander resembled or looked like  
24 someone from Rwanda, and most of -- well, not most of them, but his staff, his core  
25 staff, consists of a group that speak Kinyarwanda. Kinyarwanda is a dialect spoken

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 in Rwanda quite easily, and people mixed up. The Congolese troops mixed them up  
2 with the Banyamulengue. How would I put this? This was in relation to Mustapha  
3 because Mustapha really looked like someone from Rwanda, so this gave rise to a  
4 certain amount of confusion.

5 Q. And so in relation to these events, when the Central African people speak about  
6 the Banyamulengue, who do they refer to by this term?

7 A. I apologise. The Central African people know that. In the Congo there was a  
8 war and the Banyamulengue in fact are not really Congolese people by origin, if you  
9 like, they are Rwandans, so this is a label that was stuck to us and, for the moment, it's  
10 an insult because when you're passing down the road they will insult you and will  
11 call out "Banyamulengue". So it's really an insult, yes, that's the case at the moment.  
12 The term Banyamulengue is a derogatory term.

13 Q. Would it be correct to say that the MLC soldiers who were involved in this  
14 operation in 2002, right up until 2003, as you have said, were referred to as the  
15 Banyamulengue?

16 A. No, not really because why? Well, a while ago I said that 50 per cent, in my  
17 opinion, of these troops were of the Mbaka ethnicity, or 40 per cent of Congolese  
18 came from other provinces and there were ten per cent who were Rwandans. The  
19 Rwandans, well, I don't know how Mr Bemba found them or what sort of  
20 arrangement they had reached so that they would come and take charge, take  
21 command, in the CAR, whether Congolese people would be sullied. The Congolese  
22 people were insulted and they were called the Banyamulengue. That had to do with  
23 the engagements taken by Mr Bemba. When I say "engagements," well, I mean, I  
24 have in mind Mr Mustapha and his staff. That would be it, Mr Prosecutor.

25 Q. During this period of time, from October 2002 until March 2003, did you have

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 any knowledge of acts of abuse and violence that could be attributed to MLC soldiers,  
2 acts of violence against the civilian population?

3 A. Yes, Mr Prosecutor, I believe that there were a number of acts of violence  
4 throughout the territory. If you allow me to do so I could facilitate your  
5 understanding, but to be more precise, Mr Prosecutor, when we talk about acts of  
6 violence, this includes murder, rape; is that correct, Mr Prosecutor? I really can  
7 provide you with a number of examples of acts of violence committed throughout the  
8 territory in the areas where the Banyamulengue operated.

9 Q. As I was telling you this morning, we have prepared for this examination and  
10 so we have an entire series of questions for you, we'll go step by step and I think  
11 you'll be able to cover most of the items you are familiar with. Since we're dealing  
12 with acts of violence, perhaps we should commence with cases of looting. Were you  
13 familiar with any cases of looting? Did you hear about any cases of looting that  
14 could be attributed to MLC troops?

15 A. Yes, there were several cases of looting, amongst other things. You might  
16 remember that (Redacted) That was on 3 November, I believe it was  
17 a Sunday, if my memory doesn't fail me. (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)

22 MR BADIBANGA: (Interpretation) I'm having difficulty following you, Witness.  
23 Your Honour, perhaps we could go into private session for a short period?

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

25 \*(Private session at 3.02 p.m.)Reclassified as Open session

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 MR BADIBANGA: (No interpretation).

2 THE COURT OFFICER: We are in private session.

3 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'm sorry, I went too  
4 fast. I thought I'd heard that we'd gone into private session.

5 Q. Witness, we are now in private session and we should take advantage of this to  
6 speak in detail about these circumstances that you experienced in respect of the  
7 incident. By way of example, if we are in public session you can avoid the whole part  
8 when you spoke about your (Redacted) and directly go to the actual facts - deeds - of  
9 looting. I don't know what you're going to say. You might be saying, "I heard that  
10 there was looting on such-and-such a date," and then thereafter we can go into the  
11 particular details in private session and you could then explain, (Redacted)  
12 (Redacted) Do you understand?

