

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Friday, 1 July 2011
8 (The hearing starts in open session at 9.42 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
12 case.
13 THE COURT OFFICER: Yes, Madam President. Good morning. This is the situation
14 in the Central African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba
15 Gombo, case reference ICC-01/05-01/08. Thank you, your Honours.
16 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome the
17 Prosecution team, the legal representatives of victims, the Defence team, Mr Jean-Pierre
18 Bemba Gombo. Good morning to our interpreters and court reporters.
19 Since I see new faces at the Prosecution's Bench, I would like the representatives of the
20 OTP to introduce themselves.
21 MR BADIBANGA: (Interpretation) Your Honour, the team of the Office of the
22 Prosecutor today is composed of Ms Horejah Bala-Gaye, who is the senior trial attorney;
23 as well as Madeleine Somte, linguistic assistant; and myself, Jean-Jacques Badibanga,
24 senior trial attorney, and it is up to me to carry out this examination.
25 PRESIDING JUDGE STEINER: Thank you. Before we start, the Chamber has a very,

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 very important and urgent issue to address to the parties and participants.

2 The Chamber is mindful of some problems with the testimony of Witness 169, including

3 language problems and interpretation problems, but before that, overnight, the Chamber

4 has had the opportunity to consider practicalities of hearing Witness 169's testimony

5 before the summer recess. The Chamber's concern is the possibility that Witness 169's

6 testimony will not be completed before the recess.

7 The Chamber notes that the Prosecution has estimated that its questioning of Witness 169

8 will take approximately 9 hours. Maître Zarambaud has requested leave to ask 20 sets of

9 questions, and Ms Douzima has requested leave to ask 28 sets of questions, and both have

10 been authorised to question the witness in those sets of questions. And using the

11 witnesses who have testified to date as a guide, it appears likely that the Defence will

12 want more time than the Prosecution to conduct the Defence examination of Witness 169.

13 Balanced against this expected duration of questioning is the number of days available for

14 hearings before the recess. The last day the Chamber will be able to sit before the recess

15 is 12 July, due to a Judges' plenary session on 13 July and other administrative problems

16 on the 14th and 15th. That leaves us with full eight days, including today, to hear

17 Witness 169's evidence. The Chamber is concerned that this may not be sufficient to

18 complete Witness 169's testimony in light of the estimates of the parties and participants.

19 The Chamber does see three options: The first is that the Chamber commences with the

20 Witness 169's testimony and require the parties and participants to comply with strict time

21 limits on their questioning in order to enable Witness 169's testimony to be completed on

22 or before 12 July.

23 Second option: The testimony of Witness 169 is postponed until after the summer recess.

24 In this scenario the Chamber would permit the Prosecution -- would ask the Prosecution

25 to reschedule Witness 169's testimony.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 And third: We commence with Witness 169's testimony and endeavour to complete the
2 questioning by the Prosecution and legal representatives before the recess. In this
3 scenario the witness would be permitted to return to his home during the recess and the
4 Defence would begin with its questioning after the recess. The Chamber would order
5 the witness not to speak with anyone about his testimony during the recess period.

6 To enable the Chamber to decide on this matter, I would like to invite the parties and
7 participants to make brief oral submissions, and we start with Mr Badibanga.

8 Would the parties like to have five/ten minutes to consult, to confer?

9 MR LIRISS: (Interpretation) If we could, thank you.

10 PRESIDING JUDGE STEINER: We resume at 10 o'clock, to gather the views of the
11 parties. The hearing is suspended.

12 THE COURT USHER: All rise.

13 (Recess taken at 9.50 a.m.)

14 (Upon resuming in open session at 10.05 a.m.)

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

16 PRESIDING JUDGE STEINER: I hope the parties and participants -- I notice that Maître
17 Zarambaud is not present. So I will start listening to the Prosecution, and I hope the
18 parties have considered all options with its positive and negative consequences in order to
19 allow the Chamber to take an informed decision on the issue. Maître Badibanga.

20 MR BADIBANGA: (Interpretation) Thank you, Madam President. Madam President,
21 your Honours, we have considered your proposal - the proposal from the Chamber - and I
22 must begin by telling you that this is an important witness for us because he will be
23 providing this Court with information that other witnesses have not yet brought to the
24 attention of the Court.

25 It is for this reason that we applied for an extension of time, given that we felt that we

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 would need more time to be able to exhaustively deal with the material and information
2 that this witness is in a position to provide to this Trial Chamber which, may I say, has not
3 yet come before the Court during this trial.
4 If one were to classify the proposals by order of preference, it would be the position of the
5 Office of the Prosecutor that, although mindful of the impact of this on the unfolding of
6 the proceedings proper, we would opt for a complete questioning of the witness after the
7 recess; the reason for this being that we will then hear his testimony in one coherent
8 sitting. That will enable all parties to put their question in a somewhat serene
9 atmosphere, and that would also have less of an impact on the witness if one were to
10 compare this option with the other options on the table.
11 If this were not the acceptable position, then we would agree that the evidence be heard
12 entirely at this time; namely, questioning by the Prosecutor, by the legal representatives
13 and by the Defence team in cross-examination.
14 However, the problem with that proposal, or that solution, is that the witness will realise
15 that -- even though we may act professionally, the witness will realise that we would
16 somewhat be in a rush during his examination. That would not be beneficial neither for
17 the testimony itself, nor for all parties, nor even for the case in point.
18 As for the third solution proposed by the Court, which appeared as point two, would
19 have called for part of the testimony to be heard at this time, led by the Prosecutor and the
20 legal representatives, and then for the witness to be called after the recess to be questioned
21 by the Defence, I would like to say that we do not at all agree with that suggestion, the
22 difficulty with such an approach being that it would be extremely difficult for the witness
23 to proceed under those circumstances. There will be a time of uncertainty between the
24 two questioning periods, which will place the witness in an extremely delicate position in
25 his environment and also in relation to the measures that the VWU may be taking in order

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 to ensure that no information is lost, or that no information is missing outside of the trial
2 period.

3 In summary, therefore, we support the idea of questioning this witness after the recess
4 and that such questioning should be done by all parties at that time, but failing that
5 solution then the second option would be for all the parties to deal with the testimony of
6 this witness by 12 July, as you have mentioned, your Honour. I thank you, Madam
7 President.

8 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga. Although
9 Maître Zarambaud is not present, I hope Ms Douzima can express the views of legal
10 representatives of victims in that respect. Ms Douzima, you have the floor.

11 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. Madam
12 President, this is a very delicate question. Unfortunately I was not able to confer with
13 my learned colleague, but that notwithstanding I on my part would simply say that the
14 legal representatives will defer to the usual wisdom of the Court.

15 However, allow me to point out the difficulty that may arise with the option of starting
16 the examination of the witness now and then allowing the witness to go back to his home
17 and to return after the recess in August. We cannot determine with certainty what will
18 happen in the meantime, or during that interval.

19 That is the only comment I want to make and that will be all. Thank you.

20 PRESIDING JUDGE STEINER: Thank you very much, Ms Douzima, for your -- giving
21 your observations on the matter and bringing this aspect of the problem to the parties and
22 the Chamber.

23 Defence, Maître Liriss, please.

24 MR LIRISS: (Interpretation) Madam President, I agree with all the concerns that have
25 been raised by the Prosecutor and the participants, relating to an eventual recalling or

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 returning of the witness.

2 Defence agrees with the Prosecution on his second point. In that case, therefore, the
3 Prosecution would have to give up its application for an extension of time; this will then
4 allow all parties to comply with the time-frames set out by the Trial Chamber to enable us
5 to conclude by the 12th at the latest.

