

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

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 Monday, 4 July 2011

9 *(The hearing starts in closed session at 9.34 a.m.)Reclassified as Open session

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

11 Please be seated.

12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
13 case.

14 THE COURT OFFICER: Indeed, Madam President, good morning. This is the
15 situation in the Central African Republic, the case of The Prosecutor versus
16 Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08. Thank you, your
17 Honours.

18 PRESIDING JUDGE STEINER: Thank you. Good morning Prosecution team, the
19 legal representatives of victims, good morning Defence team, Mr Jean-Pierre Bemba
20 Gombo. Good morning to our interpreters and court reporters.

21 We will continue today with the testimony of Witness 108 in closed session -- sorry,
22 169, and the hearing will take place in closed session. I ask, please, court officer to
23 bring the witness in.

24 (The witness enters the courtroom)

25 WITNESS: CAR-OTP-PPPP-0169 (On former oath)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (The witness speaks Sango)

2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

3 THE WITNESS: (Interpretation) Good morning, madam.

4 PRESIDING JUDGE STEINER: Did you manage to rest during the weekend?

5 THE WITNESS: (Interpretation) Thank you, madam, I was able to rest.

6 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony,
7 sir?

8 THE WITNESS: (Interpretation) Yes, I am ready.

9 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
10 under oath. You understand that?

11 THE WITNESS: (Interpretation) That's clear, your Honour.

12 PRESIDING JUDGE STEINER: I will give the floor to the Prosecution. Maître
13 Badibanga will continue questioning you. Maître Badibanga, you have the floor.

14 MR BADIBANGA: (Interpretation) Thank you very much, your Honour,
15 Honourable Judges.

16 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

17 Q. Good morning, (Redacted) I hope you had a good weekend.

18 A. I did, Counsel.

19 Q. We are now going to continue this morning from where we were on Friday. If
20 you remember, you were speaking about the battalion which was led by Sengue. I
21 just wanted to see again with you the path that they took. Now, you told us that this
22 battalion was at PK12 and that they took the road to Bossangoa; is that correct?

23 A. That is correct.

24 Q. Could you tell us if they stopped at any towns before arriving in Bossangoa?

25 A. I wasn't with them at that time. It was told to me. With regards to the route

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 they took, there are small towns like Boali, Bossembélé. Once they got to
2 Bossembélé, there is a road that goes to Bozoum and another that goes to Bossangoa.
3 That's what I can tell you.

4 Q. Do you know if the whole battalion went to Bossangoa, or just part or some of
5 the soldiers stayed in Bossembélé, for example, or in Boali, which you've just
6 mentioned?

7 A. Counsel, I don't know. I don't know how they deployed themselves. I saw a
8 lot of soldiers in Bossangoa.

9 Q. Don't be concerned. Obviously, when you don't know the answer - as the
10 President told you - it's just that you don't know, so please don't be concerned or
11 worried about that. Now, do you remember the name of other commanders who
12 were part of the battalion which was led by Sengue?

13 A. Yes, he has a deputy called Richard and they sent the soldiers to where there
14 was fighting. Another one was with Kamisi, (Redacted) called Franck.

15 Q. Could you remind us of the month (Redacted) in Bossangoa?

16 A. (Redacted) That was the end of the
17 month of February, to be more precise.

18 Q. At this stage I would now like us to go to the third battalion which you spoke to
19 us about. You spoke about Kamisi's battalion, Sengue's battalion and you also spoke
20 about a third battalion led by Yves Ibiza. Could you tell us when this battalion
21 arrived in the Central African Republic and what its position was?

22 A. Where it concerns Yves, he didn't spend a lot of time in Bangui. His soldiers
23 came by air, with weapons which were new. (Redacted)

24 (Redacted)

25 (Redacted) The same day they left for Bozoum and since then I

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 haven't seen them. It was only when they returned that I saw them in Bossembélé.

2 It was on the 7th, the 7th and the 8th, when they left.

3 Q. The 7th and the 8th of what month?

4 A. The month of March.

5 Q. And what do you mean by "when they left"? The phrase is "The 7th and 8th of
6 September they left"? Could you explain what you mean by "they left"?

7 A. When they left, Mustapha gave them instructions. Mustapha had asked them
8 to leave, so according to the instructions given by Mustapha, Mustapha had asked
9 them to withdraw, and on that day, (Redacted) he had taken his
10 Pajero and he had gone (Redacted) Yves. He

11 came with a Caterpillar and other items -- other -- with Caterpillar wheels and other
12 Mercedes spare parts himself, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) He took his vehicle, which was

17 a jeep, in order to go to PK25. Do you remember that PK25 was where Mustapha
18 was based with other soldiers, and his jeep was a Sovamag, and it was there that they
19 organised themselves in order to cross the river, in order to go to Zongo in particular.

20 Q. (Redacted) as I told you last week, you experienced all these events, so it's very
21 clear for you with regards to what you're talking about and what you're referring to,
22 but for all of us, and in order to help the Chamber, we are going to try if possible to
23 go in a chronological order. I understand what you're doing here, what you're
24 referring to are events which took place in March 2003. Perhaps we could focus on
25 the arrival of the group of soldiers, and in particular Yves' battalion, and so we are

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 still looking at a few months ahead. Now, what you also mentioned has of course
2 gone into the record and we shall come back to that in detail later.

3 Now, you state that Yves -- as soon as Yves arrived he went straight to Bozoum,
4 where he stayed several days. Was he with a troop of soldiers? Do you know how
5 many he was with, or the approximate size of this group, or was Yves alone?

6 A. Where it concerns him, he was alone (Redacted) He was with one of his
7 bodyguards. And Mbuta Likaso, he was the one who had stolen the instruments in
8 Bozoum. It was that person, the musical instruments, from the priest, and where it
9 concerns the soldiers that's something that I don't know. The number of soldiers,
10 I don't know.

11 Q. We have understood that he was directing a battalion, haven't we not?

12 A. That is correct.

13 Q. How did they arrive in Bangui? You spoke about two other groups that had
14 crossed, so the battalion of Yves, did that arrive in the same way in Bangui?

15 A. Thank you. This group came by plane. They were transported from
16 Basankusu going towards Bangui-M'Poko.

17 Q. This name of Basankusu that you've just told us, is that a town, or another place,
18 and if so what country?

19 A. Basankusu is situated in the Republic of Congo, in Équateur.

20 Q. And how do you know that they came from Basankusu? Did you know Yves
21 before he arrived in the Central African Republic?

22 A. I never saw him. I didn't know him (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Can you tell us approximately what month this arrival took place in?

2 A. I think that it must have been at the end of January, beginning of the month of
3 February.

4 Q. Do you know why Yves and his battalion arrived at that time during the month
5 of January while the others arrived a few months earlier? Do you have any kind of
6 explanation for this late arrival?

7 A. Yes, I can remember some details. On that day (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) and it would seem that on the road from

11 Bozoum Bozizé's men -- Bozizé's men were carrying out an offensive and that's the
12 reason why he called the supreme leader in Gbadolite in order to -- in order to have
13 reinforcements sent.

14 Q. Who do you mean when you say "the supreme chief in Gbadolite"? Do you
15 know that person's name?

16 A. Yes, Mr Jean-Pierre Bemba.

17 Q. (Redacted) he called Jean-Pierre Bemba in
18 order to call upon reinforcements; is that correct?

19 A. (Redacted)

20 THE INTERPRETER: The interpreter did not hear the last sentence of the witness.

21 MR BADIBANGA: (Interpretation)

22 Q. (Redacted) sometimes we have technical problems. The interpreter did not
23 hear the last sentence that you just said. Please, could you be so kind as to repeat the
24 last part of your answer. You were saying "That's right, (Redacted) but we did not
25 hear the final part of your answer.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. You asked me a question. You wanted to know who had given instructions for
2 reinforcement to be sent, and the answer I gave you was "Jean-Pierre Bemba."

3 Q. Do you remember how much time went by between that phone call made by
4 Mustapha to Jean-Pierre Bemba to ask for reinforcement and the time when the
5 reinforcement effectively arrived?

6 PRESIDING JUDGE STEINER: Maître Liriss.

7 MR LIRISS: (Interpretation) Thank you, your Honour. I do not see any mention
8 of a phone call by the witness in the transcript. I read that Mustapha (Redacted)
9 (Redacted) had called for reinforcement from the supreme commander. That's all.
10 I don't see any mention of a phone call.

11 (Trial Chamber confers)

12 PRESIDING JUDGE STEINER: Maybe it's a problem of the transcript. In the
13 English transcript it calls it "calling" and calling is supposed to be by a phone call, but
14 in any case I ask, please, Mr Badibanga to repeat the question and to ask for
15 clarification from the witness.

16 MR BADIBANGA: (Interpretation) Thank you, your Honour. I did indeed hear
17 the word "call" used and so my understanding was that a phone call was made. Of
18 course, I can put the question to the witness again.

19 Q. (Redacted) at some point you said Mustapha asked for reinforcement from
20 Jean-Pierre Bemba. How did he ask for such reinforcement? What means did he
21 use?

22 A. That is what I said a short while ago. He had already asked him for
23 reinforcement, but this was taking some time. That is what I said. At the
24 time -- well, with respect to the time they had a discussion, I do not know. (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Apart from Yves, do you know any other officers who were members of that
2 battalion?

3 A. Yes, I know. There was Yves, there was Mbuta Likaso, there was Mozart. I
4 have forgotten the name of the bodyguard. I do not know -- (Redacted)
5 (Redacted) I cannot remember their names.

6 Q. How much time did Yves' battalion stay in Bozoum, approximately?

7 A. No, I did not find out such information. I know that it arrived towards the end
8 of January or beginning of February. With respect to how things went on right up to
9 the day they withdrew, I can't tell you anything. I don't know.

10 Q. You just mentioned three persons, when I asked you whether you knew the
11 members of that battalion. You said Mbuta Likaso, Mozart and a bodyguard.
12 Apart from the bodyguard, do you know the roles, or the duties, of the other two
13 persons you mentioned?

14 A. They were his assistants.

15 Q. From the account you gave, we understood that three battalions were
16 commanded by the three persons; namely, Kamisi, Sengue and Yves Ibiza. However,
17 what about Mustapha? Did Mustapha also have troops, or a group under him, as
18 well, or was he alone on his own during all this time in the Central African Republic?

19 A. Mustapha had a lot of people around him. They were all soldiers. There was
20 his wife, who was called Passy. She was also a soldier. There was Coup-Par-Coup,
21 who was also a soldier. His driver, Jean-Denis, was also a soldier. There was
22 Adolphe, who was equally a soldier. He had three drivers at his service. I no
23 longer recall their names. There was also one of his right-hand men, who was called
24 Brown. That's it.