13 A. Yes.

14 Q. Now we're in private session, you can freely describe to us the exact  
15 circumstances when (Redacted) and how you became aware of this  
16 case of looting.

17 A. If you remember, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 So I got there, I greeted him and he said, "Oh, already. That's good." I said, "Yes."

2 He asked those who had been present to come, (Redacted)

3 (Redacted)

4 (Redacted), because among these soldiers

5 some of them had been deployed elsewhere, including PK12, PK13, PK14, and

6 because I didn't know what their position (Redacted)

7 (Redacted) and when we got to PK13 there's a market there; the

8 livestock market.

9 Now, how should I explain this? If we say where the Presiding Judge is sitting, let's

10 say that is the marketplace, the place here is empty and that is where the cattle - the

11 live cattle - is brought from Chad. They come and sell the cattle in that big square,

12 and for the time being it's empty.

13 This was during the events, so the neighbourhood was empty. There were just a

14 very few people who stayed behind in the neighbourhoods, and they remained either

15 indoors or on -- in their compounds. It was very unusual to meet anybody in the

16 street because, as I have already pointed out, the neighbourhood had been emptied

17 because several massacres had been perpetrated at PK12, PK13 and PK14. Yes, I

18 should be making progress.

19 Q. Well, if you're willing, let's try and be a little bit more succinct, and we shall

20 come back to the massacres later on and perhaps also to some elements of context.

21 What I'd like you to do here is to narrate to us the case of looting that you mentioned

22 and either that you saw yourself, or heard about.

23 A. No, I wasn't there, (Redacted) I saw the looted goods and I saw

24 them speak. They were stationed in PK12, where the field is, and opposite the field

25 there's a school - the Begoua school - and all those people who lived in the

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 neighbourhood there, well, the whole neighbourhood was plundered, looted. From  
2 PK -- from the support regiment all the way to PK12, they advanced and looted  
3 vehicles -- vehicles.

4 At PK13 they looted a certain Mr Thomas, who had responsibilities under President  
5 Ange-Félix Patassé, 80,000 CFA, a TV set, and on the road to Damara it was even  
6 worse. Every time there was mopping up after shelling, then they would go from  
7 one house to the next with their Kalashnikovs and plundered. They would go into  
8 the houses, they would threaten you, get your money, get your possessions, and if  
9 you resist -- and of course this could happen. In any case, to loot is to rob and they  
10 would take advantage of this to do so. The same applies to Bossangoa. I think I've  
11 given you the answer for looting.

12 Q. In open session now, we shall talk about the looting per se. As long as we are  
13 in private session, please could you tell us how you came about to get this  
14 information; whether somebody told you about this and who this or these people  
15 were?

16 A. Are we in private session, or open session?

17 Q. We're in private session. That's why I want to take this opportunity to ask you  
18 how you got to know this and then we'll go back into open session.

19 A. The soldiers who didn't have -- didn't abide by the rules of conduct, they didn't  
20 keep secrets. They were just a hotchpotch. Normally a professional soldier  
21 undergoes training, but these people didn't keep things secret. They would  
22 shamelessly say so and they went unpunished and so were unafraid.

23 Q. And who spoke to you about these facts?

24 A. In most cases they themselves spoke in front of me. They spoke amongst  
25 themselves, (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. Did they speak this among themselves and you were there and heard them, or

3 (Redacted)

4 A. They spoke among themselves. Let me give you an example. I can say this in

5 Lingala and translate it myself. Lingala is a slightly different -- with a slightly

6 different accent. (Speaks Lingala) Let me translate that for you: "My friend,

7 what's it like on your side? What did you get?" "Well, for my part, I got a TV set."