6 Now, as for the recalling of the witness at any other time, I would think this would be
7 prejudicial to the proceedings, and that is the position of the Defence, Madam President.
8 However, I simply want to say that we must continue to bear in mind that it is the
9 wisdom of the Bench that will ultimately determine matters. I thank you.

10 PRESIDING JUDGE STEINER: Maître Liriss, if I may: There has been no change in the
11 Defence estimation after the Prosecutor pointed out for the need of one more hour. May
12 the Chamber, the Bench, assume that Defence seems to be able to complete its questioning
13 in the proposed 8 hours that were proposed, that was made before the request of the
14 Prosecution for an extension? I would like to know whether this estimation is realistic.

15 MR LIRISS: (Interpretation) Madam President, it would appear to me, from what I am
16 being told, that we asked for 12 hours. We asked for 8 hours -- or you asked for 8 hours,
17 but we needed 12. I think that is what it is.

18 (Pause in proceedings)

19 Madame, s'il vous plaît.

20 PRESIDING JUDGE STEINER: Oui, Maître.

21 MR LIRISS: (Interpretation) Madam President, now I understand the question better.
22 Our initial estimate was for 8 hours, but when the Prosecution asked for an extension to 9
23 hours then we increased our time to 12 hours. So. If the Prosecution were to keep it at 9,
24 then everybody should hold it at 9 and that will be good enough. I hope so.

25 (Pause in proceedings)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 Madame, s'il vous plaît.

2 PRESIDING JUDGE STEINER: Maître.

3 MR LIRISS: (Interpretation) Madam President, I'm sorry, it would appear that I do
4 not fully understand or master this question. Our case manager is not here. I'm being
5 told that we asked for 12 hours, 12 hours, Madam President.

6 PRESIDING JUDGE STEINER: I'm trying to check, Maître Liriss, the information, just to
7 make it sure because the information I had before we came into the courtroom is that
8 you - the Defence - had kept the 8 hours. And we need to have a realistic estimation
9 because, under any circumstance, the Chamber will allow the testimony to start if there
10 is -- or if it is likely that we'll have to suspend and put the witness on hold for a month in
11 The Hague, this is what the Chamber is trying to avoid.

12 That's why we need to confirm the parties' estimation and if the decision of the Chamber
13 is that we're going to start with the testimony, we are going to finish this testimony by the
14 12th. There is no option 4; meaning, suspension of the testimony and the continuation
15 after the recess while the witness is kept captive in The Hague for a month. So I'm
16 waiting for the information, to receive the information in order to check the estimations.

17 (Pause in proceedings)

18 Maître.

19 MR BADIBANGA: (Interpretation) Madam President, allow me to avail myself of this
20 minute to point out that we don't have a French transcript on the screen today. I do
21 notice that there's only an English text. We don't have a real-time transcript in French,
22 and I don't know whether the other participants are facing the same difficulty as I do.
23 Thank you.

24 PRESIDING JUDGE STEINER: The court officer will check the information, please.

25 (Pause in proceedings)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

- 1 THE COURT OFFICER: Your Honours, I've contacted the technicians about the issue
2 mentioned by the Prosecutor and once they get back to me I will provide the Court with
3 the feedback. Thank you.
4 (Pause in proceedings)
5 Your Honours, as an update on this same information, I've been advised by the
6 technicians that due to the problems with the system today that it's unable for the parties
7 to view the transcript on the live feed, on the VGA, so its -- they would recommend that
8 you log into your system and try to log into the transcript through the Transcend. Thank
9 you.
10 (Trial Chamber confers)
11 PRESIDING JUDGE STEINER: So the Chamber has considered the allegations of the
12 parties. I must say that I have not received a confirmation of the request by the Defence
13 to extend to 12 hours its questioning.
14 What the Chamber still has at hand is the 8 hours allocated to the Defence in the Defence's
15 oral submission during the hearing of 10 February 2011, which is transcript 63-Conf, page
16 49, lines 15 and 17, and the Defence submission of 23 February 2011, in the filing 1291.
17 But, of course, the Chamber is not -- the Chamber sees no inconvenience in the Defence
18 reviewing its estimation, and maybe it's a mistake of the Chamber. We could not -- we
19 could not find a new estimation made by the Defence, but this is not going to be used in
20 detriment of the Defence, of course.
21 The Defence, according to the transcript, mentioned -- made a general estimation that,
22 after consulting the team, the Defence thinks that 8 hours would be a reasonable
23 estimation, would be sufficient per witness. This is the information we have. But it will
24 not be detrimental to the rights of the Defence to question the witness.
25 The Chamber has to combine different interests, of course the interest of the Defence and

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 of the accused, of a fair and expeditious trial with the physical and psychological
2 well-being of the witness that has been already for some time in The Hague, subject to the
3 familiarisation process, and, as said before, the Chamber will not allow under any
4 circumstances that the testimony of the witness be suspended for the period of a month,
5 being the witness in The Hague and without freedom of circulation or contact, without
6 contact with family members, et cetera.

7 So, balancing all these interests, the Chamber decides, first, that the Prosecution will have
8 to limit its questioning to the 8 hours estimated in advance. The legal representatives
9 will have to share among themselves one hour for the questioning of the witness, and the
10 Defence will be granted 10 hours to question the witness, with the possibility of a slight
11 extension, if need be. In any case, Defence will have to finish its questioning by 12 July.

12 So the Chamber invites the Defence to conduct the questioning of the witness in a way
13 that allows the testimony to come to an end in the afternoon of 12 July.

14 Having said that, we are turning now into closed session in order for the witness to be
15 brought into the courtroom.

16 *(Closed session at 10.32 a.m.)Reclassified as Open session

17 THE COURT OFFICER: Your Honours, we are now in closed session. Thank you.

18 (The witness enters the courtroom)

19 WITNESS: CAR-OTP-PPPP-0169

20 (The witness speaks Sango)

21 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

22 THE WITNESS: (Interpretation) Good morning, Madam President.

23 PRESIDING JUDGE STEINER: Welcome to the Court. Before we start, the court officer
24 will facilitate you taking the oath by reading out the words of the oath for you, please, to
25 repeat. Court officer, please.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 THE WITNESS: (Interpretation) Thank you.
- 2 THE COURT OFFICER: "I solemnly declare that I will speak the truth ... "
- 3 THE WITNESS: (Interpretation) I solemnly declare that I'll tell the truth ...
- 4 THE COURT OFFICER: " ... the whole truth ... "
- 5 THE WITNESS: (Interpretation) ... the whole truth ...
- 6 THE COURT OFFICER: " ... and nothing but the truth."
- 7 THE WITNESS: (Interpretation) ... and nothing but the truth.
- 8 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken the
- 9 oath, can you confirm that you understand what the oath means?
- 10 THE WITNESS: (Interpretation) I understand the meaning of this oath but I would like
- 11 to ask Madam President to allow me to say everything I know in my mother tongue,
- 12 which is (Redacted).
- 13 PRESIDING JUDGE STEINER: Have you expressed to VWU, during your
- 14 familiarisation process, your wish to testify in (Redacted)?
- 15 THE WITNESS: (Interpretation) Quite some time ago I spoke to them about it.
- 16 Initially, I was worried because I didn't want them to know of my identity, but in fact they
- 17 were already aware of that and indeed, I would prefer to speak in (Redacted). And when
- 18 we began the familiarisation, we began in Sango ...
- 19 THE INTERPRETER: And the Sango interpreter did not understand the last sentence
- 20 pronounced by the witness.
- 21 PRESIDING JUDGE STEINER: Would you mind, Mr Witness, to repeat the last part of
- 22 what you said because the Sango interpreter was not able to translate.
- 23 THE WITNESS: (Interpretation) Yes, I would like to repeat and say the following: I
- 24 would like to begin speaking (Redacted). Well, I thought that Mr Jean-Pierre Bemba was
- 25 not informed of my identity, but he has already been given that information, and

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 therefore I would like to begin now in Sango and then perhaps tomorrow or the next day I
2 could continue using (Redacted).