25 Q. Apart from the drivers, what were the duties of the other individuals you just

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 mentioned?

2 A. I no longer remember their duties, or their functions, within the set-up, but
3 I know they were referred to as lieutenants. Brown was responsible for his errands,
4 for example, going to withdraw money, go to do the shopping, and all other such
5 small errands. That was Brown's responsibility.

6 Q. We understand, therefore, that this group was very close to Mustapha.
7 However, did he equally have soldiers with him, or did he only have these few
8 persons that you've just mentioned?

9 A. I just told you that there were other soldiers as well. However, I can no longer
10 recall their names. They talked about Company Sanga, peloton. There were other
11 soldiers at his service. I no longer recall their names.

12 Q. I apologise. Maybe I did not express myself well. I was not asking for the
13 names of the other soldiers. What I wanted to understand from you was the
14 following: Sengue was in charge of a battalion, Yves was in charge of a battalion,
15 Kamisi was in charge of a battalion. We all understand that a battalion means many
16 soldiers. My question to you was the following: What about Mustapha? Did he
17 have a group that he was commanding as well, or he only remained with these few
18 people you mentioned? That's what I wanted to know from you. Can you provide
19 me with an answer?

20 A. All the battalion commanders were under him. However, the persons whose
21 names I mentioned were those who were directly at his service. They were referred
22 to as a platoon, or peloton, and they were not many in number.

23 Q. We talked about the movements of the other groups. What do you know
24 about Mustapha's own movements?

25 A. Mustapha was the boss. He travelled along the Damara motorway. In the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 month of January, (Redacted) Afterwards, he returned to PK12
2 and it was at that point in time that Yves arrived. Yves went by and he started
3 supervising operations on the Bossembélé road in order to monitor the evolution of
4 the troops and afterwards he returned to settle in PK12. That's how it went.

5 Q. You said Mustapha went to Damara in January, or he was there in the month of
6 January, but prior to that, prior to the month of January, do you have an idea of
7 where he was based?

8 A. (Redacted)

9 (Redacted) and after that he returned to PK12. Later on, he went on to the
10 battlefield of Sengue and he went there to supervise the operations of his soldiers.

11 Q. Could you please tell us the month during which Mustapha crossed over, as
12 you said the other day, to come to the Central African Republic?

13 A. I remember telling you that it was around the tenth or the eleventh month; that
14 is, October or November.

15 Q. That is correct. Where was he based at that particular point in time; that is, the
16 tenth or the eleventh month as you said?

17 A. Initially, he was based at Camp Béal in the support regiment and they started
18 fighting. I did not come close to them when they just arrived. It was after they
19 arrived at PK12 that I started going there.

20 Q. You know how much time he -- did you know how much time he spent in
21 Camp Béal before he went to PK12? How much time did he spend there,
22 approximately?

23 A. I do not know that.

24 Q. Did he remain in PK12 right up to the time when he went to Damara, or did he
25 go to other places, other locations, prior to going to Damara?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. But there were two roads -- or, rather, two fronts on which he was fighting. He
2 was fighting on the Damara road and on the Boali road. You could go on to
3 Bossembélé, Bossemptélé, Yalombe and Bozoum. You could also take the road that
4 goes Bossangoa. When he arrived at PK12, he went to Damara. After his soldiers
5 captured the town, he went there in order to supervise the operations of his soldiers,
6 so they were progressing and he would stop to supervise the movements or the
7 operations of his soldiers.

8 Q. Do you know how much time he spent in Damara, approximately?

9 A. He was making short trips there. The first time I believe he spent two weeks
10 there; that's it. I remember one thing now. (Redacted)

11 (Redacted) the child in question was referred to as Moïse. (Redacted)

12 (Redacted)

13 (Redacted) he has remained with that child right up to today. (Redacted)

14 (Redacted)

15 Q. Who remained with the child? You said, "He remained with the child." Who
16 is "he"? Who are you talking about?

17 A. Mustapha.

18 Q. A short while ago you said that Mustapha went to Damara in January and
19 afterwards he returned to PK12 and then went to Bossembélé. When, approximately,
20 did he go to Bossembélé and how much time did he spent there?

21 A. I no longer recall that.

22 Q. (Redacted)

23 (Redacted)

24 A. I went to Bossembélé on two occasions. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Do you know when he left Bossembélé?

2 A. (Redacted) I think it was the 6th, the 7th or the

3 8th -- or, rather, it was 6th of March, because he gave instructions to his soldiers

4 asking them to withdraw. He asked Sege to withdraw. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR BADIBANGA: (Interpretation) Your Honour, with your permission, I would

9 like to ask the court officer to call up on screen a map of the Central African Republic,

10 which bears the reference CAR-OTP-0030-0131. The purpose of this exercise is to

11 enable the witness to indicate on the map the localities which he has been mentioning

12 all through this morning.

13 PRESIDING JUDGE STEINER: Maître Badibanga, what do you mean by "indicate

14 on the map"? Are you asking the witness to put some marks in the map you are

15 going to display?

16 MR BADIBANGA: (Interpretation) Yes, indeed, your Honour. I apologise if my

17 explanation was not exhaustive enough. What -- this map which we mentioned, the

18 list of documents we intend to rely upon for the examination of this witness, well, we

19 would like this map to be presented to the witness.

20 We would like him to annotate the map, to indicate the various towns and the

21 battalions which he mentioned, and it is that version which will be entered into the

22 Court record for registration purposes.

23 I was wondering whether this is feasible from a technical standpoint. I asked that

24 question and I was told that this was possible, but if there are -- if there is going to be

25 any difficulties, then we have made provision for hard copies which we could equally

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 use. Thank you in advance.

2 PRESIDING JUDGE STEINER: I will just check with our court officer which is more
3 practical in terms for us to gain time. Sometimes when we use this -- all these
4 technological devices, we spend a lot of time. So I ask, please, court officer.

5 THE COURT OFFICER: Madam President, I can confirm that the witness can,
6 indeed, mark the electronic version of the document on his screen. And if
7 Mr Badibanga would also like to use a hard copy version, that is okay with the
8 Registry. Thank you.

9 PRESIDING JUDGE STEINER: Then I ask, please, the court usher to provide
10 assistance to the witness, for the witness to make the necessary marks directly on the
11 screen.

12 MR BADIBANGA: (Interpretation)

13 Q. (Redacted) can you see the map which has been displayed on the screen?

14 A. Yes, I do.

15 Q. We will take a map which does not have a lot of writing and which has the main
16 towns. Can you see the city of Bangui on the map?

17 A. Yes, I do.

18 Q. And do you see some of the other towns which are mentioned: Damara, Sibut,
19 Bossembélé, Bossangoa and Bozoum?

20 A. Yes, I do.

21 Q. I would like to engage in an exercise with you and I will try to simplify this
22 exercise as much as possible. You talked about three battalions. I would like you to
23 kindly draw -- put a square, a red square, when you are dealing with a battalion, say
24 close to the name of a town. For example, you said Kamisi had a battalion in Sibut.
25 I would like you, therefore, to draw a red square close to the town of Sibut. I don't

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 know, could the court usher help the witness to draw a red square near the town of
2 Sibut?

3 (Pause in proceedings)

4 Is it easy for you to annotate the map on the monitor, on the screen, Mr Witness? Is
5 it easy or difficult?

6 A. It is easy.

7 Q. I see that you have drawn two squares. Could you just tell us about what
8 you've marked? I can see one is next to Sibut and I see you also added another one
9 close to Damara?

10 A. At the top, close to Sibut, that was a mistake actually, but I hadn't gotten there,
11 but I know that Kamisi did go to Damara -- sorry, to Sibut starting from Damara.

12 Q. Fine. Now, what we are going to show here is not what -- where you went to,
13 but places about which you knew that there were troops. Just above that little
14 square, do you think you could write "K" so that we know that we are talking about
15 Kamisi's battalion? Could you write the letter "K" in?

16 Good. Now, you told us -- one second, please. Madam President, what I am going
17 to be talking about now is more or less a recap from -- about what has been said since
18 Friday, starting on transcript page 29 in French and 28 in English, transcript number
19 136, and also the transcript since this morning. I am simply going to summarise the
20 various locations he talked about during his testimony.

21 Witness, could you please write next to Bossangoa -- write in a red square whereby
22 you confirm, or say what you've already said, Sengue had a battalion in Bossangoa?
23 We won't have to put many markings in, Witness, so if you need to draw your
24 squares a bit larger, please go ahead, and you have understood my instructions and
25 indeed next to Bossangoa you have also written in "S" so that we can identify the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 person involved. You also said that the -- that Yves' battalion was in Bozoum.

2 Would you please do the same thing; in other words, next to the city of Bozoum mark
3 a red square and write in the letter "Y," "Y" for Yves.

4 Thank you very much. I know it is not very, very easy to draw on a screen, but
5 thanks to the oral explanations given I think this map will indeed be able to be read
6 easily. As I said, I have asked you on several occasions how large the battalions
7 were and the number of men involved and that was because I was thinking of this
8 exercise. Now, about Mustapha, I'd like to check something. The soldiers that
9 Mustapha had with him, were there few of them compared to the battalions here, or
10 were they about the same numbers?

11 A. No, there weren't many of them. They were few in numbers.

12 Q. So that we can make a difference between the battalions and the smaller units
13 that were under the leadership of Mustapha, this time I'd like you to use a triangle
14 and if possible use a yellow marker. I don't know if there are any yellow markers,
15 perhaps the court usher could tell us, or perhaps yellow or any other colour in fact if
16 we need. Madam President, I am told that blue is available, so we are going to use
17 blue.

18 Witness, we are going to use the colour blue. This time you should draw a triangle,
19 rather than a square, and so please place a square -- sorry, a triangle next to the places
20 where you think Mustapha spent some time. First of all, you talked about Damara
21 and the fact that he stayed there. Could you also draw a blue triangle next to
22 Damara and also put in the letter "M" alongside it.

23 Could you please write in the letter "M" alongside all of these triangles so that we
24 know that we are talking here about elements who were under Mustapha. Very
25 good. Now, to conclude with this summary of your statements, I did not ask you to

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 mark anything close to Bangui because as far as we understood we realised that all
2 these units did go through Bangui and we are saying this so that we -- that you are
3 aware that we understood you.