8 "Well, I got a radio set." "As for me, I got a moped. "Mustapha ..." -- they would

9 call him Papa Mustapha. "Papa Mustapha, they got a big car." So that's the way they

10 talked and I would listen to them, because I spoke Lingala like them, and so I could

11 ask them a few questions to find out more. That's how I got to know about this.

12 Q. Since the beginning of the hearing, you have been told that interpreters are

13 following our exchanges. Essentially, for the time being, we have interpreters who

14 speak -- who translate from French to English and vice-versa, so if by any chance you

15 need to make a quotation in Lingala it is important for you to translate it because we

16 are -- do not have the resources here to translate Lingala.

17 In any case, if you know exactly what you want to say in Lingala, you could just say

18 "They spoke Lingala," but say it in French. The reason for that is that the court

19 reporter will find it extremely difficult to type out what you are saying in Lingala.

20 So you could say "Well, they said this in Lingala," but you say it to us in French.

21 Does that suit you?

22 A. Yes, of course.

23 Q. From the answer you just gave us, I understood that you followed exchanges

24 between soldiers who referred to the looting. Do you remember the names of any of

25 those people who had these conversations in your presence?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Yes, I remember (Redacted).

2 THE INTERPRETER: Interpreter's correction: (Redacted)

3 THE WITNESS: (Interpretation) Quite a few of them but, Prosecutor, I understand  
4 now that I'm in the courtroom more or less how things are working. I have been  
5 aligning my ideas from the beginning to the end and, as far as I understand, you are  
6 classifying facts, looting, rape, et cetera, whereas for me they're in sequence. So to  
7 recategorise them for me it takes a little thinking before I can do so, but I understand  
8 more or less the overall flow.

9 MR BADIBANGA: (Interpretation)

10 Q. Now, what is important here is your testimony so it's important for you to be  
11 able to express yourself as clearly as possible. We do tend to classify subjects here,  
12 but I will help you to refocus so that we can cover everything and, indeed, refresh  
13 your memory at times.  
14 When you refer to this conversation between soldiers, you said -- you mentioned  
15 Mustapha and this is what you said, "And he, Mustapha, had a -- got a vehicle, a large  
16 car." Could you explain to us exactly what you meant by that?

17 A. Yes, you asked me how I had learned that looting had taken place here and  
18 there and I answered that sometimes they had conversations amongst themselves in  
19 Lingala. I was there, so I could understand for instance that Mustapha had stolen a  
20 car, or Mustapha had looted a large vehicle. That is the way in which I more or less  
21 understood what they were accustomed to doing, how they did this generally.

22 Q. Do you know the names of other officers who were also involved in looting?

23 A. Yes. Earlier on, when you asked me this question, I had referred -- well, I  
24 hadn't spoken about Jean-Denis, who was the driver, Mustapha's driver, and  
25 Koko-Roy who -- Koko-Roy, who is the aide-de-camp or the bodyguard of Mr Eboma

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 René.

2 There were liaison officers. They liaised between Gbadolite and Bangui. There  
3 were two of them. Their names were Lolo, Luvunangiza. There we are. They  
4 were Mr Gombo's special emissaries. They would arrive by helicopter to get money  
5 in Bangui and then bring back to Bangui.

6 There was also a civilian, who was truly a civilian but he too was an emissary. His  
7 name was Atandele. Atandele, he was the one who was the ambassador. He was  
8 the one who sent fuel to Gbadolite, because at that time there was the rebellion and so  
9 there were -- all these looted goods were taken to Gbadolite to strengthen his  
10 rebellion; Mr Gombo's rebellion.

11 Q. Who are you talking about when you talk about "Mr Gombo"?

12 A. He was the head of the rebellion. When I'm talking about "Mr Gombo," I'm  
13 talking about Jean-Pierre Bemba.

14 Q. I wanted to be sure, just for the purpose of the record. Sometimes you refer to  
15 him as "Mr Jean-Pierre," "Mr Gombo," or "Bemba," so I needed that information for  
16 the record.