3 PRESIDING JUDGE STEINER: So the Chamber will make its best efforts in order to
4 have (Redacted) interpreters for the continuation of your testimony. But the Chamber
5 needs to ask whether you feel prepared to start testifying in Sango, whether Sango is a
6 language that you speak and understand sufficiently in order to understand the questions
7 and to give the answers.

8 THE WITNESS: (Interpretation) As regards today, well, we have already started so we
9 can continue.

10 PRESIDING JUDGE STEINER: Therefore, Mr Witness, let me ask you that you
11 understand your oath, meaning that you must give answers to questions asked of you that
12 are true and accurate, to the best of your knowledge and belief.

13 THE WITNESS: (Interpretation) I agree fully with what you said. I shall tell the truth,
14 but you know that the events date back several years now so it could occur that I have
15 forgotten some details, but I will certainly remember the most important events.

16 PRESIDING JUDGE STEINER: Whenever you don't know how to answer a question
17 because you forgot any details, it's enough for you to say that you don't know the answer;
18 no problem at all.

19 THE WITNESS: (Interpretation) I've understood, thank you.

20 PRESIDING JUDGE STEINER: Mr Witness, as you have had explained to you by the
21 Victims and Witnesses Unit during your familiarisation process, you will be questioned
22 first by the Prosecution, then by legal representatives of victims, Maître Zarambaud and
23 Ms Douzima-Lawson, and lastly by the Defence.

24 As you know, the Chamber has put in place measures to protect your identity from the
25 public. Your testimony will be heard in closed session, which means that only the people

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 in this room can hear what you have to say and can see you; nobody else. You therefore
2 cannot be identified by the public and your voice and your image will not be broadcast
3 outside the courtroom.

4 Do you understand the protective measures given to you by the Chamber, sir?

5 THE WITNESS: (Interpretation) I understand all of that and I'm fine with that.

6 PRESIDING JUDGE STEINER: Mr Witness, before -- because we speak different
7 languages, there is interpretation so that we can understand each other. Because of this it
8 is important that you speak slower than normal, as I am doing now, in order to allow the
9 interpreters to do their job. It's also important that after a question is put to you that you
10 wait five seconds, six seconds before you give your answer in order for the interpretation
11 to finish to translate the question.

12 Because this may seem unnatural, it may be that you start speeding up and I will have to
13 interrupt you and ask you to slow down. Please don't take offence. This is purely for
14 practical reasons. Do you understand that, sir?

15 THE WITNESS: (Interpretation) Yes, I understand.

16 PRESIDING JUDGE STEINER: I have a few questions to put to you, Mr Witness. Have
17 you read, or been given the opportunity to have read to you, the statement or statements
18 that you made to the Court?

19 THE WITNESS: (Interpretation) I read it myself.

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

22 THE WITNESS: (Interpretation) I was not forced to do so. I did so on a voluntary
23 basis.

24 PRESIDING JUDGE STEINER: Is the information that you have provided in your
25 statement or statements true and accurate, to the best of your knowledge and

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 understanding?

2 THE WITNESS: (Interpretation) It is the truth. It is what I saw that I -- that's what I
3 told and I have other proof. I have photographs that I did not show to the investigators,
4 but I have those things here with me.

5 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the Chamber intend to
6 have your statement or statements as evidence in this case, do you have any objection?

7 THE WITNESS: (Interpretation) I have no objection. I agree to tell the Court and
8 what I'm telling the Court is the truth.

9 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I will now give the
10 floor to the Prosecution and the Prosecution will start questioning you. If for any reason
11 you feel that you need a break, just let us know.

12 Mr Badibanga, you have the floor.

13 MR BADIBANGA: (Interpretation) Thank you, your Honour. Madam President, I
14 beg your pardon. Before I begin questioning the witness, I would like to request a
15 clarification on the part of the Chamber. The witness has just said that he is willing to
16 begin testifying in Sango and would like to continue in (Redacted). Given the arrangements
17 here at the Court and given that there are other trials ongoing in parallel, I am just a bit
18 worried.

19 What if we are not able to have (Redacted) interpreters available for the next session? I don't
20 know whether it wouldn't be preferable to inform the witness and to -- whether it's a good
21 idea for him to begin his testimony, or whether the linguistic matter is fundamental for
22 the witness. I don't want to find myself in a situation where after one day of examination
23 we will not be able to continue for those reasons. Thank you, Madam President.

24 PRESIDING JUDGE STEINER: Maître Badibanga, we have ten minutes before the break.
25 I'm sure that during this ten minutes the Prosecution can proceed with the usual questions

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 on identifying information, et cetera, and during the break the Chamber will make it sure
2 that the testimony of the witness can continue in (Redacted), if needed. So you can start,
3 Mr Badibanga. Every minute is precious in our schedule.

4 MR BADIBANGA: (Interpretation) Thank you, Madam President.

5 QUESTIONED BY MR BADIBANGA: (Interpretation)

6 Q. Good morning, Witness. Good morning, (Redacted) As you know, my name is
7 Jean-Jacques Badibanga, I work for the Office of the Prosecutor and I'm going to be asking
8 you questions on behalf of the Prosecution in this case. As the Presiding Judge has
9 explained, we are in closed session which means that we can speak fully and freely. No
10 one outside of this courtroom can hear what we are saying.

11 Let's begin, first of all, by your identity. Would you be so kind as to tell us your name;
12 your family name and your first name, please?

13 A. My name is (Redacted)

14 Q. How old are you and what is your date of birth?

15 A. I was born in (Redacted)

16 Q. What is your nationality?

17 A. I am Congolese; that is the Democratic Republic of Congo.

18 Q. Could you tell us what ethnic group you belong to?

19 A. (Redacted).

20 Q. What languages do you speak?

21 A. I speak Sango. (Redacted)

22 (Redacted) I speak Lingala very well.

23 Q. (Redacted) are you married and do you have children?

24 A. I am married to (Redacted) I had a customary wedding. I am yet to
25 organise the religious ceremony.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. How many children do you have?

2 PRESIDING JUDGE STEINER: Mr Witness, sorry. You don't need to mention the
3 names of your children; just the number of children you have.

4 THE WITNESS: (Interpretation) Thank you. All in all, my children and (Redacted)
5 (Redacted)

6 MR BADIBANGA: (Interpretation)

7 Q. Could you tell us where you live at present, but do not give us the precise address?
8 Just tell us what city and what country you live in.