4 Now, looking at the map as it stands now, here is my question: What we see is that,
5 apart from Bangui, five cities were occupied by the MLC troops. If you start from
6 the north that was Bozoum, Bossangoa, Bossembélé, Sibut and Damara. (Redacted)
7 (Redacted) were you able to gain any knowledge
8 about why they settled in those locations; whether there was a military or strategic
9 rationale behind the fact that they occupied those particular cities?

10 A. No, they don't -- they didn't tell me about that.

11 MR BADIBANGA: (Interpretation) Madam President, at this stage I have finished
12 with the indications. We can set aside this map and according to the witness, since
13 at least the last two hearings, this is a deployment of the MLC troops and I would like
14 to have this document registered and have an EVD-T number given to it either now
15 or later, but in any case it should be part of the evidence that reflects the statements of
16 the witness concerning the deployment of the MLC troops.

17 PRESIDING JUDGE STEINER: The court officer will just upload the map and the
18 Chamber will decide on the admissibility of the document, and therefore on the
19 attribution of an EVD number in due time, but the map will be uploaded in the case
20 file. You can proceed, Maître Badibanga.

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

22 Q. (Redacted) were there any other military forces that fought with the MLC,
23 together with the MLC, and who were there in the field?

24 A. I personally didn't see any. Only at Bossangoa, I saw some soldiers that were
25 properly dressed, with a uniform and red berets. They were armed and they were

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 located close to the Archbishop's house. I didn't get very close to them. I was quite
2 far away from them. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. These soldiers that you saw close to the Archbishop's house, what were they
7 doing?

8 A. Well, I cannot tell. My purpose was a very specific one. I asked questions
9 and I was told that they were the national army troops. At the time, I was cautious.
10 I didn't just ask questions. I didn't want to be suspected of being a spy, so there
11 were reasons for me to be cautious.

12 Q. What is -- what is the national army called? Does it have a name?

13 A. They were the FACA in the CAR. I don't know whether it's true, but what I
14 am saying here is what I heard.

15 Q. Fine, yes, of course, let's start out with what you know. You were told that
16 these were FACA troops and let's take that as it is. How many of them were there,
17 approximately?

18 A. There were about a dozen.

19 Q. And who told you that they were FACA troops?

20 A. The soldiers (Redacted)

21 (Redacted)

22 Q. These soldiers (Redacted)

23 A. They belonged to Sengue's group. They were his soldiers, the MLC soldiers.

24 Q. I understood that you didn't ask any questions, but did they tell you whether or
25 not they carried out a number of military operations with those allegedly FACA

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 troops?

2 A. Well, the events go back a long way in time and I might have forgotten some
3 details.

4 Q. On other occasions at other times, we saw that for several months you travelled,
5 you went from one city and then to another, and on any of those occasions did you
6 see troops or men from the national army alongside or with MLC soldiers?

7 A. I think it's difficult to answer that question. Well, I know I saw some going
8 across - (Redacted) - but Bangui is the city where I live. (Redacted)
9 (Redacted)

10 Q. (Redacted) we fully understand that you need to be very cautious. However,
11 let me remind you that the Chamber is very much concerned about your safety and
12 security and everything that you are saying here is heard only by the people here in
13 this hearing in this courtroom. You can see that the shutters behind you are down,
14 so if anybody was in the public gallery, they could not follow this hearing and right
15 now the hearing is not being broadcast on the internet so nobody can hear us. And
16 the written transcript of this hearing will also be recorded in such a way that the
17 public will not be able to read it and so you can speak with complete freedom, and
18 that is precisely why these measures were taken, so that you can do that.
19 So let me come back to my question. Did you have any opportunity to see any of the
20 national army soldiers in the company or alongside the MLC troops while you were
21 travelling?

22 A. I saw them. That's why I am asking the Prosecutor with insistence. It seems
23 to me to be very difficult; (Redacted)
24 (Redacted)

25 (Redacted) but please, you have not yet asked questions about Bossangoa where the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 goods had been deposited. Let me say once again, and I emphasise this, please

2 excuse me, because it seems to me that this is really difficult.

3 MR BADIBANGA: (Interpretation) Madam President, with your permission, I

4 would like to suggest that we come back to this point subsequently, at a later stage in

5 the testimony of this witness, but perhaps at this stage I might require your assistance

6 so that the victims unit takes advantage of a break so that the VWU can explain to the

7 witness exactly the measures that have been taken so that he is in a better position to

8 give us this information. At that point in time, perhaps I could come back to this if

9 he is reassured. So, right now, so that we don't lose time, perhaps we should go on

10 with my questions. Is that agreeable to you, Madam President?

11 PRESIDING JUDGE STEINER: Maître Badibanga, first, I would like to listen from

12 the Prosecution why, having access to the names of persons, that the persons

13 themselves are not protected and have no idea that their names are being disclosed in

14 this session, why this information is relevant to the Prosecution. If the Prosecution

15 convinces the Chamber that having these names disclosed even in closed session is an

16 information relevant to the Defence, the Chamber will indicate to VWU to explain

17 again the proceedings to the witness, but I have some doubts -- I still have some

18 doubts in relation to the relevance.

19 MR BADIBANGA: (Interpretation) You're quite right, Madam President. Well,

20 I'm not really sure what the information the witness has about this. When we were

21 preparing his hearing, I noted that he himself in his statements talked about the

22 involvement of a number of officers who had supported -- and I thought that those

23 were the names that the witness was going to mention, the name of the Central

24 African officers.

25 Now, these have been often mentioned and the public knows about them as well, but

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 clearly, if the witness has in mind certain individuals other than those Central African
2 officers that we are all familiar with, well, in that case, yes, indeed, your comment is
3 quite correct and I myself am in a difficult position to assess exactly how far I can go
4 with the witness in this respect.

5 Now, my question was simply whether he knew soldiers that belonged to FACA that
6 worked with the MLC, but I didn't realise I was entering into such sensitive ground.

7 PRESIDING JUDGE STEINER: If I understood, is this information already part of
8 the witness's statement?

9 MR BADIBANGA: (Interpretation) What I know is that in his statement at one
10 point in time he did mention certain Central African officers, so I thought that he was
11 going to be talking about this when he said, "Well, I knew -- I know some names," and
12 now I'm getting the feeling that there might be something else, so I'm not in a good
13 position to assess the situation. Well, I think he will be giving us names relating to
14 Central African officers, but I will be coming back to that later.

15 PRESIDING JUDGE STEINER: Yes, you can come either later with the reference of
16 the statement and depending on the statement itself, or the part of the statement itself,
17 maybe the Chamber allows just a reference to the statement or a quotation for the
18 witness to confirm it, or not, but please bring to the Chamber the reference in the
19 statement.

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

21 Q. Witness, at this particular stage we shall continue. I still have five minutes left
22 and we'll try and take advantage of these last five minutes. You said earlier on this
23 morning - in the English version, Madam President, at page 5, lines 5 to 7 - that
24 Mustapha gave the order that troops should be withdrawn. I'd like to talk about this
25 withdrawal now. You said -- you will remember that I said that we shall take things

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 one-by-one in the order they occurred. Let's start with the withdrawal. Do you
2 know why Mustapha gave this order to the troops to withdraw?

3 A. Thank you. On that day (Redacted) He had not contacted his
4 supreme leader, Jean-Pierre Bemba. (Redacted)
5 (Redacted) so as to order the withdrawal.

6 He informed Yves, who was at Bossembélé, (Redacted)
7 (Redacted) He also called Sengue and informed him. Kamisi was on an access, a
8 road, and he was the one who decided -- who withdrew the first.

9 Q. Did you say that he'd received the orders from his commanding officer or did
10 he actually give a name?

11 A. Well, you know, during those events they never spoke about Jean-Pierre Bemba
12 in name, but from what he said, you could understand that Bemba was indeed the
13 person who had given him instructions to do whatever he had done.

14 Q. My last question this morning before the break: As far as you know, did he
15 have any other commanding officer? (Redacted)
16 (Redacted) some other person other than Jean-Pierre Bemba?

17 A. Mustapha didn't have any other commanding officer. Only Mr Jean-Pierre
18 Bemba acted in that capacity.

19 MR BADIBANGA: (Interpretation) Thank you, Witness. Thank you, Madam
20 President. With your permission, perhaps we could stop our examination-in-chief
21 until after the break.

22 PRESIDING JUDGE STEINER: Thank you, Mr Badibanga.

23 Mr Witness, we'll have now a 30-minutes' break in order for you to have some coffee
24 or some tea and take some rest. It's 11 o'clock. We'll be resuming at 11.30.

25 I ask, please, court usher to take the witness outside the courtroom.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (The witness stands down)

2 THE COURT OFFICER: All rise.

3 (Recess taken at 11.00 a.m.)

4 *(Upon resuming in closed session at 11.38 a.m.)Reclassified as Open session

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

6 PRESIDING JUDGE STEINER: Welcome back. Welcome back, Mr Rojas. I ask,
7 please, court usher to bring the witness in.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

11 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

12 THE WITNESS: (Interpretation) I am ready, your Honour.

13 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.

14 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

15 Q. (Redacted) before the break we were speaking about the withdrawal of the
16 MLC troops. You were telling us, if I go back to your statement, that Mustapha had
17 given the order to his troops to withdraw, and you say, and here I quote you, "And he
18 informed Yves, who was in Bossembélé. (Redacted)

19 and he also called Sengue and he informed him too." (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. That is the first time that we're speaking about the means of communication

25 themselves. You've just said that they spoke with a Thuraya. Could you just tell us

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 in a couple of words what a Thuraya is?

2 A. A Thuraya is a device which is used to make calls when there is no network.

3 You can communicate with this device anywhere in the bush.

4 Q. Is it a walkie-talkie device, or is it a totally different type of device?

5 A. Yes, it's a device that looks like a walkie-talkie, but I would say that it was a
6 Thuraya Ascom.

7 Q. I probably am not expressing myself well. I'm trying to see if we are talking
8 about a radio, or are we talking about a telephone, or are we talking about a totally
9 different means of communication? What exactly are we talking about here?

10 A. It was a communication -- satellite communications device, and this device is
11 used to communicate when one doesn't have a network in Bangui. In Bangui you
12 have Telecel, you've got Move, but with this device you can use it to call when you're
13 in the bush, for example. And it was of the type Ascom, this Thuraya phone.

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 PRESIDING JUDGE STEINER: Maître Badibanga, I would like to remind you about
18 the five-seconds rule. More than once now you have overlapped with the end of the
19 English translation. Thank you.