17 When you answered my question and talked about the two liaison officers, as well as  
18 the MLC representative Mr Atandele, you were answering my question relating to  
19 officers involved in looting. You first talked about Jean-Denis and Koko-Roy, so I  
20 want to know whether there were any other military officers of the MLC present in  
21 the Central African Republic whose names you were aware of and who were  
22 involved in the looting?

23 A. No, no, I think they've all left. They all crossed. Most of the officers crossed  
24 over on 14, or rather 15 March. There were some latecomers who stayed on, but they  
25 weren't officers. They were soldiers, but they've all gone now. Let me shed some

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 light on that.

2 I should have said "Koko-Roy," because you didn't pronounce his name properly, and  
3 Soke Atandele. His name was Soke Atandele, and Commander Mustapha and his  
4 deputy, René, called him "Ambassador." It was a nickname, but in any case he was  
5 the one who took care of fuel for Mr Jean-Pierre Bemba at Gbadolite, the stronghold,  
6 and the fuel had to be taken there so that Mr Bemba could use it for the purposes of  
7 his rebellion.

8 Q. We have been working in this courtroom since 9.30 this morning, it's been a  
9 long day and I should have said this to begin with. In any case, if at any moment in  
10 time you feel tired and need a short break, you are -- have the faculty of asking the  
11 Presiding Judge to allow you to do so and I'm sure she will be very sympathetic to  
12 any such request.

13 Can I go on, or do you feel a little tired?

14 A. No, I'm not tired. Today is my great day. My prayer was to come here before  
15 this Court, before the Judges, so that a solution can be found to this situation, so I am  
16 still in fine form.

17 Q. The looting that we're talking about here -- let me reformulate. What  
18 proportion of the MLC forces were involved in the looting? What proportion?

19 A. I would say absolutely everybody, without any exception, was involved in the  
20 looting. They looted from the commander of the operation right down to  
21 the -- every soldier, no exceptions.

22 Q. Since everybody was involved in the looting the -- what they collected, what  
23 they plundered, what did they do with it? How did they organise the sequel to the  
24 plundering?

25 A. As I said earlier on, at the time there was a ferry between Zongo and Bangui

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 and Mustapha could make use of that facility to go across with vehicles, or not just  
2 Mustapha in fact, but everybody because it was free of charge. The plundered goods,  
3 well, there was a place, an area, at Lakouanga.

4 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt you. Maître  
5 Badibanga, my question is whether there is a need to continue in private session?

6 MR BADIBANGA: (Interpretation) Yes, you're quite right. I'd lost track of the  
7 fact that we were in private session. We can go back to open session.

8 PRESIDING JUDGE STEINER: Mr Witness, we are turning into open session, just to  
9 remind you not to mention names or persons that talked to you or with whom you  
10 were together with, information like that. Court officer, please turn into open  
11 session.

12 (Open session at 3.27 p.m.)

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

14 MR BADIBANGA: (Interpretation)

15 Q. Witness, if you're willing, I shall simply repeat the question. You told us that  
16 every single soldier was involved in the looting, from the highest rank to the lowest  
17 rank. My question is whether they organised the plundering in any way?

18 A. So what do you want to know, whether they organised themselves to go -- to  
19 know how they went about their plundering, or something else?

20 Q. You're very attentive, I must say. Yes, let's start with that. Perhaps you can,  
21 indeed, tell us whether they had in some way organised themselves so as to  
22 perpetrate the looting?