9 A. I live in Bangui, in the Central African Republic.

10 Q. How long have you been living in Bangui?

11 A. I have been living in Bangui since the year 2000. (Redacted)

12 Q. Lastly, could you tell us what is your profession?

13 A. I took some classes in mechanics, but at present in order to feed my family I am a
14 (Redacted)

15 Q. How long have you been (Redacted)?

16 A. I have some documents with me. Well, I began as a (Redacted) in 1980 and I have a
17 number of documents. I started on the other side of the river. (Redacted)
18 (Redacted)

19 MR BADIBANGA: (Interpretation) I don't think it's going to be necessary to produce
20 those documents.

21 Madam President, I think I have used up the ten minutes and perhaps it is time for a
22 break. Thank you very much.

23 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Mr Witness, just for you
24 to understand the proceedings, we always have one-and-a-half hours of questioning, and
25 then half-an-hour break in order to give the witness some time to take a rest, to have

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 coffee, and also for the interpreters and court reporters. It's 11 o'clock now. We will
2 have then a half-an-hour break. We will suspend and resume at 11.30.
3 Please, court usher, conduct the witness outside the courtroom, and in the meantime we
4 are going to suspend and resume at 11.30.
5 (The witness stands down)
6 THE COURT OFFICER: All rise.
7 (Recess taken at 11.02 a.m.)
8 (Upon resuming in open session at 11.59 a.m.)
9 THE COURT USHER: All rise. Please be seated.
10 PRESIDING JUDGE STEINER: I welcome back the parties. I welcome Maître
11 Zarambaud. And, on behalf of the Chamber, I apologise for one more delay. The
12 Chamber is dealing with different organs of the Court in order to solve the problem of
13 interpretation. At one point we didn't have a solution, and then we had too many
14 solutions at the same time, so the Chamber requested of the different sections of the Court
15 to coordinate and come back to the Chamber with a single solution for the interpretation
16 in relation to the current witness.
17 That means that we will suspend the hearing for the time being and resume at 2 o'clock
18 hoping that, for the afternoon session, we will start with the testimony of the witness
19 without any other interruptions, at least the ones related to interpretation.
20 In the meantime, the Chamber will read a short oral decision, which is the decision on the
21 applications of legal representatives to question Witness 169.
22 On 6 April 2011, the Chamber received an application from Maître Zarambaud on behalf
23 of the victims that he represents to question Witness 169. It's filing 1377-Conf. The
24 application contains a list of 20 sets of questions. Similarly, the Chamber received an
25 application from Maître Douzima on 23 June 2011 on behalf of the victims that she

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open Session)

ICC-01/05-01/08

1 represents, filing 1562-Conf. The application contains a list of 28 sets of questions.
2 Having considered the reasons given by both Maître Douzima and Maître Zarambaud as
3 to why the personal interests of the victims they represent are affected, the Chamber
4 allows the respective applications to question Witness 169.
5 Turning into the proposed questions, the majority - with Judge Ozaki dissenting - allows
6 the questions to be as set out in the aforementioned filings. Judge Ozaki dissents with
7 respect to questions 6, 7, 8, 9, 11, 15.1, 16, 18.1, 19.1 and 20 of Maître Zarambaud's list and
8 question 5(c) of Maître Douzima's list of questions.
9 Also, the Chamber would like to issue an order for the Prosecution to prepare public
10 redacted versions of the transcripts. Since the testimony of the current witness will be
11 heard completely in closed session, the Chamber considers that rather than disclosure to
12 the public an agreed summary of the witness's testimony the preparation in due time of a
13 public redacted version of the transcripts of hearings in closed session would allow the
14 Chamber to appropriately balance its duty to respect the principle of publicity and its
15 obligation to protect witnesses and victims.
16 The Chamber, therefore, orders the Prosecution in consultation with VWU to prepare in
17 due time a public redacted version of the transcripts of these hearings in closed session for
18 it's possible release to the public once reviewed and authorised by the Chamber. The
19 proposed redactions to the related transcripts should be filed confidentially with the
20 Chamber as soon as practicable after the witness has completed his evidence.
21 So the Chamber is, therefore, suspending the hearing. And, by the way, I inform the
22 court officer that I have transcripts only in French. That could also be addressed during
23 the break. And we are going to resume at 2 o'clock this afternoon with the beginning of
24 the testimony of Witness 169.
25 This hearing is suspended.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 THE COURT USHER: All rise.
- 2 (Recess taken at 12.05 p.m.)
- 3 (Upon resuming in closed session at 2.06 p.m.) Reclassified as Open session
- 4 THE COURT USHER: All rise. Please be seated.
- 5 THE COURT OFFICER: Your Honours, for the record, we are in closed session.
- 6 Thank you.
- 7 PRESIDING JUDGE STEINER: Thank you. Good afternoon. Welcome back,
- 8 parties and participants. We hope that we can now proceed without further
- 9 disruptions, and I'll ask, please, court usher to bring the witness in.
- 10 (The witness enters the courtroom)
- 11 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
- 12 THE WITNESS: (Interpretation) Good afternoon.
- 13 PRESIDING JUDGE STEINER: The Chamber was informed that you feel
- 14 comfortable in continuing with your testimony in Sango. Is that correct, sir?
- 15 THE WITNESS: (Interpretation) Indeed, that's the case.
- 16 PRESIDING JUDGE STEINER: Therefore, I will give the floor to the Prosecution,
- 17 and the Prosecution will continue with the questions the Prosecution intends to put to
- 18 you. Maître Badibanga, you have the floor.
- 19 MR BADIBANGA: (Interpretation) Thank you, Madam President.
- 20 Q. Good afternoon, (Redacted) I hope you're feeling well this afternoon.
- 21 A. Yes, I'm feeling fine, thank you.
- 22 Q. When we stopped this morning, you were telling us that you lived in Bangui
- 23 and that you had lived there for several years now. Where did you live before you
- 24 settled in Bangui?
- 25 A. Before, I lived in the DRC, where I was a (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Did you have the opportunity to become familiar with the MLC at that time
5 when you were in the Congo?

6 A. Yes. When I was still in the Congo, I heard about the MLC. People said that
7 Bemba had begun a rebellion to chase Kabila out of power. But I myself am a (Redacted)
8 I heard those things; that's it.

9 Q. Were you in contact with any individuals or members of that organisation; that
10 is the MLC?

11 A. At the time (Redacted) and I was involved in my (Redacted) business and I saw
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)

16 Q. We'll continue on that subject a bit later, but can you tell us what were the
17 circumstances when you left (Redacted)

18 A. Why did I leave (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted) That's how it happened.

2 PRESIDING JUDGE STEINER: The five-second rule, please.

3 MR BADIBANGA: (Interpretation)

4 Q. Are you able to remember -- sorry, I take that back. Let me correct my
5 question. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Can you tell us when that occurred? Can you give us an idea of the date?

12 A. It was in the year 2002. I don't remember which month.

13 Q. (Redacted)

14 (Redacted)

15 A. Thank you.(Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. You have just stated that Mustapha intended to cross. (Redacted)

24 (Redacted) What do you mean by that?

25 A. Okay. (Redacted) he was going to cross. Well, in other words, he was going to

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 participate in an intervention on the other side. At the time there was a conflict in
2 the country; that is, a conflict between President Patassé and Bozizé. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)

7 Q. Are we to understand that when you talk about crossing, crossing over, you
8 mean from Zongo, where he was, to the Central African Republic?

9 A. When I talk about crossing, I mean crossing. Well, I was going to Zongo, to
10 cross over to Zongo.

11 Q. (Redacted)
12 (Redacted) he was going to cross

13 and go to Bangui and intervene in the conflict between Patassé and Bozizé.

14 Q. Thank you for that clarification. Do you know whether or not Mustapha
15 occupied any particular function or responsibility when he was still in the Congo, in
16 the Democratic Republic of the Congo?

17 A. Thank you. I know that Mustapha, in Dongo, was called "sector commander."
18 He was in charge of the operations of several battalions. He was called "sector
19 commander."

20 Q. Is that a military function?

21 A. Yes, indeed, that's the case.

22 Q. (Redacted) Mustapha (Redacted)
23 (Redacted) Did he actually cross to go to the Central African
24 Republic?

25 A. When he crossed I wasn't there, but (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted) that makes me think that he was crossing to fight President Bozizé.

2 That's it.

3 Q. Do you know approximately how many days or how many weeks after (Redacted)

4 (Redacted) that he actually crossed; in other words, how much time

5 went by between the point in time (Redacted) and when

6 he actually did cross over?