20 MR BADIBANGA: (Interpretation) Thank you very much, your Honour. I just
21 note it when I ask my question myself.

22 Q. But you therefore said that Mustapha gave this order to withdraw to Sege and
23 to Yves. What did he do at that time? Did he stay in Bossembélé?

24 A. On that day, in the evening, he went out again with these materials, generators,
25 DVDs and other things. He loaded them into the -- his Pajero Galloper vehicle in

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 order to head towards Bangui, but he didn't get to Bangui. He stopped at PK25
2 where the Chinese were.

3 Q. Where did all these items come from? You talk about generators, you talk
4 about lots of other different materials. Where did all these different items come
5 from?

6 A. Thank you. I'm going to go back a bit to tell you certain things. When they
7 arrived I saw that there were soldiers to whom he was giving orders in the morning.
8 They started to commit atrocities. Everything that he said to his soldiers, well,
9 everything that you find you bring it to -- present it to me, but everything that you
10 find, bring everything to me so that we can divide it up between us. He gave
11 instructions to people who got together the pillaged items in order to provide them to
12 him, and he took the valuable items and the other goods, he would distribute to other
13 soldiers. (Redacted)
14 (Redacted) In Bossembélé he did the same thing.

15 Q. The objects that he loaded into his jeep, which you speak about somewhat
16 earlier, did these items come from this sharing out?

17 A. That is correct.

18 Q. What did Yves and Sengue do when they received the order to withdraw?

19 A. They withdrew. In the morning, he sent two vehicles. He withdrew later
20 with his goods, and the two vehicles were loaded with foam mattresses, bicycles.
21 Attached to these vehicles there were other bicycles or other goods in the
22 vehicle -- were in the vehicle itself.

23 Q. By what means did the troops withdraw from Bossangoa and Bozoum?

24 A. I told you a moment ago that they withdrew on vehicles. There was a Berliet
25 which belonged to a company and (Redacted) another lorry there

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 as well. They used the vehicles. Sege himself did. He had his vehicle, a small car,
2 a Nissan. Before, he had a different vehicle, a four-by-four, a luxury car which he
3 had sold in Bangui (Redacted)
4 (Redacted) the vehicle was a
5 four-by-four Hilux.

6 Q. Do you know how many vehicles were necessary in order to carry out the
7 evacuation of his battalion and Sengue's battalion?

8 A. There were several different vehicles. Sege -- no, it was Yves. Yves left the
9 first, and it was in the middle of the day. He took all his soldiers to Bossembélé, and
10 he left again in order to find those who were still there. And in the second convoy,
11 he took them for the third time. (Redacted)
12 (Redacted)
13 (Redacted)

14 Q. Yves and Sengue, did they succeed in evacuating all their soldiers in one go?

15 A. No. But Sege had men under his command. They had left Bossembélé to
16 PK25 before crossing for the DRC. Yves' men died. A lot of them were killed; shot
17 to be precise.

18 Q. You said that (Redacted) Mustapha gave the order to withdraw. Do
19 you remember the exact words that he spoke in order to give this order?

20 A. He said, "We have received the instructions to withdraw." The commanding
21 officer, or the supreme leader, it was clear that it was Jean-Pierre Bemba. (Redacted)
22 (Redacted)

23 Q. In which language did Mustapha gave this order? Did he speak French?

24 A. He spoke in Lingala.

25 Q. Mustapha, you say, stopped at PK25. Did the other troops stop at the same

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 place - and here I'm speaking about the two battalions, Yves' and Sengue's
2 battalions - did they also stop at PK25?
3 A. At this time I arrived at PK25. (Redacted)
4 (Redacted) I saw these people at
5 PK25. Yves, as well, was there but his men were still in the field. (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted) I knew that there was something which was wrong, but what had
9 happened there -- I think that it was the 13th. Yves' vehicle went to get the children
10 and they fell into an ambush in Bossembélé. He lost a lot of men. His men were
11 killed and the vehicles were taken. Some of them fled into the forest. It was a total
12 route. Others were able to get to the south; that is to say, Mbaki road, and they were
13 aiming to cross the river. And you had Commander Frank and Richard, and there
14 were lots of them. There were lots of them.
15 On the 15th, I had already fled. I was in the Sango neighbourhood, and it was in the
16 afternoon I saw columns of soldiers of the MLC and among these soldiers there was
17 Yves. They were in columns. (Redacted) We saw him in
18 the Sango neighbourhood at the Yasimandji market.
19 He came, and there was a child who was selling bread. One of soldiers wanted to
20 take the bread by force and the child resisted. Faced with the child's refusal, the
21 soldier shot the child, and he died right there. Yves returned and he shouted, "Let's
22 go." And they did that, they left. The Yasimandji market is close to Ngu-etat. So
23 they arrived there and a riverboat was sent to them and this riverboat transported
24 them to the other side.
25 Q. Do you know whether Yves saw this child being killed himself?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. Mr Interpreter, you know the Yasimandji market very well. He was present
2 while all of this was going on. He was the one who called the soldier who killed the
3 child. He said, "Go ahead, give him his bread." There were several people present
4 there and this is a story which is well-known.

5 Q. (Redacted) maybe I didn't understand you well, but apparently you were
6 asking the interpreter whether he knows the market well. You should understand
7 that the interpreters are here simply to translate. My questions to you and your
8 answers to me and so the interpreter cannot step in to confirm or see -- or do anything
9 else about whatever we say to each other. All questions put to you come strictly
10 from me.

11 Apart from telling these soldiers to go, did Yves take any measures against the soldier?
12 Did he punish him in your presence whilst you were there at that point in time?

13 A. No measures were taken against him. He was not punished. He was simply
14 requested to carry on.

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. I left Bossangoa. I forgot one detail. (Redacted)

21 (Redacted) whilst we were there, it was sad. From the

22 office of the archbishop to the court, on my way I saw dead bodies piled up in groups
23 of five, or in heaps of five. We could identify the bodies, even though they were in a
24 state of advanced decomposition. (Redacted) I couldn't

25 do anything. We carried on, on our way, and we saw dead bodies piled up on the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 ground. I was sad. I was discouraged. And I could not return alone.
2 Just at the entrance to the Bossangoa market, there was the body of the imam dressed
3 in his djellaba. The body was lying on the ground. And, further on inside the
4 market, I asked who this was, what had happened. And they told me that is the
5 imam. And I asked, "What happened?" And they told me he was killed. He was
6 killed because he was suspected of being an accomplice to Bozizé's rebels. And I
7 shut up, I didn't say anything, and we carried on on our way. Certain Chadians had
8 also been killed. We carried out on our way and we reached a shop and they left me
9 there. They went on looking for articles, for items, under the market -- under the
10 mango tree. This was at the market. And there, there was a young girl and she was
11 beautiful, a very beautiful girl. One of the soldiers called her and told her in Lingala,
12 "Yaka awa." He followed her. He asked her to go ahead. They entered a house
13 and he came out again. And he looked for cardboard paper on the ground and went
14 back to meet the young girl in the house. He came out again after about 10 or
15 15 minutes and he said, "That's all right. That's it."
16 Another one went in, into the house, and when this second person came out, the first
17 one told him "libabe," which translates as "bad luck." A third one, a third person,
18 said he too wanted to experience the "bad luck" and he went into the house where the
19 young girl was. And all these things took place in my presence. I cannot tell you a
20 lie.
21 When the third one came out, he had lady shoes in his hands and he gave them to the
22 young girl. The young girl took the pair of shoes and went to sit under a mango tree.
23 I was saddened when I saw all of this happening. I told them that they had to go
24 away. The young girl left the pair of shoes and went away. However, there was a
25 car and it was sent by Major Sege and they told me, "Hey, (Redacted) you should not

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 repeat or say to anybody that you saw any of what has happened to us here -- what
2 has happened here because if you say anything, all items of value will be taken away
3 from us and we will remain with next to nothing."

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. After this account that you've given -- we will examine it part-by-part, starting
8 with the end of it. When they told you that you should not say whatever you saw
9 because items of value were going to be taken from them, what was their reason?
10 Was it because they were afraid or because they did not want the items that they had
11 collected to be taken away from them, or were they afraid of being punished if this
12 became known?

13 A. I think that it was because of the items of value that they had. If -- with regard
14 to what happened, I don't think that that was important. They could -- they would
15 only be whipped if they were discovered. They used to say giving a whipping of
16 50 strokes as punishment, so they would be given punishment of 50 strokes to
17 100 strokes.

18 Q. A short while ago -- your Honour, I have minutes instead of lines in my
19 transcript. Maybe I did not select the -- touch the right button. I think it was
20 around 12.10.34 seconds that you said, "The soldier said 'libabe'," which translates as
21 "bad luck." Could you tell us what language that is?

22 A. Libabe is Lingala.

23 Q. A little earlier you said the first soldier called the young girl and told her "Yaka
24 awa" and that was Lingala, but you did not tell us what that means. Could you tell
25 us what that expression means, please?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. It means, "Come here."

2 Q. I go further up in your account and you said, "There was a young girl under a
3 tree. She was beautiful, very beautiful." Do you know how old she was,
4 approximately?

5 A. Visibly she must have been, or she could have been, below the age of 15.

6 Q. Still in your account you said that, "The dead body of the imam was lying on the
7 ground. He had been killed. Were you able to learn about who had killed the
8 imam?

9 A. I was told by the children (Redacted) that they were the ones who
10 had killed him because he was an accomplice of Bozizé's rebels.

11 Q. And lastly, still in your account, you started by saying that you saw dead bodies
12 piled up in heaps of five. Did you find out who had killed them, these persons?

13 A. It was the same MLC soldiers. I was told that there was a vehicle that had to
14 collect the bodies and take them away for burial, but they had said that they did not
15 come to bury dead bodies and so they threw the bodies on the ground and preferred
16 to use the vehicles to go and collect items of value. When they returned to their base,
17 their commander, Sengue, seized all the items that they had looted.

18 Q. A little earlier you mentioned some dates. I'm going to remind you of them
19 just so we get -- we'll put things in chronological order. If you do not remember
20 anything, please tell me you do not. Do you remember the date on which Mustapha
21 asked Yves and Sengue to withdraw; the date he gave that instruction (Redacted)
22 (Redacted)

23 A. I told you that they started withdrawing from 7 to 8 March. (Redacted)

24 Q. Do you remember the date on which Mustapha himself left Bossembélé to go to
25 PK25?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. It was on 6 March. They withdrew on the 7th, or rather when they withdrew
2 on the 7th, on the 8th he was no longer with them. He did not return there.