23 A. Now, in most cases, how did they go about plundering? Once they had taken  
24 over a neighbourhood they would mop up, as it were. For them, the mopping up  
25 was to go from house to house and from house to house the people would have fled,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 and if they were not there, thank goodness for them, then the soldiers would simply  
2 take things, not encountering any resistance. Now, if they got into a house and the  
3 owner was still there, they wouldn't ask them for anything, they'd just take it by force.  
4 If you happened to resist you would -- they would make short work of it, kill you. If  
5 there were girls, if there were women in the house, they would be raped. So it is  
6 during that mopping up operation. This was a moment of pleasure for them. Once  
7 they saw that the enemy was no longer there they would rush forward and how  
8 about the distribution of the -- the distribution? Vehicles were set aside for the  
9 commander, Mustapha. Motorbikes were for his friends, his close circle, and I'll  
10 speak about that later on. Bikes, TV sets, they were for foot soldiers, and the same  
11 applies to household appliances. And a little later, this is the distribution of the  
12 looted goods, well, quite a few of them were recovered by Mr Bemba in Gbadolite,  
13 and I think you will be asking me questions about that later. So I think that explains  
14 more or less how they organised the looting. Thank you.

15 Q. That was a very exhaustive answer you provided, and although what I will put  
16 to you might be a matter of course, let me put it to you all the same. The officers,  
17 namely, Mustapha and those around him, were they aware of the looting and  
18 plundering?

19 A. Yes. Mr Prosecutor, during the operations, the officers around Mr Mustapha  
20 were entitled to a vehicle. He had several vehicles to himself. I am not able to give  
21 you a number. And then later on, Mr Mustapha was going to be the most unhappy  
22 person when Jean-Pierre Bemba would have collected everything, so he had a -- he  
23 had some vehicles, his other officers had one vehicle each, and that was the limit to  
24 which they were given such property.

25 Q. When they finished plundering and the looted property was distributed, what

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 did they do with it? Did they keep it at their base?

2 A. They had a sales point at which they were able to sell the looted property, but  
3 from time to time they also took the material to the port on the Ubangi River and  
4 shipped it across to the DRC.

5 Q. The sales point you just mentioned, where was it located?

6 A. In Lakouanga. Lakouanga. Lakouanga is a neighbourhood, a neighbourhood  
7 of Bangui.

8 Q. The property that was taken on a raft across to the Congo, do you know what  
9 happened to it on the other side, or were you able to find out what became of it on the  
10 other side?

11 A. I can answer that question, but I don't know whether I am going too fast. You  
12 asked me about the name of the place where these things were sold, and I think what  
13 I need to say is that it was in Zongo, but I might not mention the person's name but  
14 Mustapha had someone in Zongo who brought in the vehicles and the materials and  
15 the property, and then at the very end, that is after 15 March, he went to get that  
16 property.

17 Q. Well, I will follow your cue and ask you to be more specific about the  
18 Lakouanga area you wanted to talk about earlier on, so long as there is no material in  
19 your answer that will tend to identify you or identify any third party.

20 A. It has no relation to me but the place was called Maximum Café. Maximum  
21 Café was a garage where beer was sold, food was sold. There was a garage in that  
22 area and all the property looted by Banyamulengue was first processed through  
23 Maximum Café, and most of that property was vehicles, and in that garage the cars  
24 were sprayed and their colour changed, and so on and so forth. With your leave, I  
25 could provide the name of the person who would take the property to Zongo.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Now, as for the smaller of foot soldiers, whenever they came out of the -- whenever  
2 they came back from Bangui, then Maximum Café would then become such a very  
3 busy place, and almost like a headquarters of the Banyamulengue, the sales point  
4 where people would all gather from all over, including Central Africans and  
5 Congolese. It was an open market, an open market, where officers were  
6 permanently on duty and were sent by -- Mr Jean-Pierre Gombo would come by  
7 helicopter and would land and would be met at that spot and that was a meeting  
8 point for them. The sales point where looted property was sold during the time of the  
9 Banyamulengue was at Maximum Café. As I said, it was a garage where food was  
10 sold, where drinks were sold, and where welding, panel beating and painting or  
11 spraying of vehicles and repairing of vehicles, as well as car wash facilities, were  
12 available. And once everything was set, then the property would be shipped to  
13 Zongo.