7 A. Two days after (Redacted) that is, during that time he arrived in Bangui

8 and (Redacted)

9 (Redacted)

10 (Redacted) And his men were already at the PK12.

11 Q. Can you tell me exactly when that occurred? Do you remember the month, the

12 date, or the day of the week?

13 A. I think it was between October and November; that is the tenth or the eleventh

14 month.

15 Q. Could you repeat; could you recall the year, please?

16 A. It was the year 2002.

17 Q. Perhaps you've already answered this question, but to be absolutely clear you

18 stated that before he crossed he was sector commander in Dongo. Can you tell me

19 what organisation he was the sector commander for?

20 A. He was the sector commander for the MLC and that is how he was called sector

21 commander in the MLC ranks.

22 Q. Do you know what "MLC" stands for?

23 A. Yes, I know what it stands for: Mouvement pour Libération du Congo,

24 Movement for the Liberation of Congo.

25 Q. You say that Mustapha was a sector commander of the MLC. Were there

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 persons who were above Mustapha in this organisation and whose names you know?

2 A. (Redacted) the person above him was Jean-Pierre

3 Bemba. That's it.

4 Q. So Mustapha arrived in the Central African Republic, you say, between October
5 and November 2002. Do you know for how long he stayed in the Central African
6 Republic?

7 A. From the period which I mentioned, a long time before that, from that period
8 until March 2003, and it was on that day that he crossed over between the 13th or the
9 14th, I think, because on that day (Redacted) to
10 Zongo.

11 Q. We shall come back to that later as well. Now, during this period,
12 October/November 2002 to March 2003, (Redacted)
13 (Redacted)

14 A. That is correct. (Redacted)

15 (Redacted)

16 (Redacted) They had a

17 problem. It wasn't possible to send soldiers themselves to go and buy meat from the
18 cattle market, because they were attacked by people with arrows. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted) did it last for the whole
23 period of his presence in the Central African Republic; that is to say
24 October/November 2002 to March 2003?

25 A. (Redacted) Sometimes a lot of people would

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 follow. Even the Central African soldiers, he sent them to buy him certain things
2 from the cattle market, or in town. (Redacted) That's it.

3 Q. We have understood that Mustapha was a sector commander in Dongo. Do
4 you know if he had another title when he was in Bangui during this period?

5 A. It is true he had another title. He was called "operations commander." Now,
6 how did I know that? In November he went from Gbadolite and it was there that he
7 was. Mr Jean-Pierre Bemba called him and it was there that he got the rank of
8 colonel, (Redacted)
9 (Redacted)

10 Q. During this period in Bangui, as an operational commander, do you know how
11 many men were under his command?

12 A. I knew them by name. Before they came together and I saw them all there.
13 On that day Commander Sege François was there. Another was called Kamisi. He
14 was responsible for the battalion. The two people in question, they were responsible
15 for the battalion. Another one came afterwards. Towards the end of the month of
16 January, start of February, the last one came, but that one he came on a plane,
17 accompanied by his soldiers with weapons as well. He came from Basankusu, he
18 was called Yves and he looked like one of the people who we call a Banyamulengue.
19 They had new weapons, and when he left (Redacted)
20 (Redacted)
21 (Redacted) I didn't know it before. I didn't know the person who had
22 come newly before. (Redacted)
23 (Redacted) he had come and he was continuing on his way today in order to go
24 to Bozoum, accompanied by his troops.
25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted) I saw a new jeep called Sovamag and he was provided with this
2 vehicle and he left with it and that's what happened.

3 Q. (Redacted) you have a lot of information, so what I would propose is that we try
4 and go through it step by step to ensure that we can all follow you. You were
5 present at the time, but nobody else in this Court was there. So I've noted what
6 you've said, but we're going to come back on this information in a more detailed way.
7 You mentioned a few minutes ago that Yves resembled a Banyamulengue. Could
8 you explain to us what this term means?

9 A. Thank you. The term "Banyamulengue" for us is used to designate the Tutsis
10 who came from Rwanda, Tutsis who were born in Zaire, in DRC and it is those who
11 know how to fight. They started fighting in Rwanda during the war and it is they
12 who we call the Banyamulengue.

13 Q. When you say, and here I quote you to be precise and it's in the real-time
14 transcript page 33, line 11 thereof, "The term 'Banyamulengue' with us is used to
15 designate the Tutsi," or "for us," and then at line 15 you said, "It was they who we
16 called the Banyamulengue." Could you give us a clarification? When you say, "The
17 term Banyamulengue chez nous", or "for us," or "with us," what do you mean by that?
18 Which "chez nous" or "for us" are you talking about?

19 A. I'm speaking about in the DRC.

20 Q. Thank you very much. Are you aware that the Central African Republic
21 population used the same term and, if so, do you know what the Central Africans
22 understand by the term "Banyamulengue"?

23 A. For them, all the soldiers who left the DRC and crossed over to go into Central
24 African Republic, they call them all Banyamulengue.

25 Q. I asked you a moment ago how many people Mustapha, as an operational

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 commander, had under his command. In fact, I wanted to talk about everyone, all
2 the troops, with the term Banyamulengue. I'll use that. Do you have an
3 approximate idea of how many Banyamulengue were under Mustapha's command in
4 the Central African Republic?

5 A. Thank you. (Redacted) I don't know all these things. What I
6 do know, or what I've heard, is that Sege had 700 people under his orders or under
7 his command and this concerned the Sege battalion. But I can't have an exact idea
8 with regards to the number of -- total number of troops or soldiers.

9 Q. Where were you when the MLC soldiers arrived in the Central African
10 Republic?

11 A. When they arrived, I wasn't present. I had learned that they had crossed over
12 at night at the port. Some of them were on a riverboat and others on another boat.
13 As far as I am concerned, I didn't see them; I didn't go to that place.

14 Q. So those who arrived at that time, were they organised in a particular way, were
15 there particular units? Was it just one group, all arrived at once? Do you know
16 how they arrived with regards to the organisation that they had in place?

17 A. I don't know. It was reported to me that -- that those who were in support had
18 left that place to go to PK12. That's what I had heard.

19 Q. A few minutes ago you told us that a certain "Sege," if I'm not mistaken
20 "Kamisi," and then you also mentioned a certain "Yves." I can give the transcript
21 reference if the Chamber so desires. I think that it must be page 33/34. I just
22 wanted to know, (Redacted) did they all come at the same time or, as you seem to say,
23 did Yves come later?

24 A. Sege and Kamisi arrived before, and those who arrived after was Yves. He
25 arrived on a plane.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. What were the functions, or the role, of Sege and Kamisi?

2 A. Sege was a major, a battalion commander, as well as Kamisi. He was also a
3 battalion commander.

4 Q. When I mentioned the name a moment ago, it was page 32 of today's transcript
5 in real-time, and it's from line 9.

6 You tell us, sir, that Sege Kamisi -- Sege and Kamisi were at the head of the battalion.
7 Did they come with their battalion into Central African Republic?

8 A. I had been reported that in Bangui. I'm not able to tell you how they organised
9 themselves because on that day they were all called commanders; and it is when they
10 arrived in Bangui, after the arrival of Mustapha from Gbado, that they said that they'd
11 given him the rank of major, and he was a colonel.

12 Q. Sometimes when we mention names, I would ask you to help us for the purpose
13 of the transcript because there are court reporters who are typing what we say.
14 Please, if you'd be so kind as to help us, how do you write Kamisi? Please, could
15 you spell the name "Kamisi"?