3 Q. (Redacted)

4 A. (Redacted)

5 THE INTERPRETER: (Redacted) repeats the witness.

6 MR BADIBANGA: (Interpretation)

7 Q. Do you remember when you saw Yves' troops, when this little bread seller, the
8 child who was selling bread, was killed?

9 A. It was on 15 March, on 15 March, and I saw this with my own eyes. I saw the
10 national, or the Central African Republics, some were going towards the home of
11 Mr Ange-Félix Patassé in order to loot property from his residence. I saw some of
12 them walking around in his clothes, some of them with his property, and I hid myself
13 in the Sango neighbourhood. It was indeed on the 15th.

14 Q. When you say you saw Central Africans, are you talking about civilians or
15 soldiers; that is, these nationals of the Central African Republic who looted or
16 pillaged the house of Mr Patassé?

17 A. They were civilians.

18 Q. A short while ago you said that (Redacted)
19 (Redacted) Did you arrive in Bangui on the same day?

20 A. Yes, that's right. I arrived at PK25, (Redacted)
21 (Redacted)

22 (Redacted) It was on
23 the same day. (Redacted)
24 (Redacted)

25 Q. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: Mr Witness, Mr Badibanga, please both speak a little
5 bit slower for the purpose of the record. The court reporter is having difficulties, so
6 speak a little bit slower, please. You can answer the question, Mr Witness.

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

8 MR BADIBANGA: (Interpretation)

9 Q. Do you want me to repeat the question?

10 A. Yes.

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted) He was talking. He had

19 been called and I think it was his hierarchical superior who was talking to him. It
20 was said that he had learned that children had stolen the property of civilians and
21 that this property was being unloaded from vehicles, and he answered saying, "It is
22 the property of the children. The children are withdrawing."

23 Q. When you talk of children, who are you talking about?

24 A. That is how Mustapha called his soldiers. He called them "children."

25 Q. Just to clarify your account, sometimes you say "he" and then you say "he" again

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 and we get a bit mixed up and it becomes difficult to understand you. Please try as
2 much as you can to mention the names of the persons you are referring to, or their
3 titles. Let me repeat what you just said, "Oh, now I remember. He was talking.
4 He had been called. Who called him? I think it must have been his hierarchical
5 superior. He said he had been told that the children, or the soldiers, had looted the
6 property of civilians," and you carried on talking in that manner. Please I would like
7 to appeal to you to use names and titles, instead of "he", "he," "he." You said, "He
8 was called." Who called?

9 A. It must have been Mr Jean-Pierre Bemba who called to find out what was
10 happening, because I learned that the soldiers were loading the vehicles and going
11 with them through the Boganda Avenue and that is true. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)

15 Q. (Redacted) What did Mustapha say?

16 A. Mustapha answered as follows: The items which the children found there are
17 the items they are bringing back, that they are transporting.

18 Q. All these troops you said went back to Bangui up to 15 March. What
19 happened then, what happened on 15 March? What did these troops do, the MLC
20 troops, what did they do?

21 A. 15 March, well, that was the day that the President of the Republic of the
22 Central African Republic entered the city of Bangui and hunted down the MLC
23 soldiers.

24 Q. And where did the MLC soldiers go?

25 A. They crossed the river and went back to Zongo with their belongings, with

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 goods, including vehicles.

2 Q. Did you see the MLC officers that you knew? Did you see them while they
3 were withdrawing, while they were crossing? You spoke about a lot of people
4 during your testimony and you mentioned Coup-Par-Coup, Brown, Kamisi, Sege,
5 Yves, Franck and others. Did you see those officers crossing?

6 A. No, I didn't see them cross, but I saw the plundered goods because before they
7 crossed the river some of them had vehicles. For instance, Yves had a Sovamag
8 vehicle, a military vehicle, or more precisely a jeep. As for Sege, he had a family car,
9 a Nissan car. Kamisi had a small four-by-four, two-door car. As for he himself, as
10 for Mustapha himself, he had a Pajero Galloper, a Galloper, no, a Galloper, that's right.
11 It was painted blue. And that vehicle crossed river too. (Redacted)
12 (Redacted) Once they had crossed I learned that Mr Jean-Pierre Bemba had
13 them -- requested that vehicle and that the vehicle was sent to him.

14 Q. As far as you know, where did these vehicles come from? You said Yves had
15 such-and-such a car, Mustapha had such a vehicle. Now, are these vehicles that they
16 purchased in the Central African Republic or are they vehicles that they went to the
17 Central African Republic with? Could you say where these vehicles come from, if
18 you know?

19 A. Well, I know, as far as Mustapha is concerned, he had two vehicles. As to the
20 others, well, I don't know how they got hold of them. Perhaps in Bossangoa. But in
21 any case Kamisi got his vehicle in Bangui. Yves got his vehicle -- well, it was handed
22 over to him the very day he got there, and that is the vehicle with which he crossed
23 the river. Mustapha took this vehicle away from the Moroccan embassy. He,
24 himself, changed its colour. There was also a smaller car, a Nissan, which was
25 blue -- no, Bluebird. This vehicle, this Nissan vehicle, belonged to an individual and

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 he went to the presidency to ask for the car but Mustapha objected to that and, finally,
2 he went back over the river with that vehicle, as well as with his Pajero.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. So what we understand is that a number of vehicles that belonged to Mustapha,
19 or in any case that he had, were confiscated. You talked about the embassy and you
20 talked about individuals. As for the other vehicles, the other officers' vehicles, had
21 they also been acquired in the same way?

22 A. But among them who was in a position to buy a vehicle? These vehicles were
23 taken away by force from private individuals.

24 Q. (Redacted) could one say properly that after 15 March things settled down in
25 Bangui or did you see any other incidents occurring?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. The answer is a difficult one, and I must tell the truth: (Redacted)

2 (Redacted)

3 (Redacted) he had been, and they were hunted down.

4 And he told me that these people who came from Kinshasa, these were the people

5 who came to ask questions about the position of Jean-Pierre Bemba's men and what

6 was actually going on on the ground, and that these people had come from Kinshasa

7 were going to be giving me some money. Initially I refused and two days later he

8 called me again and, in the meantime, he had gotten money. He spent a large part of

9 that money and then handed me some over. He gave me a thousand dollars. He

10 said to me that we should meet with them - that's what we did - and these people

11 began to ask me questions, and I told them the truth. I had nothing to hide. They

12 asked me whether I had received the envelope that had been sent and I said what?

13 And they said that they had given -- handed over an envelope with \$1,500. I said

14 nothing. I said -- that was it.

15 Q. And when did that happen?

16 A. That happened afterwards, when they had already withdrawn. I think that

17 was in the month of April, April 2003 and, well, before that they had come twice.

18 But the meeting was held in April. The first attempts had happened in June 2002.

19 They came to ask me questions about this situation of Jean-Pierre Bemba in Bangui.

20 I was invited the first time and I was entrusted with the task of checking the position

21 of the men. Money was handed over to me. I think that was \$500.

22 Q. We shall come back to this point later on. Let me take the last few minutes

23 before we break to finish with the issue of the withdrawal of the troops from the

24 Central African Republic. You talked to us about Bossangoa and the troops there,

25 and you talked about Mustapha, who himself was in Bossembélé, but we haven't

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 spoken about the troops in Sibut yet. Do you know what the circumstances around
2 the withdrawal of the troops in Sibut were?

3 A. The troops at Sibut, they were the first ones to withdraw - and I remember that
4 clearly - and they proceeded in a similar way. There were objects hanging off the
5 vehicles. I think that all the Central African nationals had opportunities to see this
6 happening. This was, in fact, published in the newspapers, in L'Hirondelle and Le
7 Citoyen, and there were photographs and caricatures in the press of this happening,
8 in particular, the foam mattresses, the bicycles that were plundered, that they had
9 taken or -- and tried to get across the river.

10 Q. Now, all three battalions, plus the smaller unit with -- which was under
11 Mustapha, now, did they all leave via Bangui to go back to the DRC?

12 A. As I told you, there were many losses, many fatalities, and in particular during
13 the ambush at the entrance of Bossembélé, when they attempted to retreat, some fled
14 into the bush, into the forests, up to Mbaki, where they reached the Ubangi River and
15 were able to cross over. I don't know exactly how many people or soldiers died
16 during that ambush.

17 Q. Mbaki, is it north of Bangui, or south of Bangui? Above or below Bangui, if
18 you look at the map?

19 A. It is located south, in Lobaye.

20 MR BADIBANGA: (Interpretation) Madam President, if you will allow me, I shall
21 do the same thing as earlier on, ask for the map that we already used to be put -- or,
22 rather, no, the original map that was presented earlier to be put on the screen, and
23 there again I would like the witness to draw the locations of the MLC troops and see
24 which routes they had taken. It won't be until then that I would like to ask for the
25 document to be recorded.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 The reference is -- well, the map was CAR-OTP-0030-0131. Now, for reasons of
2 clarity, this map had actually been disclosed on 17 October 2008 to the Defence in
3 batch 5.

4 Q. Witness, well, this time, Witness, I think we shall be even speedier since you are
5 familiar with the exercise. I should have told the court usher that we should begin
6 with red, as we did early on. I hope that's the case. Oh, good. Thank you.

7 Well, what we will do now is show the route that the troops took. Let's begin, if
8 you're willing, with Bozoum. What I want you to do is to draw a line or draw an
9 arrow that shows the route taken by the troops at Bozoum until they got to the border.

10 So please draw a line to see exactly which route they took up to the point that they
11 crossed the border. Please do this using red because earlier on we talked -- well, we
12 used red for the battalions. And alongside that line we shall indicate "Y" for "Yves,"
13 for instance, if that applies. Do you think you could do that for us?

14 A. Yes, I can do that. But I said to you that they left Bozoum using vehicles to go
15 to Bossembélé, all of them. From Bossembélé to PK25 -- most of them stayed in
16 Bossembélé and one vehicle was sent from PK25 to go and get them. They were
17 between Boali and Bossembélé, and that's where they were -- fell victim to an ambush,
18 between Boali and Bossembélé. And some of the soldiers fled into the bush at that
19 particular point. Some of them were killed. And those who fled into the bush went
20 down southward to reach the river, and the river that is further south and that we can
21 see on this map.

22 Q. Well, let's do this stage-by-stage. Perhaps you could first draw the line that
23 goes from Bozoum to Bossembélé and then on to Boali in red and write in "Y" next to
24 that line.