14 MR BADIBANGA: (Interpretation) Madam President, could we go briefly into  
15 private session?

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

17 \*(Private session at 3.38 p.m.) Reclassified as Open session

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

19 MR BADIBANGA: (Interpretation)

20 Q. You were going to provide some names, Mr Witness. This is the time to do so.  
21 You were going to talk about someone who seemed to convey Mustapha's property to  
22 Zongo. Who was that person?

23 A. Yes, I can give you the name, but I have just forgotten it. But I think I will  
24 remember. But allow me to first talk about Maximum Café, which was owned by  
25 Mr Roger, a Central African of Cameroonian origin. He owned that facility. He

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 had a mechanic whose name was Roger, and then there was someone else or -- I  
2 forget his name. I should be able to remember in a minute or so, but we can  
3 continue. Let us discuss something else. I can see his face but unfortunately, I  
4 forget his name.

5 Q. Except I am mistaken, there must be a piece of paper and a pencil before you.  
6 Let us proceed, and if you do remember the names, you can jot them down and then  
7 we will return to private session and talk about them. But while we are still in  
8 private session, let me make sure that I have understood you properly.

9 A. Fine.

10 Q. What is the name of the owner of Maximum Café?

11 A. Mr Roger, Roger. That's his first name. I don't know his surname.

12 Q. Very well. You went on to say in your answer that he had a mechanic whose  
13 name was also Roger, is that the case?

14 A. No, no. The mechanic's name was André. André. Yes, André, and the other  
15 name is Maurice. Maurice is the one who received the property (Redacted)  
16 (Redacted)

17 Q. To be specific therefore, and for the record, what was (Redacted)

18 A. Mr Maurice was always in Mr Mustapha's company. They were really very  
19 close. You know, people might have advisers and special advisers. He was a  
20 special adviser. Everything that Mustapha had looted in Bangui was managed by  
21 Mr Maurice, and even the deepest secrets of Mustapha were known to Maurice, and  
22 (Redacted) And how do I know? I know he is there  
23 because every now and then people come and I ask them. They come across and  
24 (Redacted)  
25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. We have understood what Maurice's role was. Now, what were the roles of  
2 André and Roger? Did they also play a role in that plundering operation?

3 A. Yes. Mr Roger was the owner of the bar and he could not stop anything from  
4 happening. He may have been able to say, "Oh, you are soldiers and I don't want to  
5 keep any of your things in my premises," but he really couldn't and his immediate  
6 junior brother, André, was the one who repaired the vehicles, broken-down vehicles,  
7 that had been brought after -- had been brought in after a neighbourhood or a town  
8 had been captured. So when it happened that way, André would go around and  
9 any broken-down vehicles would be towed to his garage and repaired or taken apart  
10 and the spare parts sold, as the case may have been.

11 Q. My last question in closed session on this part relating to Maximum Café, and  
12 the way it was organised, I would like to know from you whether you got that  
13 information from someone else or whether you saw these things yourself with your  
14 own eyes?

15 A. I was an eyewitness, a direct eyewitness to these things because they happened  
16 in the open, there was no secret about them. They talked about these things in front  
17 of me. We used to stay together, we used to be together, and so there was no secret  
18 about those transactions. I heard them talk about these things. I heard Mustapha  
19 and Maurice discuss the issues, and so I heard about these things without any third  
20 party, so I heard about them directly.

21 MR BADIBANGA: (Interpretation) Thank you. Madam President, maybe we  
22 can return to open session now.

23 (Open session at 3.44 p.m.)

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

25 MR BADIBANGA: (Interpretation)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Mr Witness, you talked about property that was repatriated to the Congo  
2 including, in particular, vehicles and then you mentioned Mr Jean-Pierre Bemba's  
3 name in relation to that property, saying that he took those things away from  
4 Mustapha. Can you explain to the Court what you meant by that?