16 A. Kamis is written as follows, K-A-M-I-S. Now, where it concerns Mustapha, his
17 real name was Mukiza Gabriel, M-U-K-I-Z-A, Gabriel.

18 Q. With regards to Kamisi, I can see that I haven't got yet the transcript yet, but I
19 thought you said that he said K-A-M-I-S, but when you pronounce it I hear "Kamisi."
20 Was there a letter missing at the end or is it K-A-M-I-S?

21 A. Well, you can add an "I." You can add an "I" to it.

22 Q. I'm sorry, (Redacted) can we be a bit formal here? Could you please say the
23 whole name of Kamisi, spell the whole name again, please, and its correct form, if you
24 would be so kind.

25 A. K-A-M-I-S-I.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Thank you very much. I'm sorry for putting you through such a formal
2 exercise. Could you please do the same for Sege?

3 A. His real name was Sengue - that was the Manbande name - S-E-N-G-E François.

4 Q. And to conclude, "Yves"?

5 A. It's Ibiza, I-B-I-Z-A.

6 Q. I think I heard I-D-I-Z-A.

7 A. "B." "I-B-I-Z-A."

8 Q. Thank you. So, with you, I would now like to see this battalion one after of the
9 other. Where was the Kamisi battalion based?

10 A. At the beginning of the events, when they were heading to PK12, they had gone
11 and Kamisi took the Damara road to Sibut, and Sege took the Boali road to
12 Bossembélé and then continued to Bossangoa. At that time, Yves wasn't there. It
13 was still December.

14 Q. We're going to stay with Kamisi's battalion, if you'd be so kind, and then we
15 will go over to Sege's battalion. Now, you state that Kamisi's battalion took the
16 Damara road to Sibut. Are you -- could you tell us from where they left? They
17 were in the Central African Republic, from Bangui, so how are they divided up or
18 how were they dispatched along the route? How were they deployed?

19 A. They left PK12; that's it. They were based in PK12.

20 Q. Well, did all of the battalion leave to Sibut and then Damara, or did -- were
21 there different waves of them that left, or did it occur in some other way?

22 A. I said here that they left in waves, they left in groups. Kamisi took the Damara
23 road and Sege took the Boali road to go to Bossembélé.

24 Q. A moment ago you mentioned a figure. Could you tell us how many men
25 there were in Kamisi's battalion?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. It was a purely military organisation but I can't estimate the number of men, but
2 I was told that a platoon could have 200 soldiers. But as far as I'm concerned, I
3 didn't take the time to count them or to see how many of them there were.

4 Q. But did Kamisi's battalion have a name? You know in the army sometimes
5 you say the 1st Battalion, 2nd Battalion, and what have you. Did Kamisi's battalion
6 have any particular name, as far as you know?

7 A. I do not know.

8 Q. Were there any other officers, any other leaders, within Kamisi's battalion?

9 A. His name was Franck. His name I may be able to recall later on.

10 Q. Did Franck also go as far as Sibut?

11 A. Yes, Franck went as far as Sibut, but I forgot to mention one commander, whose
12 name was Coup-Par-Coup, and who used to work with Fred, he was in charge of
13 handling heavy weaponry.

14 Q. To which battalion did he belong? A short while ago you mentioned three
15 battalions. Which of the three battalions did Coup-Par-Coup belong to?

16 A. Initially, Coup-Par-Coup was operating on the Damara road with Kamisi, but
17 most of the other times he was operating with the chief; that is Mustapha. He was
18 part of Mustapha's team, along with the other, whose name was Brown.

19 Q. Witness, I know that you are not a soldier and you may not be very well
20 informed in these matters, (Redacted) and I am
21 thinking that maybe you became familiar with their structures. So my question to
22 you is: Apart from the battalion, is there another unit which is smaller than the
23 battalion within the military structure?

24 A. I heard mention of a platoon and of a section. Those units had commanders as
25 their leaders, but I don't remember their names.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. You said that Kamisi's battalion moved from PK12 through Damara up to Sibut.

2 Do you know approximately at what time of year they got to Sibut?

3 A. They arrived in Sibut, but I did not personally go to Sibut, and this was around

4 December 2002, and it is around that time that they had left, heading for Damara. (Redacted)

5 (Redacted) However,

6 Kamis went as far as Sibut but I myself did not go right to Sibut.

7 Q. (Redacted) how did you

8 know that Kamisi went right to Sibut?

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) that I found out

19 that Kamisi was in Sibut.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted) Kamisi came after me. He had crossed over
5 from Zongo. He, rather, crossed over to Zongo (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 and then Kamisi showed up.
20 When Kamisi arrived with his men, he came with his troops, and at that time there
21 was a scuffle and there were discussions with Mazangue and officials from the
22 Bangui prosecutor's office. Then shortly thereafter Atandele showed up and
23 informed the group that the -- there was -- that some Congolese shoe-shiners had
24 been killed, and he accused Kamisi of having killed those Congolese shoe-shiners.
25 Then he promptly called Mr Bemba at Gbadolite to tell him or inform him of what

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 was transpiring. (Redacted) Kamisi was very angry.
- 2 He said that, "We have come to free or to give you freedom from war. We have
- 3 come to help you, but when we get these little spoils of war on the ground, why do
- 4 you want to take them away from us? If that is the way you want to do things, then
- 5 I will go away and leave you in your country and its fate." So having heard that,
- 6 Mazangue called the prosecutor. He came. They had a telephone discussion and
- 7 then he took the policeman away (Redacted)
- 8 Q. You have mentioned two things, two separate things: (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. (Redacted) Kamisi obtained those goods at the battlefield. It was
- 13 looted or pillaged goods.
- 14 Q. When you say that, are you referring to (Redacted)
- 15 (Redacted)
- 16 A. Yes, that is correct.
- 17 Q. What is, or what was, (Redacted)
- 18 A. (Redacted)
- 19 Q. What was, or what is, Atandele's nationality?
- 20 A. Atandele is also a Congolese, but he was involved in several activities. His
- 21 other name was "Mr Jean-Pierre Bemba's ambassador." He is currently a member of
- 22 parliament - a national member of parliament - in Kinshasa. I believe he is a MLC
- 23 member of parliament.
- 24 Q. Do you know why he was called "Jean-Pierre Bemba's ambassador"?
- 25 A. Well, during the events he loved to show off and he someone -- he was someone

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 who liked to be admired and so that was his nickname. I don't know how I can
2 explain this to you. He is the one himself who told people that Mr Jean-Pierre
3 Bemba was sending him money to buy fuel, and so on and so forth, and that is why
4 people began to refer to him as "the ambassador."

5 Q. Can you tell us Mr Mazangue's nationality? What was, or what is, his
6 nationality?

7 A. Mr Mazangue? Well, he is currently a general of the Central African police
8 force, probably or obviously retired today, but he at that time was the Director of the
9 OCRB, the Central Agency for the Repression of Banditry. I believe that's what it
10 means.

11 Q. You explained to the Court that (Redacted)
12 (Redacted)

13 A. No, not at all.

14 Q. We have dealt with Kamisi's battalion. I would like us now to talk about
15 Sengue's battalion. Can you tell us where Sengue's battalion was based when they
16 arrived in the Central African Republic?

