

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Thursday, 1 September 2011

8 (The hearing starts in open session at 9.33 p.m.)

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

10 Please be seated.

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

12 in open session.

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

14 case.

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

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

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and I

18 welcome the Prosecution team, legal representatives of victims, Defence team,

19 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court

20 reporters.

21 We will continue today with the testimony of Witness 178 and I ask, please, the court

22 officer to turn into closed session in order for the witness to be brought into the

23 courtroom.

24 *(Closed session at 9.35 p.m.) Reclassified as Open session

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

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (The witness enters the courtroom)

2 WITNESS: CAR-OTP-PPPP-0178 (On former oath)

3 (The witness speaks French)

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

5 (Open session at 9.37 p.m.)

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

7 PRESIDING JUDGE STEINER: Thank you.

8 Good morning, Mr Witness.

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

10 PRESIDING JUDGE STEINER: You are very welcome back. I hope you are feeling
11 well and ready to continue to give your testimony before this Court?

12 THE WITNESS: (Interpretation) Yes, I am very happy to see you once again and,
13 of course, I'm available to answer any questions.

14 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to the Prosecution,
15 I need to remind you that you are still under oath. Do you understand that?

16 THE WITNESS: (Interpretation) Yes, of course.

17 PRESIDING JUDGE STEINER: I also want to remind you that you are under
18 protective measures, that your voice and image that are broadcast outside the
19 courtroom are being distorted so that the public cannot identify you, but in order to
20 keep the protection of your identity from the public it is important, Mr Witness, that
21 during public or open sessions you don't give any information that could lead to your
22 identification such as your profession, your meetings with persons or individuals A, B
23 and C, this kind of information. If you need to give to the Chamber, we go into
24 private session. In private session you can feel free to speak, because the public
25 cannot hear you. Do you understand that, sir?

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) Yes, your Honour, I do.

2 PRESIDING JUDGE STEINER: So let's continue then with your testimony, and I
3 give the floor to Maître Badibanga.

4 MR BADIBANGA: (Interpretation) Thank you, your Honour. Good morning to
5 your Honours.

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

7 Q. Good morning, Mr Witness. I hope you are well?

8 A. Yes. Good morning, Prosecutor. I am well.

9 Q. When we went our own ways the day before yesterday, we were talking about
10 the abuses and we began with the pillaging, with the looting. I would like detail on
11 this topic. You talked about several places where looting took place and concerning
12 the vehicles that Mustapha had seized you said that he had gotten hold of a Galloper,
13 a jeep, a PJ55 van and a Suzuki and that Suzuki was looted from Mongoumba.
14 Your Honour, the reference is transcript 150 of 30 August. In the French version I
15 am talking about page 76.

16 So, Witness, you know where the Suzuki was taken from. It was in Mongoumba.
17 Do you also know where the other vehicles came from that you say were taken by
18 Mustapha? What towns were these vehicles looted from?

19 A. Thank you, Prosecutor. Yesterday, since it was the first time I had come into
20 this courtroom, it's not that I am frightened, but I wasn't used to the courtroom and
21 then, later on, I calmed down and realised how things were working here.

22 Now, instead of going backwards, I shall try and go forwards concerning the details
23 and I'll try, as it were, to categorise the crimes such as rape, looting, crimes against
24 humanity, war crimes. So I shall now give you the complete list of the main players
25 involved who carried out the actions in the Central African Republic.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Now, to answer your question now, I think you wanted to know about the objects
2 that were looted and where they were looted from. Now, to begin, if we start with
3 looting, at the support regiment all the way to PK12 they - I mean, Mr Mustapha, the
4 commander, and René, Major Kamisi - well, they looted and I will give you a list:
5 Mustapha, a Galloper, a blue Galloper; René had a four-by-four blue vehicle; Kamisi
6 had a pick-up truck.
7 Now, of course, nine years have gone by and I think the colour was white, reddish. I
8 may be confused about the colour, because it's been a long time, but in any case it was
9 a pick-up truck with a forward cabin. That was -- that took place between the
10 support regiment, or rather the city, because the support regiment is slightly further
11 on, and PK12.
12 So much for the officers. As for the junior officers, the lieutenants, the captains and
13 the majors, as well as the junior officers, they looted household appliances, amongst
14 other things. We are now at PK12. They set up base at PK12 and opposite their
15 camp there is a school, the Begoua school. Behind that school they looted household
16 appliances, and when I say "household appliances" that covers several things: Foam
17 mattresses, sewing machines, everything that is to be found in a home.
18 Now, on the road, or rather staying in PK12, when you go from PK12 to PK13, what
19 they looted there, and I am talking here about -- well, the house of Mr Thomas, who
20 was one of the authorising officers at the time of Patassé, from there they took away
21 armchairs, TVs, plus 180,000 francs. On the road to Damara --
22 Q. I am sorry to interrupt you, Witness. Now, your answer is really exhaustive, it
23 is perfect, but you had already provided us with some of that data during the
24 previous hearing and I don't want to over-tire you by asking you very minute detail
25 for each and every point, or each and every kilometre, because I do believe that the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 information you have already given us has -- is already very useful.