5 A. A short while ago I confirmed that while in the Central African Republic, that is,  
6 talking about the Banyamulengues, what happened was that once a neighbourhood  
7 or a town was captured they would mop it up, and it is during that mop-up operation  
8 that they went from house to house, looting, stealing, raping, and whenever they ran  
9 into any resistance they would kill the persons who were resisting. The foot soldiers  
10 were entitled to mattresses, bicycles, televisions and radio sets, and then Mustapha's  
11 friends and acolytes, not the officers, his acolytes were entitled to motorbikes, and  
12 then from the rank of lieutenant and commanders or major, as we knew them in  
13 Congo, and even of the rank of colonel, people of that rank were entitled to vehicles.  
14 And so lieutenants, majors, captains were each entitled only to one vehicle and then  
15 the rest of the booty went to Mustapha. And so he wanted to take too much of the  
16 booty and ended up losing because after sending over all those vehicles during the  
17 war, Jean-Pierre Bemba collected them at the end and took them to his stronghold in  
18 Gbadolite, to continue his rebellion.

19 Q. Could you be a little more specific? When you say that Jean-Pierre Bemba  
20 collected everything, what do you mean by "collected everything," what he took?

21 A. When I said he took everything, there must be some exception to it,  
22 Mr Prosecutor. When I said "everything," I simply mean that Mustapha ended up  
23 having a Galloper jeep, a PG55 truck, and a Suzuki, and that Suzuki had been looted  
24 in Mumba (phon) and disguised and given to one of his junior brothers whose name  
25 was Kega. So all the other vehicles, the big vehicles that were looted, almost all of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 them were taken back to Gbadolite. So that is what I meant by all those things.

2 They were taken by Mr Gombo, bi moto (phon) Jean-Pierre Bemba.

3 Q. Did you ever get to know what Jean-Pierre Bemba did with all the property he  
4 took away from Mustapha?

5 A. Well, I have never been to Gbadolite. However, after they crossed over, they  
6 played a dirty trick on me. They played a dirty trick on me indeed. I had to leave,  
7 and it is then that I understood that Jean-Pierre Bemba had taken everything. I read  
8 something written on a vehicle and it made me to laugh, although it was not a joke.  
9 It was a message that Mustapha was sending to Jean-Pierre Bemba.

10 Q. I was just checking the transcripts to -- before putting the question to you.  
11 How did he convey that message?

12 A. The message was in Lingala. I'm going to speak it out in Lingala, then  
13 translate. (Speaks Lingala) It means, "Mustapha also." Well, let me do a  
14 word-for-word translation. "Mustapha baza moto" (phon) actually means that  
15 Mustapha should not also be made to suffer because he too is someone, meaning how  
16 can you take everything away from Mustapha whereas he too is somebody. So that's  
17 the translation, and I'm asking those who are taking the record to note the sentence,  
18 "Mustapha pe azali (phon) moto. Mustapha pe azali moto," meaning how can you  
19 take everything away from Mustapha?

20 PRESIDING JUDGE STEINER: Maître Kilolo.

21 MR KILOLO: (Interpretation) Madam President, I rise on an objection on this  
22 point. It would appear to me that our opponent is forcing the witness to translate  
23 from Lingala to French, which by the way is incorrect. "Mustapha pe azali moto," as  
24 far as we know in French means "Mustapha is also a human being," and that is it. So  
25 I am afraid that the witness attempting to interpret and to speculate on issues relating

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 to the meaning of things that may not appear in a Lingala text, might be pushing his  
2 testimony to a level where the facts might be distorted. Thank you.

3 PRESIDING JUDGE STEINER: Maître Kilolo, I remember more than once your  
4 objecting to observations made by Maître Zarambaud correcting the interpretation of  
5 some words in Sango, saying that Maître Zarambaud was not an interpreter or a  
6 translator, and you have just done exactly the same thing.

7 But your observation is taken and I would suggest Prosecution and the witness as  
8 well to avoid, as much as possible, to say wordings in Lingala and translating  
9 yourself, because that will make it very difficult for the Chamber in the future to  
10 check the correctness of the translation. So you can give your interpretation of what  
11 you heard.