17 A. I saw that battalion at PK12, then it moved from PK12 to Boali (Redacted)
18 (Redacted)

19 (Redacted)

20 (Redacted) So he went towards Bossembélé and then on to Bossangoa. They arrived
21 in Bossangoa, I believe it was in February, (Redacted)

22 (Redacted)

23 (Redacted) So when they got to Bossembélé, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted) in February, towards the end of the month of February, (Redacted)
2 (Redacted) I saw him pick up his Thuraya telephone and have a telephone
3 conversation with someone. Then he returned to sit down, and I immediately
4 noticed that his behaviour had changed (Redacted)
5 Shortly thereafter I saw his radio operator come towards him. They met and he
6 whispered something into his ear, so there was no understanding between the two.
7 Mustapha was very upset, and this was in the presence of many people, (Redacted)
8 (Redacted) I remember that now. So Mustapha picked up his
9 Thuraya and called Mr Jean-Pierre Bemba.
10 Going by the tone of his voice, or the manner in which he spoke, I knew that there
11 was something amiss, and (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 Then I also saw him, or I heard him call Kamis to tell him what was happening. He
18 then gave us instructions to go and wipe out, or sweep, and using Lingala, since he
19 could not speak French, he was even not able to write a single word. So that is how
20 he -- he -- he said -- he said that all the children, all the troops, should be called
21 together for an attack on that location.
22 (Redacted)
23 (Redacted) I don't know what happened thereafter, but upon my return I was told, or
24 I heard, that the troops that went to Mongoumba caused destruction and damage. I
25 wasn't there. It is Mustapha's men who told me about it.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted) They told me that they had taken a Suzuki
3 vehicle belonging to the bishop and crossed the river with the vehicle, and then they
4 also took several looted items across the river. They told me that they had a
5 true what could be referred to as a football match in Mongoumba. So they took the
6 bishop's vehicle and they also attempted to take the vehicle away, but it was not
7 possible. People shot at the vehicle and killed the driver, but they were able to take
8 one vehicle across the river. Then we learned later on that that vehicle had been
9 taken to Gbadolite, and that is it.

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) Well, what did you mean by that,

15 because there's -- perhaps there was something that's missing in the transcript?

16 Could you be more precise? (Redacted)

17 (Redacted)

18 A. Thank you. (Redacted)

19 (Redacted) I heard about what had happened in Gomba (phon),

20 (Redacted)

21 Q. How many times did you go to Bossangoa during that period?

22 A. One time.

23 Q. (Redacted)

24 You mentioned that he went through Bossembélé, he'd gone through Boali and that

25 he was at PK12. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. (Redacted)

2 MR BADIBANGA: (Interpretation) Madam President, I have a comment of a
3 practical nature. During this discussion, we have been checking the time. I thought
4 we had a two hour session, but I wanted to be absolutely certain before I continue.

5 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. I was about to
6 interrupt you, just to inform parties and participants - and the witness, of course - that
7 the interpreters and court reporters kindly agreed in giving us a two hours' session
8 this afternoon, taking into account that we haven't had any in the morning. So you
9 can proceed to 4 o'clock. And thank you from the Bench to the interpreters and
10 court reporters.

11 MR BADIBANGA: (Interpretation) Thank you very much, Madam President.

12 Q. (Redacted) do you know -- or did you have the opportunity to learn that
13 Sengue -- or whether Sengue was in regular contact with Mustapha?

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) Sengue had a Thuraya phone; he also had a radio, a phonie, (Redacted)

18 (Redacted) That's -- that's what I wanted to say.

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 A. Yes, indeed, that's the case.

23 Q. Earlier you stated that that trip took place in February; is that correct?

24 A. Yes, indeed. In particular, it was towards the end of the month of February;

25 I know that.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. You have already explained that Kamisi took a road through Damara to Sibut,
2 and Sengue took a different road to Bossangoa, going through Boali and Bossembélé.

3 Do you know who decided which road they were to take? Who gave them
4 instructions, or who gave them the orders as to where they were supposed to go?

5 A. Their chief was Mr Mustapha. He is the one who was the operation
6 commander. He gave them instructions, and he gave them the plan, the strategy,
7 that they were to implement on the front.

8 Q. Do you know how Mustapha made his decisions? Did he make his decisions
9 alone, that is as to where the soldiers were to go, that is the soldiers under his
10 command?

11 A. For the most part, (Redacted) when he wanted to communicate with
12 Mr Jean-Pierre Bemba, he went off by himself because he didn't want anyone to be
13 aware of the content of their discussion. Now, as regards the orders he received
14 during those conversations, no one had any way of knowing what they were because
15 (Redacted) he had spoken to his superior. (Redacted)
16 (Redacted)

17 Q. Since no one could know what the conversation was between Jean-Pierre Bemba
18 and Mustapha, you have no way of knowing whether they were talking about
19 commonplace topics or whether they were talking about military matters.

20 A. No. No, that's not the case. (Redacted)
21 (Redacted) At the time, Mustapha was the operations commander of the MLC in
22 Bangui and the supreme chief of the MLC was Mr Jean-Pierre Bemba. Now, if they
23 had something to say to each other (Redacted) they could
24 do so discreetly. And when he received instructions, he then forwarded those
25 instructions to his men. That's how it happened.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. Did you, yourself, hear Mustapha repeat the orders to his men?

2 A. I'm afraid I didn't understand your question, Mr Prosecutor. Would you be so
3 kind as to repeat your question, please?

4 Q. Yes, of course. I'm sorry, perhaps I wasn't clear enough. You have just stated
5 that, and I quote, "When he received orders, he gave them then; he relayed them to
6 his men in his own manner." I would like to know whether you, yourself, heard or
7 saw, whether you were a witness to a case where Mustapha repeated orders to his
8 men. Based on the transcript, you stated, (Redacted) --" this is page

9 48, line 25: (Redacted) At that time, since Mustapha

10 was the operations commander for the MLC and the chief commander was

11 Mr Jean-Pierre Bemba of the MLC, when and if they had something to discuss (Redacted)

12 (Redacted) they could do so discreetly. And when he

13 received instructions, he would then relay them to his men in his own way."

14 I am asking you to clarify this last part; that is, when he received instructions, he

15 would relay them to his men in his own manner. Do you have a concrete example of
16 that?

17 A. Well, yes. Let me tell you, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) So at that point in time he

22 received instructions, telling him to go take care of the situation; and he went to

23 Zongo, to speak to someone in Zongo, to inform him of that.

24 Now, what do I mean by that? Well, he was giving instructions for sure, but

25 sometimes he would ask for instructions from his own chief. You see, this was one

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 occasion when I saw him receive instructions and then relay the same instructions to
2 his men under his command.

3 Q. Do you know what happened after that call? You said Mustapha called Kamisi
4 to inform him of the instructions. Do you know what Kamisi did after he received
5 that call?

6 A. Well, when I came back from Bossangoa, that is when I learned about that.
7 Maybe six months, a year later, when (Redacted) I also learned about that
8 information. In other words, Kamisi travelled overnight and arrived at 3 o'clock in
9 the morning. It was early March and, at the time, I was in Bossangoa.
10 They committed a lot of atrocities, rapes, looting, and people were talking about it.
11 They were talking about it on the radio, as well. And the late President Ange-Félix
12 Patassé had talked about it that day, the day he made a speech in Zongo. And he
13 said, "You are the ones who wanted this and now you've got what you asked for."
14 That's what I can tell you.

15 Q. To be absolutely certain that our transcripts are full and complete, you stated
16 that Kamisi went -- arrived at 3 o'clock in the morning. Can you tell us where he
17 arrived at 3 o'clock in the morning that day?

18 A. He arrived at Mongoumba. The riverboat which belonged to Dakpe had been
19 stopped and that boat contained weapons. They had certain technical terms that
20 they used to call their soldiers; it meant "child." And Kamisi, they asked Kamisi to
21 have the children go with them to the battlefield. When they got there, they fought
22 with the gendarmes and the GP, in particular with those who had stopped the
23 riverboat.

24 Q. Who do you mean by GP?

25 A. That's the Presidential Guard of the Central African Republic.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. You were not in Mongoumba? You said you were in Bossangoa at the time.