2 Now, I want to take some time about the vehicles, because it is visible important

3 goods, and you also mentioned the fact that the officers were involved, so I wanted to

4 see with you whether you knew from where those vehicles were looted and you

5 began by answering this question quite suitably, saying that at PK12 they

6 looted -- well, Mustapha a blue Galloper, René a double four-by-four, double cabin

7 four-by-four vehicle and a third vehicle was a pick-up truck, Kamisi.

8 I'm not going to ask you to talk about radio sets and foam mattresses, and so on and

9 so forth. It was very clear from what you were saying what had happened. Were

10 there any other vehicles that you remember were looted from any particular place?

11 Mongoumba, you have already mentioned it. This is what I want to know. We

12 know about Mongoumba, PK12. Are there any other places where vehicles were

13 looted?

14 A. Thank you, Prosecutor. In Mongoumba there was a Suzuki four-by-four red

15 vehicle, plus a passenger car. In Bossembélé they had taken a car - a blue car - and

16 what I would like to get across to you about these large vehicles that were looted is

17 this: The vehicles that they were given for the purpose of conducting the operations,

18 they were public property, large military vehicles.

19 On 15 September, or rather 15 March, they had brought across nearly all of those large

20 vehicles and I don't know the owners of these, but there were also other civilian large

21 vehicles. This is what I saw with my own eyes. I saw two of these large vehicles

22 and the military vehicles, well, there were two or three of them as well as a number of

23 vans that I saw coming across. I don't know how long it took, but I don't know

24 where they came from exactly, but I did see them going across with my own eyes.

25 Yes, now I remember. It was between (Redacted). That was the time when

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Mustapha was bringing across all those vehicles behind Hotel Bangui and I was there
2 myself. Security was taken care of by the Banyamulengue with Mustapha and the
3 people were there too to look and a ferry had been brought that would come and go
4 across and it was the one that would carry all those goods and I said 15 March, but
5 that should be corrected. It was between (Redacted) because I was there in
6 person when they took all those vehicles across that -- Mustapha's vehicle and
7 Kamisi's and who else? Yes, Kamisi, their vehicles were taken across on 15 March
8 and Mustapha's deputies kept their vehicles a little longer, but the large, the heavy
9 duty vehicles had already been taken across.

10 As for the Mongoumba vehicle, it was taken across on two canoes, side by side, and
11 that's how they took them across. This was information I was given (Redacted)
12 (Redacted). That is -- I wondered how they could bring across
13 the two vehicles, the Suzuki and the passenger car, and they told me that they had
14 put them on two canoes, two wheels on one canoe and two wheels on the other, so as
15 to carry them across.

16 Q. The Mongoumba vehicle, was it a military or a civilian vehicle?

17 A. It was a civilian vehicle.

18 Q. And when you saw with your very own eyes between (Redacted) these
19 vehicles going across, how many civilian vehicles were involved on that day being
20 carried across?

21 A. There were several civilian cars, as I already pointed out. I wasn't able to count
22 them, but what I do remember is that there were two large vehicles, civilian vehicles
23 and military vehicles that Mr Ange-Félix Patassé had given to them to travel about,
24 and all those vehicles had -- all those military vehicles were taken across.

25 Q. We shall go on to a different topic now. As you said, I tried to organise my

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 questions under subject matters. We are going to talk about rape now, because you
2 told us that you were aware of some rape having been perpetrated by the MLC
3 soldiers. So could you tell us what you know about rapes that allegedly were
4 committed by MLC soldiers? Don't remember -- don't say how you got the
5 information, because you might be able to be identified. We shall go back to that
6 during private session. For the time being, just describe the events?

7 A. Thank you, Prosecutor. From the town to PK12, there was a white woman; she
8 was a Belgian. She was raped. I can give you details later on about what happened
9 to her. She was a white woman who was raped between the town and PK12. She
10 lived (Redacted). Then there were several other rapes and the Central African
11 nationals would complain about those and I think your team has probably carried out
12 investigations and know more about this but at PK12, behind the Begoua school, quite
13 a few young girls, little girls, were raped.

14 Still again at PK12 there is a police station, and because of their barbarian conduct the
15 policemen couldn't stand it and left, and that is where several rapes took place and let
16 me explain this.

17 This was the only way of going into the forest and fleeing to hide, and the
18 Banyamulengue would stop them, take them inside the police premises to commit
19 rapes. It was as if it was a hotel, or something like that.

20 At P13 there was a wife of a certain Thomas, I already mentioned she was raped. He
21 was an authorising officer at the time of Patassé. There was a girl of 12 who was
22 raped and a few days later she passed away, and once again at PK13 the wife of a
23 Nigerian, I had written from Niger, but there are -- tends to be this confusion, but in
24 fact he was a Nigerian and so his wife was raped at PK12 I think. Well, yes, at PK12.
25 Well, between PK12 and Damara, along the whole way there had been several cases

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 of rape, and I mentioned this in my statement. When I took the taxis, the
2 women -- well, I won't go into the detail, but from PK12 to Damara several rapes took
3 place on the road towards Cameroon, and specifically at Bossangoa several rapes took
4 place. I think -- I think it was Bossangoa. Several rapes took place there, and when
5 you ask me further questions I will be able to give you the details.