12 Is that fine, Maître Badibanga?

13 MR BADIBANGA: (Interpretation) Very well, Madam President. Yes, I suggested  
14 to the witness a short while ago, by the way, that he should abstain from speaking  
15 Lingala, but rather just provide his translation given that the -- there is no Lingala  
16 interpreter in the booth today and that the court reporters would have difficulty  
17 taking down his statement in Lingala.

18 So what I simply want to say is that we are not in any way trying to force the witness  
19 to change the meaning of any situation. What really matters is that the witness has  
20 understood the situation and is telling us what he made of any particular situation.  
21 Therefore, it would be for the Defence to call a witness who may provide a different  
22 understanding of the same sentence, or maybe during the cross-examination ensure  
23 or find out from the witness whether the interpretation or translation was correct. I  
24 have simply asked the witness what he understood and he has told us his  
25 understanding of that sentence.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Now, Mr Witness, we will make the necessary effort to comply with the  
2 guidelines from the President, so we will use the French language. If you know  
3 something in Lingala then please give us the idea in French, but you could tell the  
4 Court that the statement was made in Lingala and then go on to give us your  
5 understanding of the concept. Is that fine with you?

6 A. Yes, I have understood you, Mr Prosecutor.

7 Q. Witness, just before you spoke about that sentence, this is what you said in the  
8 transcript of today, real-time, page 92, lines 22 to 28. This is what you said: "They  
9 played a dirty trick on me. They played a dirty trick on me." Now, is this  
10 something you would like us to clarify in closed session, or were you simply referring  
11 to a statement that someone else might have made? Were you talking about  
12 "myself," or of someone else?

13 A. I was talking about myself, and we could clarify this matter in private session.

14 MR BADIBANGA: (Interpretation) Madam President, maybe for the remaining  
15 three minutes we could clarify this point in private session and then end the day at  
16 that point?

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

18 \*(Private session at 3.57 p.m.) Reclassified as Open session

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

20 MR BADIBANGA: (Interpretation)

21 Q. Mr Witness, we have three minutes to go. It's not a lot of time, but I would like  
22 to ask you to be very specific and very concise in explaining to the Court what you  
23 meant by, "They played a dirty trick on me"?

24 A. Thank you, Mr Prosecutor. I personally -- well, when they left, (Redacted)

25 (Redacted)

Trial Hearing  
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Why, and how, did they come (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MR BADIBANGA: (Interpretation) Thank you, Mr Witness. That will be all for  
12 today and I believe that we will continue this questioning at another session.

13 Madam President, I have no further questions for the witness for today.

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

15 (Open session at 3.59 p.m.)

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

17 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. It was a very  
18 productive first day, but you are probably tired. We need to adjourn for today. We  
19 have some very strict rules in relation to the workload that can be imposed, mainly on  
20 our interpreters and court reporters.

21 Tomorrow it's a holiday so we won't have a hearing tomorrow. So we hope you take  
22 the day off, that you can take some rest, take some time for yourself.

23 We will resume on Thursday morning at 9.30, in this very same courtroom.

24 I would like to thank very much the Prosecution team, the legal representatives of  
25 victims, the Defence team, Mr Jean-Pierre Bemba Gombo, to thank very much our

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 interpreters and court reporters, court officer, court usher.

2 I ask then the court officer to turn into closed session for the witness to be taken

3 outside the courtroom. We are going to adjourn and resume on Thursday morning

4 at 9.30.

5 Thank you very much, Mr Witness.

6 THE WITNESS: Merci.

7 \*(Closed session at 4.01 p.m.) Reclassified as Open session

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

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (The hearing ends in closed session at 4.02 p.m.) Reclassified as Open session

12 RECLASSIFICATION REPORT

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

14 ICC-01/05-01/08-3038 and its instructions in the email dated 6 February 2014, the

15 version of the transcript with its redactions becomes Public.