25 A. All right. I see there is a line that goes from Bozoum to Bossemptélé and, in

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 fact, the line is the same on -- that goes through Yaloke and then on to Bossembélé.
- 2 That is the line that they -- up to Boali, the ambush they fell victim to was between
- 3 Bossembélé and Boali, but I don't know whether I should mark it all the way from
- 4 Bozoum or whether I should begin from Bossembélé, because I see all these lines here.
- 5 Q. Well, let's try and do something quite straightforward. Simply show us the
- 6 route from Bozoum to the place that the ambush occurred. Now, of course, on this
- 7 map we don't have the smaller villages, but if it was between Bossembélé and Boali,
- 8 stop somewhere in the middle between the two. But simply draw us a line from
- 9 Boali to the point that the ambush occurred.
- 10 That's very good. Now, from there, from there on, I know the group divided into
- 11 two. What I will ask you to do is to give us the route that goes to Bangui, for those
- 12 who are able to get through without any problem, and then another route that goes,
- 13 as you said, by the south for those who were the victims of the ambush. Is that
- 14 possible?
- 15 Thank you, (Redacted) Could you perhaps, also at the beginning of the route next to
- 16 Bozoum, write in the letter "Y" so that we know that these are the routes that were
- 17 taken by Yves' troops? Thank you. I'd like you to do the same thing for
- 18 Mr Sengue's troops based in Bossangoa, and if that's possible for you, when you get to
- 19 the routes that overlap, make sure that the two lines do not overlap so that we can
- 20 distinguish them, between the two troops, Sengue and Yves' troops.
- 21 A. I've made a slight mistake right here. They didn't go behind Mbaki, they took
- 22 the route that goes via Mbaki to go to Bangui.
- 23 Q. That won't be too much of a problem. Don't worry about that; otherwise, we'll
- 24 be annotating the map too much. The fact that you pointed this out is sufficient. So,
- 25 please, now concentrate on the battalion that left from Bossangoa.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Thank you. And finally the same thing for Kamisi's battalion, if you will? Could
2 you also write in the letter "K" next to Sibut?

3 Madam President, may I have just one more minute to -- so that we have our last
4 movement of troops? I can see that I've gone slightly beyond the allocated time.

5 So with the help of the court usher, let's write in using blue Mustapha's group.

6 Please just draw a line from the top of Bossembélé to indicate the route taken by

7 Mustapha's men to retreat, and also point at PK12 in the same way as you entered a

8 dot or a point at -- oh, yes, the place where the ambush took place. Could you also

9 put in the letter "M" at the starting point? Thank you very much, (Redacted) I

10 promise I will not force you to draw any more.

11 Madam President, we have finished at this point, but perhaps I should say for the

12 form that I would like this document to be tendered into evidence. This is the

13 reflection of what the witness is testifying about; the retreat of the MLC.

14 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. The document will

15 be uploaded and the Chamber will decide in due time on its admissibility, with the

16 consequent attribution of an EVD-T number.

17 Mr Witness, we will suspend now for our lunch break. You can have lunch, take

18 some rest. It's 5-past-1. We'll resume at 2.35. I ask please, court usher to

19 accompany the witness outside the courtroom, and in the meantime we are going to

20 suspend and resume at 2.35.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 1.04 p.m.)

24 *(Upon resuming in closed session at 2.39 a.m.)Reclassified as Open session

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

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Good afternoon and welcome back. We will
2 continue with the testimony of Witness 169. I ask please, court usher, to bring the
3 witness in.
4 (The witness enters the courtroom)
5 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
6 THE WITNESS: (Interpretation) Good afternoon, madam.
7 PRESIDING JUDGE STEINER: Did you have lunch and managed to rest a little bit?
8 THE WITNESS: (Interpretation) That is correct, your Honour.
9 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
10 THE WITNESS: (Interpretation) I am ready.
11 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.
12 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.
13 Q. (Redacted) good afternoon.
14 A. Good afternoon, Counsel.
15 Q. So this morning we had finished with the withdrawal of the MLC troops, but I
16 just wanted to see with you how all these troops, all these soldiers who were
17 dispersed in a lot of different towns in the country, communicated amongst
18 themselves?
19 A. Thank you. What I know is that the commander of the battalion, as well as
20 Mustapha himself, they each had Thuraya. And in the hands of Sege, as I saw him
21 in Bossangoa, I saw in his hands a radio as well as Mustapha. They all had a radio
22 phonie. On the other side of the river, in Zongo, there was a radio phonie as well.
23 Q. This Thuraya that you've just spoken to us about, was it the same satellite
24 telephone that you mentioned this morning; is that correct?
25 A. That's correct.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Do you know how they used the radio phonie that you've just mentioned? Do
2 you know how it functioned, how they used it?

3 A. I know. With this radio phonie, the person has in his hands or holds a
4 microphone, and next to that microphone there's a button and, before speaking, you
5 press the button. And the person speaking to you on the other side can hear you
6 and answer you but, before answering, the person presses the button before speaking.
7 And if there are several people next to you, that person, or these people, can hear
8 what is being said.

9 Where it concerns the Thuraya, it is like a telephone. I mentioned it here. One
10 person can take it, can go somewhere with it and be able to communicate without
11 others hearing that person. It is the person who receives the telephone calls who can
12 hear them, and when this device rings, you can hear it.

13 Q. Do you know, or have you been able to find out, if they used these different
14 means, Thuraya on the one hand, radio phonie on the other, for these same type of
15 message or if it depended on the subject of the conversation and communication that
16 they would prefer one system over another?

17 A. Thank you. The problem was with electricity because sometimes they didn't
18 have the possibility to recharge the Thuraya and that's the reason why they used the
19 radio phonie. (Redacted) And for this device you
20 have to buy a battery, a solar panel which can recharge the battery. You can use this
21 device for a long time.

22 Q. Did -- were there more simple phones which could be used or did he just use
23 the Thuraya or the radio phonie?

24 A. In Bangui, there's a telephone network which goes right the way to PK25. Up
25 to PK25 you can use Telecel, Move, Sokotel also. During this time the other

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 telephone companies, such as Orange, were not present in the town; National Link as
2 well. When you are somewhat far from the perimeter of the network, for example,
3 from PK30 to Bossembélé, at the time it was different, or these different localities were
4 not covered and they used the radio phonie and the Thuraya for their
5 communications.

6 Q. Just very briefly, could you mention to us the -- who from the MLC did you see
7 with a Thuraya? Who had a Thuraya among the MLC?

8 A. I saw Mustapha with two Thurayas. Sege as well; Sege had one. Yves had
9 one as well. Kamisi also had one. René and Boma, as well. That was their S4.
10 He had died on Bossangoa road.

11 Q. In page 54, lines 14 to 15, French version of the transcript - that means a few
12 minutes ago - you stated that Sengue also had a radio phonie. Could you tell us
13 others, other members of the MLC, who to your knowledge had a radio phonie?

14 A. Well, I've just said, where it concerned the radio phonie, I saw Sege with a radio
15 phonie and Mustapha as well, these two persons. (Redacted) also I saw a radio
16 phonie, but with the others I didn't see it.

17 Q. Do you know who had provided this equipment, the radio phonie as well as the
18 Thuraya?

19 A. I don't know. It was their work tool. That's why they moved around with it.
20 Were they provided to them there? That's something I don't know.

21 Q. You have been able to state before this Court that there were contacts between
22 Jean-Pierre Bemba and Mustapha. Do you know by what means of communication
23 that took place?

24 A. On two occasions I saw -- for example in Bossembélé and (Redacted)
25 (Redacted) I saw them communicate. For the second time it was before they -- the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 withdrawal, a bit before their withdrawal. (Redacted) I saw them
2 and they used this machine, this device, as well, which -- and Mustapha was called on
3 the Thuraya and he hid in order to communicate, (Redacted)
4 and that was done in the morning; sometimes in the evening.

5 Q. Excuse me, perhaps I missed your answer, but my question was: This
6 communication was done with which of the means, because they used the Thuraya,
7 did they use the radio phonie or did they use the normal telephones, and you said
8 that there was contact between Mustapha and Jean-Pierre Bemba?

9 A. I told you that they communicated with Thurayas. (Redacted)
10 (Redacted)

11 (Redacted) In (Redacted) on that day, (Redacted) and they
12 communicated via Thuraya.

13 Q. (Redacted) from what we have
14 understood, and throughout your testimony you have occasionally mentioned crimes
15 or atrocities. I would just now like us to go, in a precise way, into the different
16 crimes which you saw, or which you heard about. To your knowledge, did the MLC
17 officers -- were the MLC officers involved in some of the crimes that the MLC is
18 accused of?

19 A. At that time, if I have not forgotten, Atandele and Mustapha - Atandele and
20 Mustapha - there was a disagreement between Atandele and Mustapha. That was
21 over a girl, a woman of mixed race. She was Moroccan and she was the wife of an
22 authority in Bangui, and at least in January, in the month of January, (Redacted)
23 (Redacted) and Atandele arrived and he met Mustapha there and Mustapha was
24 accompanied by this young woman. Atandele was angry. He didn't show it, but
25 Mustapha felt that, and after that it was no longer the friendly agreement between

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 them. Mustapha said to Sege that he had to be careful. He had to not trust
2 Atandele, because he wasn't serious. He provided information on us to Jean-Pierre
3 Bemba, it was in Gbadolite, and that you couldn't trust him. Atandele was on good
4 terms only with René, who unfortunately is dead.

5 PRESIDING JUDGE STEINER: Maître Badibanga, if you allow me. Maybe it was
6 also a problem on translation, but here on page 56, lines 19 and 20, the question you
7 put is, "Were the MLC officers involved in some of the crimes that the MLC is accused
8 of?" If this was your question, it appears to be so broad, involved in which form,
9 that even the witness did not understand. We can see by the answer that he did not
10 understand what you meant, so maybe you could rephrase your question.

11 MR BADIBANGA: (Interpretation) Thank you, your Honour. When I listened to
12 the witness's answer I realised that, so I think I will go back to the question.

13 Q. (Redacted) a short while ago you told us about items that were taken back to the
14 Congo at the time the troops were withdrawing, and especially when we are talking
15 about Mustapha you said that today, this morning, that he loaded a jeep with certain
16 items. I wish to put the question to you once more. Where did Mustapha get those
17 items from?

18 A. They were looted items; items taken by force from the people, from the
19 population. The men he had sent into the field had as their mission to loot, to bring
20 back stolen items which they were going to share amongst themselves, and during
21 these events I went to the port, at the beach. I saw the Pajero being loaded onto a
22 boat, and I also saw stolen items being loaded to be taken over. In fact, there were
23 many looted items. There were TV sets, power generators, household appliances,
24 hi-fi sets.