2 Can you tell us precisely who told you about these events?

3 A. My -- the person who told me was (Redacted)

4 (Redacted)

5 Q. Earlier I asked you how many soldiers there were in a battalion, in the various
6 battalions, because in the beginning you said that the Sengue battalion was composed
7 of 700 men. Can you confirm that and can you tell us how you learned about that?

8 A. Thank you. I have had the opportunity to tell you that (Redacted)

9 (Redacted) I did learn about that from military sources. You
10 know, we were together with these soldiers, and I was with them and what they said,
11 well, I heard it and I learned about it. I didn't read it somewhere.

12 PRESIDING JUDGE STEINER: Maître Badibanga, if you allow me a clarification.

13 Mr Witness, I'm sorry, but sometimes we need to ask clarifications, to check whether
14 the transcripts reflect exactly what you said. I'm reading here on page 48, starting
15 from lines 12 of the English transcript, that you said, (Redacted)

16 (Redacted) that day he made a

17 telephone call to inform the person he was speaking to that his boat, his riverboat,
18 had been stopped, that his wife was on the boat, and he was furious when he was
19 talking." Who he was talking to, if you know?

20 THE WITNESS: (Interpretation) The person who gave him that information was
21 Mr Kamisi from Zongo. It wasn't Mr Mustapha who called initially, it was the other
22 way around. It was Kamisi who had called. And thereafter he called the radio
23 operator. Well, he was very mad; he was very angry, having heard this information.

24 PRESIDING JUDGE STEINER: And then you said, "So at that point in time he
25 received instructions, telling him to go take care of the situation, and he went to

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Zongo." Who received instructions from whom?

2 THE WITNESS: (Interpretation) Well, let me repeat more precisely. When
3 Mustapha got up, he was furious and so he called Jean-Pierre Bemba in Gbadolite and
4 he told him about the incident that had occurred in Mongoumba. And then, after
5 that, Jean-Pierre Bemba answered him, giving him the order to go sweep things up, to
6 go take care of it, and when he finished the call with Jean-Pierre Bemba, he, that is
7 Mustapha, immediately called Kamisi and told him that he had received orders to go
8 take care of things, to go and they were to take the children, to go there. That's what
9 I can say.

10 JUDGE ALUOCH: May I seek a further clarification from the witness on this same
11 point? What is it that, according to you, Mr Witness, made Mustapha very annoyed?
12 The fact that the boat was stopped or -- yes, can you just clarify that, please?

13 THE WITNESS: (Interpretation) At the time his wife had 3 million on her person
14 and that money was taken, and the boat, the riverboat, had other goods, the generator
15 and other merchandise, that they were transporting to Dongo. And there were
16 DVDs and bags of flour. And that's what made him so mad. It would seem that his
17 wife had been raped by those soldiers; that is, by the soldiers who were there. And I
18 think he wanted to exaggerate this, the incident. Of course, 3 million, the amount of
19 3 million had been stolen; that is the money that his wife had with her, and the
20 weapons had been stolen, and the other goods that were in the riverboat.

21 PRESIDING JUDGE STEINER: Maître Liriss.

22 MR LIRISS: (Interpretation) I beg your pardon, Madam President. I waited quite
23 a long time. I didn't want to interrupt my learned colleague, but we have not had a
24 French transcript for about an hour now. I wanted to inform you of this problem.
25 It's extremely difficult for us to follow. I could have told you this a few moments

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 ago, but I didn't have the opportunity.

2 PRESIDING JUDGE STEINER: I had not been informed about that, court officer.

3 THE COURT OFFICER: Your Honours, it's linked to a similar problem we had

4 related to the VGA that I indicated to the Court earlier today. We actually do have

5 the French transcript in Transcend but not on the VGA. If the parties are looking at

6 the documents from the VGA then they would not be able to see it because the AV

7 booth is having problem relating that version of the transcript through that means,

8 but if they can log in through Transcend, they will be able to get the French transcript.

9 PRESIDING JUDGE STEINER: Maître Liriss, would that solution, for you to follow

10 via Transcend for five more minutes, be acceptable to the Defence, or would you be

11 prefer that we adjourn right now?

12 MR LIRISS: (Interpretation) No, of course not, we can manage with Transcend.

13 We can continue until the end of the session. We only have ten minutes left. I

14 know that time is of the essence.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. I hope that on

16 Monday we can start the hearings without so many problems, logistical problems.

17 Maître Badibanga.

18 MR BADIBANGA: (Interpretation) Thank you, Madam President. Before you

19 made a comment, I had asked the witness to confirm some information. So I repeat

20 that question.

21 Q. You mentioned 700 men in the Sege battalion. The reference is the real-time

22 French transcript, page 34, line 15 and in English it's page 32, line 17. You stated a

23 few moments ago, Witness, and this is on page 50, line 25 to 27 in the French version,

24 "It was towards the beginning of the month of March. At that time I was in

25 Bossangoa. They committed a lot of atrocities, in particular, rapes and looting, and it

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 was talked about on the radio a lot, regularly." Other than the radio, did any other
2 individuals talk to you about these atrocities? And now I'm referring to the sources
3 you mentioned, that is (Redacted) Did they also refer to these
4 atrocities?

5 A. (Redacted)

6 (Redacted) I remember at that time he was in Mongoumba. He gave me some
7 information as well but he said that the rapes had not been massive. But he added
8 that the acts that had been committed by the soldiers there were absolutely horrible.
9 And when I, (Redacted) I stopped there and I went to a
10 restaurant and I asked some people a few questions, and those people told me that
11 that was true; that is, the information I had heard was true.

12 Q. I beg your pardon, I hadn't turned on my microphone. I'd like to go back to
13 the battalion led by Sengue. Do you know any other commanders who were part of
14 that battalion, other than Sege?

15 A. Well, the officers changed from time to time. When we heard about fighting
16 somewhere, they sent soldiers to that area. There was a young man named Richard
17 and another named Franck, and I don't remember the names of the others who
18 worked with him.

19 Q. Well, there are a few minutes left. We're going to try to finish the questions on
20 this battalion. Could you tell us what the itinerary was that they followed from
21 Bangui and where they went, giving us the references? You mentioned Bossangoa,
22 that they went there later. You mentioned the month of January. Can you tell us
23 what the itinerary was that they followed?

24 A. Well, I cannot be very precise because I don't know, but I do know that they
25 arrived in February in Bossangoa. (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted)

2 MR BADIBANGA: (Interpretation) Madam President, I believe that this is a good
3 time to stop for today because we would like to begin a new series of questions, a new
4 subject, and therefore I suggest we stop at this point for today. Thank you, Madam
5 President.

6 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

7 Mr Witness, we are going to adjourn. We wish you a calm and restful weekend.

8 We will resume on Monday morning at 9.30 in the morning. You will have during
9 the weekend all the assistance needed, to be provided by VWU, so in case you need
10 anything do not hesitate in contacting VWU.

11 I thank very much the Prosecution team, the legal representatives of victims, the
12 Defence team, Mr Jean-Pierre Bemba Gombo. Very special thanks to our interpreters
13 and court reporters that allowed us to have a two-hour session this afternoon.
14 Wishing all of you a good weekend. Thank you very much to our court officer and
15 court usher.

16 I will ask the court usher to accompany the witness outside the courtroom and,
17 immediately after, we are going to adjourn and resume on Monday at 9.30 in the
18 morning.

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

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

22 RECLASSIFICATION REPORT

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

24 ICC-01/05-01/08-3038 and its instructions in the email dated 9 May 2014, the version
25 of the transcript with its redactions becomes Public