25 Q. Do you know whether Mustapha took back only looted items at that particular

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 point in time, at the time they were -- the troops were withdrawing, or were there
2 other occasions on which certain items were taken back by Mustapha?

3 A. No, this happened prior to the instruction that was given, before they withdrew,
4 but there were certain cases and I heard mention of them. When they were about to
5 withdraw, they used outboard motors. Despite the attempts or the measures taken
6 by the authorities, this did not work. In any case, that was their objective. The
7 soldiers of Kabila had fled to seek refuge, to hide in Bangui. They had outboard
8 motor canoes and these canoes were not handed back.

9 THE INTERPRETER: Well, if the Sango interpreter fully understood what the
10 witness said, that was it.

11 MR BADIBANGA: (Interpretation)

12 Q. We understood you very well, rest assured of that. Apart from Mustapha, who
13 organised the transportation of looted items which were taken back for his own
14 benefit? Do you know whether or not other officers engaged in looting and the
15 repatriation or the transportation of looted property back to the Congo, as Mustapha
16 did?

17 JUDGE ALUOCH: Mr Badibanga, when you talk of "officers," are you limiting that
18 term to the leaders, or you mean the soldiers, please?

19 MR BADIBANGA: (Interpretation) Your Honour, well, in actual fact here, in the
20 course of this cross -- this examination, when I talk of "officers," I am referring to the
21 battalion commanders he referred to, Kamisi, Yves and Sengue, and sometimes he
22 mentioned their assistants. I think he talked about a certain Richard and a certain
23 Franck. So I am referring here to the officers and not to the rank and file soldiers,
24 thank you.

25 Q. Well, (Redacted)I return to my question. Are you aware that some of these

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 officers, whom I just mentioned -- do you know whether or not they were involved in
2 the looting and taking stolen items and carrying them back home?

3 A. At that point in time Mustapha crossed over with his vehicle loaded with looted
4 items, as I said. Kamisi did the same thing with his vehicle, a Nissan vehicle, a
5 four-wheel drive. Yves did the same thing with his own vehicle and Sege did the
6 same thing as well. He crossed over with his vehicle. I continue and let me name
7 them. There was Mozart and Mbuta Likaso. They took musical instruments in
8 Bozoum and crossed over with them.

9 Q. Now, what about first class soldiers; those who were lower in rank. Did they
10 also loot property and did they have the opportunity to cross over with looted items,
11 or not?

12 A. In the first instance there were certain Congolese people who spoke Sango very
13 well and they could hear these soldiers in PK12, or rather they followed them and
14 they brought them drinks, marijuana. Between them there was some sort of barter
15 taking place, an exchange, and they would cross over with these looted items. As
16 they were withdrawing they crossed over with a lot of looted items and those items
17 were stored up at the port, at the beach, and all the looted items which were
18 transported in vehicles were carried over to the other side of the river, bicycles,
19 mattresses, and as Mustapha himself said, he said the children were going home and
20 they had to go home with the property that they were able to acquire in the field.

21 Q. This morning you said, I believe, that at some point Mustapha told the soldiers
22 that they had to bring the looted property to him in the first instance and he was
23 going to distribute these items. Where did the soldiers have to take these items to
24 for distribution by Mustapha?

25 A. This was in PK12. I think it was in PK12. The rank and file soldiers who were

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 carrying out the looting and bringing in the war booty had to present that booty to the
2 officers, but the soldiers did not present all the items they had looted. You know,
3 these are soldiers we are talking about and they would hide some of the items.
4 However, they would present certain items of value and he himself would choose
5 items of value. For example, he would say, "You can take such-and-such a thing.
6 You take such-and-such a property or item to my home and the rest of it you share
7 out to the children."

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. You did mention here an incident that took place in Mongoumba. I would like
12 us to revisit that incident for a while, for a few minutes. I would like to ask you not
13 to repeat the entire account that you gave us a short while ago because it has been
14 recorded already.

15 You said that Mustapha was aware that a riverboat had been attacked, a riverboat
16 containing items belonging to himself and to his wife. That is what you said here in
17 this courtroom. You also said that Kamisi then went to Mongoumba, and you said
18 they carried out a lot of atrocities. I would like to return to that point because we are
19 discussing pillaging and other atrocities committed.

20 Could you please tell us, to the best of your knowledge, what atrocities were
21 perpetrated in Mongoumba?

22 A. I was not present there on site. These events were related to me on two
23 occasions or three occasions by someone else. He sent his wife to Dongo with a
24 riverboat to buy certain products. His wife had on her the sum of 3 million CFA
25 francs. When you travel with a riverboat, the crew or the passengers of the riverboat

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 have to stop in Mongoumba absolutely in order to undergo control or inspection.
2 In the motor boat there were weapons as well, because these were MLC soldiers sent
3 by their boss. When they arrived at Mongoumba, police officers and gendarme
4 officers who saw this became angry, and they said "This is our property. This is
5 property which belongs to our compatriots." And they started arguing, they started
6 quarrelling.
7 They took the property because they were greater in number. They succeeded,
8 therefore, in seizing the property as well as the money. They even detained some of
9 the passengers of the riverboat. And one of the soldiers succeeded in reaching
10 Libenge, and he brought the information, he gave information. And the people of
11 Libenge informed Kamisi of the event, who was in Zongo.
12 When Kamisi learnt about this, he was in Zongo. Kamisi, therefore, called Mustapha
13 in Bossembélé. (Redacted) Hence, Mustapha called his boss in
14 Gbadolite and told him -- or, rather, he gave him the instruction to go and clean up
15 the area, quote-unquote. (Redacted) He called Kamisi, and the radio
16 operator had already given him the same information. He asked him to prepare the
17 children for an operation, a punitive operation.
18 When they got ready, they took soldiers, they took weapons, they took a riverboat.
19 And, at night, they arrived at about 3 a.m., in the early hours of the morning, and they
20 started their operations. They started looting the police headquarters, close to the
21 river, because the police and gendarmerie headquarters were located near the river.
22 They started searching the headquarters. They went into the homes of private
23 individuals, looting the homes and raping the women. This information was given
24 to me by others. They went to the bishop's house; they took his Suzuki vehicle.
25 They looted shops, they looted stores in Mongoumba.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 They took the red Suzuki vehicle and crossed the river with it to their home, and one
2 of the vehicles had a road accident. The driver hit something with the vehicle and he
3 died in the accident. (Redacted)

4 (Redacted) he told me that not more than ten women were
5 raped. I do remember that correctly.

6 Q. A short while ago I asked you a question about the looted items that you were
7 able to obtain. At that time, I did not remember the reference. But this morning,
8 when we were talking about communication and telephones, I think I remember you
9 saying that you bought a telephone for the sum of 5,000 francs (Redacted)
10 (Redacted) That is what I was referring to. From who did you
11 buy this telephone for the sum of 5,000 francs?

12 A. I bought the telephone from the soldiers, those who were looting the houses.

13 Q. Do you mean that this telephone was looted property?

14 A. Yes. One of the telephones, (Redacted) was not stolen
15 property. When they just arrived, they were issued with telephone sets. Mr Brown
16 maintained contact with an army officer, and he brought a carton full of telephones.
17 And these were Alcatel phones, blue in colour, and these telephones were distributed
18 to them.

19 Q. Do you know who distributed the telephones?

20 A. The officer who brought the carton full of telephones was accompanied by
21 Brown. He gave the telephones to Mustapha, and it was Mustapha who then
22 distributed the phones. He sent some to Kamisi. I don't know if he also sent some
23 to Sege; I really don't know.

24 Q. Still with regard to looting, you talked about a vehicle belonging to an
25 ambassador, a vehicle confiscated at some point in time by Mustapha. Do you know

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 what became of the vehicle at the end?

2 A. You know, it's a long story. The owners of these vehicles, who went to
3 negotiate to get back the vehicle belonging to the Moroccan embassy, well, Mustapha
4 refused to give back the vehicle. Mustapha took the vehicle to Maximum Café and
5 its colour was changed. They painted it blue. At the time he was withdrawing, he
6 crossed the river with the vehicle. (Redacted)

7 Q. Do you know what happened to the vehicle afterwards, after they crossed over
8 with it?

9 A. When they crossed over with the vehicle, Mr Jean-Pierre Bemba asked for the
10 vehicle. Mustapha did not want to send the vehicle there. He put his name on the
11 vehicle, and all the inhabitants of Zongo are aware of this. He wrote his name
12 "Mustapha mpe moto mopao (phon) makonzi (phon)," which means Mustapha is
13 somebody as well.

14 Q. And do you know why he wrote that on the vehicle?

15 A. I just told you that he was angry, he did not want to let the vehicle go there, and
16 that is why he wrote that statement on the vehicle. All inhabitants of Zongo are
17 aware of these events that I'm narrating to you. I did not cross the river, but this
18 information was given to me by someone that Mustapha used to send to Bangui to do
19 shopping; (Redacted)

20 Q. To the best of your knowledge, was that vehicle the only one that was requested
21 by Jean-Pierre Bemba or were there other vehicles as well which had arrived or come
22 from Bangui?

23 A. The vehicles were sent to Gbadolite. (Redacted)

24 (Redacted) who informed me that the vehicles

25 were distributed to ministers, that is what he told me.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Did you -- he give you an idea of the number of vehicles he was talking about,
2 how many vehicles approximately?

3 A. No, he did not give me a figure. He did not talk about Sege's vehicle, because
4 Sege kept his vehicle; and his vehicle was en route, or on the way, to Gemena. And
5 right up to this moment as I speak, he still has the vehicle.

6 THE INTERPRETER: The Sango interpreter would like to add: "That vehicle is in a
7 state of disrepair, it's no longer running, and it is parked on or along the road leading
8 to Gemena."

9 MR BADIBANGA: (Interpretation)

10 Q. Two more questions on that topic. The looting you're talking about, did it take
11 place in all the towns that you indicated on the map, towns in which MLC troops
12 were stationed?

13 A. Yes, they did that. They began at PK12 and did it in all those places. At the
14 time there were soldiers who were arrested. How did that happen? When coming
15 back from Sege, they were leaving Bossangoa to return. I've forgotten who their
16 commander was, but he was the one who would carry out patrols, because they took
17 over houses that belonged to private individuals and they occupied them.

18 He discovered a soldier in front of a door and had a radio in his hands and he said to
19 him, "What are you waiting for there?" And the soldier wanted to defend himself.

20 He said, "Go on, speak out. That's a door. Don't move." So he went inside the
21 house, and in the house he met another soldier who was lying on top of a mama and
22 he shouted at him, "Get out." He told the person who was outside to hit the person
23 who was inside, to hit him time and time again, and that's what he did. He struck
24 him. He whipped him viciously, and the person that was receiving those blows on
25 the receiving end said to the other one who was whipping him, "But you're the one

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 who started. Why do you want to kill me now?"

2 The commander asked him to stop, "Oh, is that the case? You're the one who
3 started?" And so he called yet another one to hit the second. They were sent to
4 Mustapha. (Redacted)

5 (Redacted)

6 (Redacted) and after that incident they were freed. They were released.

7 Q. You just said, page 66 of the transcript, line 10, "He went inside the house and in
8 this house he met another soldier who was lying on a mama." Can you explain
9 exactly what you mean by that?

10 A. Well, he was sleeping with that woman.

11 Q. Was this a relationship to which the woman had consented?

12 A. Well, Mr Prosecutor, just try to imagine two people, one begins, he goes in and
13 comes out again and he waits in front of the front door, and that is the one the
14 commander had discovered in front of the door. But if this relationship had been
15 one consented to, things wouldn't have happened in that way.

16 Q. Thank you, Witness. What we are trying to do here is to fully understand
17 what you know about and we try to be sure that the clearest possible information is
18 conveyed here and that means that, from time to time, we ask you questions that
19 might seem obvious to you but are nonetheless very important for the case file. So
20 here I must ask you: What could you gather about what was going on between these
21 soldiers and that woman?

22 A. He was sleeping with this woman.

23 Q. I'm sorry, I have to return to this point. He was, or they were, sleeping with
24 this woman. Now, according to what they themselves said, or according to what
25 that woman said, would it appear that the relationship was one to which the parties

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 had consented to or not?

2 A. I understand. So I'm going to restate what I already said, that before you sleep
3 with a woman, generally, you need to generally negotiate or come to an agreement.
4 Now, just imagine two women -- two men going after an elderly, an older woman.
5 Well, they behaved towards her in a way that is surely one where she did not consent.

6 Q. Did you see those two soldiers?

7 A. Yes, I saw them and that is why I said that they were whipped and taken to
8 Mustapha. They were released after a week. (Redacted)

9 (Redacted)

10 (Redacted) He was arrested, but because he was suspected of being an accomplice of
11 Bozizé's soldiers, just looking at him, it was -- you couldn't recognise him. He had
12 been battered. And fortunately, (Redacted)

13 (Redacted)

14 He was completely black and blue, and (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) he asked for the release of this

21 man and the man was indeed freed. (Redacted)

22 (Redacted) and a feast was organised. Unfortunately, he didn't recover all of his faculties.

23 Q. Now, these two soldiers that had this non-consensual intercourse with this
24 woman, do you know whether they had any weapons on them when they were
25 involved in that?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. I didn't attend to that. I am afraid I can't answer you.

2 Q. Page 30 of the English version, lines 21 and 22. No, I'm sorry, I've made a
3 mistake. Let me just check this later on. At one point in time you talked about a
4 young girl who was around 15 years old, if I'm not mistaken, and who had been
5 found beneath a mango tree, and you said she was taken into a house and that a man
6 came out, a soldier came out to look for cardboard boxes, and two Lingala
7 expressions were used. What happened with this young woman, young girl, inside
8 the house? Do you know what happened inside?

9 THE INTERPRETER: Interpreter's correction: Earlier on, the person didn't recover
10 his belongings, not his faculties.

11 THE WITNESS: (Interpretation) I just spoke to you about mama. She was
12 subjected to the same thing. In other words, the first one went inside the house, and
13 once he'd finished with the girl, he came out to say, "It's okay." Another one went in.
14 Then he came out again and the first said to him "libabe," which means "bad luck."
15 The third person, too, said, "Well, me too. I want to experience a bit of bad luck."
16 He went inside and came out again. But the girl took some time before she came
17 out.

18 Q. Yes, we fully understand that you were outside, that they went inside and then
19 they came out again. What I wanted to know is whether later on you discovered,
20 either from what the soldiers themselves said or else what the girl herself said,
21 whether you found out what happened inside the house.

22 A. They slept with her.

23 Q. I have to ask you this question too. From what you were able to discover, or
24 from what you know, was this a consensual relationship?

25 A. By no means. She was forced to do so. How can I say this? These three

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 men - these three soldiers - were armed. What could she do? What could she say?

2 Q. On those two occasions were these soldiers shameful, uneasy, about what they
3 were doing? Was this something they wanted to hide, or did they do so outwardly?

4 A. I asked that question and I was told that I should look after my own business
5 and it was none of my business. I didn't give them any answer to that and I didn't
6 even speak to their superiors about this. I couldn't take the risk of talking to him
7 about this.

8 Q. Were you aware of other rape incidents in the various locations which you
9 travelled to and where MLC soldiers were?

10 A. Yes. In Damara, (Redacted) that was after the events,
11 after the retreat, the withdrawal. There was a woman there who -- who had been
12 scolded, or blamed, by the young children that were selling me cassava. They said,
13 "She's lost." And I said, "Why, what's going on?" And they said, "How is it that
14 you don't know about her?" And I think that, because of my accent and my manner,
15 they knew that I was a foreigner. Foreigners were recognised by their accent, when
16 they spoke Sango, and so they asked me, "Who are you?", and I answered that I was
17 Sudanese and they said, "Oh, I see. This woman has AIDS. She was raped by six
18 Banyamulengue and her husband has repudiated her." I saw this myself, but since I
19 didn't want to enter into the details of this I kept quiet.

20 Q. You just said that this happened in Damara. Could you just remind me: The
21 young woman - the young girl - who was under the mango tree, what city was that?

22 A. Bossangoa. It was at the market. The Bossangoa market.

23 Q. Were there any other instances of rape in other cities, places that you
24 remember?

25 A. At PK12, if I recollect correctly, there were soldiers that were playing music.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 The commander called one of those soldiers and the soldier that came forward and
2 went, well, I was alone in front of the house, about 50 metres away from Mustapha's
3 home. I was walking in that area and a little while later I heard a noise. Now, what
4 had happened? Well, in fact this was the soldier that had been called and who had
5 been with his girlfriend. In the meantime, a soldier had followed the young girl and
6 raped her in the house. He was called and he took his weapon and those two
7 soldiers had a quarrel, and in view of the situation I decided to take shelter. I
8 decided to go. So perhaps for some I did forget, but as to what happened in
9 Mongoumba I heard about it, I saw what happened in Bossangoa, but other cases of
10 rape, no, I don't know about them.

11 Q. When we were talking about looting, I asked you whether any MLC officers
12 were involved. I'd like to ask you the same question relating to rape. Do you know
13 if any officers, or high-ranking soldiers, were involved in cases of rape?

14 A. I am not aware of anything of this sort.

15 Q. When the MLC troops were withdrawn, you talked about 7, 9, 10 March and
16 finally 15 March. Now, during that period, were any rapes perpetrated?

17 A. No. In any case, I didn't see any.

18 Q. Now, on the other hand, while those troops were in the process of retreating,
19 was the population present? Did they attend to the departure? Were there any
20 exchanges between the MLC troops that were retreating and the civilian population?

21 A. In the bush, no. It was difficult to see the population and most of them went
22 out into the bush. In Bangui, however, there were some of the inhabitants of the
23 neighbourhoods involved in their day-to-day activities, that was on 14th or 15th
24 of -- when the situation was extremely tense, but in spite of that men would go out
25 and attend to their own business.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 But there is one thing. The officers -- the officers had their own trusted men, such as
2 Kamisi. (Redacted) They
3 were the ones who would know much more about this.

4 Q. One last question before we end, or the last two questions before we end. You
5 earlier on mentioned someone called René, saying that René, who has passed
6 away -- who passed away during those events. Now, is René the only officer that
7 you know who died during this period, during those events?

8 A. René was a squadron member. He was the person chosen to go and get money
9 at the presidency. There was another one called Aboma (phon). The soldiers spoke
10 to us about them. Sometimes they would go to the Presidency and they would be
11 given a sum, like 4 million, but in front of Mustapha they would say that they had
12 been given 20. But we could see them making purchases, sheet metal, other things,
13 objects, and then they would take them back through Zongo because they were
14 building a house. Mustapha was aware of all this.

15 THE INTERPRETER: Interpreters correction: Not squadron member, but S4 earlier
16 on.

17 THE WITNESS: (Interpretation) One day Mustapha told him, "You have to go to
18 the front." Sege wanted to take control of Bossangoa, and seven kilometres from
19 there he was killed. He was killed by a rocket launcher. There was a soldier named
20 Roy who was asked, "What exactly were the circumstances surrounding the death of
21 René?" They were together.

22 The rebels were pushed back and after that they ate together and when they wanted
23 to get up to go, René was sitting there and he was the one who was killed by the
24 rocket. His body was taken back to Bangui. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted) a tribute was paid to René's body. His body was taken to Zongo,
2 and when a request was made to take the body to Bangui for the military honours,
3 that was refused but René was buried near Zongo in a small village, and I remember,
4 no, Damara.

5 MR BADIBANGA: (Interpretation) Thank you very much, Witness. We'll stop at
6 this point.

7 Madam President, we have finished for today.

8 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. We will stop
9 now. You can go to your hotel, take some rest. We will continue tomorrow
10 morning at 9.30 in the morning. I ask, please court officer, to accompany the witness
11 outside the courtroom.

12 (The witness stands down)

13 PRESIDING JUDGE STEINER: Before we adjourn, I just would like to call the
14 Prosecution's attention for the pace of the questioning. We, the Chamber is a little
15 bit concerned that there are still many important points in the witness statement,
16 statements, that were not even touched upon and the Chamber would very much
17 appreciate if the Prosecution finishes its questioning on the time allocated in the
18 beginning of this part of the hearing in relation to this witness.

19 I would like to thank very much the interpreters, to the court reporters. Thank very
20 much the Prosecution team, the legal representatives of victims, the Defence team,
21 Mr Jean-Pierre Bemba Gombo. We are going to adjourn now and resume tomorrow
22 morning at 9.30 in this very same Courtroom 1. This hearing is adjourned.

23 THE COURT OFFICER: All rise.

24 (The hearing ends in closed session at 4.04 p.m.) Reclassified as Open session

25 RECLASSIFICATION REPORT

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

- 1 Pursuant to Trial Chamber III's Orders, ICC-01/05-01/08-2223 and
- 2 ICC-01/05-01/08-3038 and its instructions in the email dated 9 May 2014, the version
- 3 of the transcript with its redactions becomes Public
- 4