6 I don't know whether I have remembered -- I have forgotten something, but as things
7 go on I can supplement on that if I remember them as we go along. I can write them
8 down as we go along.

9 Q. When you began to speak, you referred to PK12 and you talked about the police
10 station there. Let me ask you which police station was this? What was the
11 nationality of the gendarmes?

12 A. The gendarmes were Central African nationals. When you go to PK12 there is
13 a barrier, and before you go through that barrier on the right there's a station. It still
14 exists today. It's a gendarmerie station and it is a Central African Republic station.

15 Q. While you were giving your answer, which was fairly detailed, you said there
16 were rapes, there were rapes, there were rapes and you mentioned victims. Could
17 you tell us, as far as you know, who perpetrated those rapes? Who were the
18 perpetrators?

19 A. Thank you, Prosecutor, for your question. Well, to be specific, I think before
20 there -- an application was -- a complaint was made here before the ICC - i.e., the
21 complaint against Jean-Pierre Bemba - we all followed on the radio the death and the
22 fact that the Belgian woman had been raped, had died, and the perpetrator was
23 Jean-Denis. He was Mustapha's driver. I will stop there. Perhaps you'll ask me
24 questions about how I found out about this and I will be able to answer that.

25 But as for PK12, the military, the Banyamulengue who were there, it was as if to vent

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 their impulses. If they came across some woman as they were wandering around
2 they would try and get her. At PK13, I went there with somebody (Redacted)
3 (Redacted), a Banyamulengue, told me -- showed
4 me the house where the 12-year-old girl had been raped, the girl who died a few days
5 later, and not far from where that little girl had been, not far, just eight, nine, ten
6 metres, the Nigerian woman was raped.

7 So all of that information was provided to me by (Redacted).

8 Then the rest was from the Banyamulengue themselves, because they didn't keep any
9 secrets. They just got me to understand and they talked to me about the rapes.

10 Thank you, Mr Prosecutor.

11 Q. Do you know what became of Mr Jean-Denis whom you just mentioned and
12 said was Mustapha's driver? Was he ever punished? Was anything ever done to
13 him?

14 A. I do not think so. Those crimes, rape, went unpunished, and throughout my
15 explanations, I have consistently told you that there was no measure, no sanctions, no
16 punishment against them. (Redacted) and these people were not
17 punished. Denis himself glorified himself for having slept with a white woman, and
18 for him it was indeed a point of honour. He felt honoured and he boasted about it
19 himself at PK12.

20 Q. As he boasted of this, do you know whether Mustapha himself became aware of
21 what Jean-Denis had done?

22 A. Even the foot soldiers, everybody knew that it was Jean-Denis who had fucked
23 the white woman, and I would want to put on record that everybody knew that it is
24 Jean-Denis who had fucked. And when I say "fucked," I mean who had had sexual
25 relations with the white woman.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Generally speaking, did the bosses or the hierarchical superiors - such as
2 Mustapha and his deputies - were they aware of the rapes committed by the soldiers,
3 the rapes that you have talked to us about? Were the officials of the MLC on the
4 ground aware that such things were going on?

5 A. Rapes, crimes, theft, all of those things did not happen in secret. Everybody or
6 everyone in Bangui was complaining about those things and wondering where
7 Patassé had gone to fetch those Bemba's people. Everybody knew what was going
8 on and the impunity that went with it. Mustapha was aware, and I believe that if
9 Mustapha was aware and knew what was going on then Mr Jean-Pierre Bemba must
10 also have known that his troops were messing up in the Central African Republic.

11 Q. Apart from Jean-Denis, Mustapha's driver, did you hear mention of any officers
12 being involved in acts of rape?

13 A. Yes. I believe that in the army, when one is a lieutenant one is an officer. So
14 Coup-Par-Coup, Lieutenant Coup-Par-Coup, also raped at Damara, raped someone at
15 Damara.

16 Q. A last question about rape. Now, I had put it to you explicitly whether
17 Jean-Denis had been punished for the rape he had committed. Now, I want to
18 expand that question to cover the other soldiers. Were any other soldiers punished
19 for committing acts of rape during that period?

20 A. No case comes to mind and I do not believe any of them was punished.

21 Q. Maybe we can move on, except you have any additional information on rapes
22 that you want to bring to the attention of the Court? Otherwise, we will move on to
23 the next segment which will deal with killings.

24 Madam President, I would like to take two small minutes for a private session and
25 deal with one or two issues.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 PRESIDING JUDGE STEINER: Court officer, please.

2 *(Private session at 10.09 a.m.) Reclassified as Open session

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

4 MR BADIBANGA: (Interpretation)

5 Q. Mr Witness, now you have understood how we are proceeding, and this is the
6 time for you to tell us how you became aware of this information. You talked about
7 different areas where rape was committed, and I now want you to tell the Court how
8 you became aware of this information.

9 A. Thank you, Mr Prosecutor. In order to proceed properly, I would like to ask
10 you to mention the names and then I will provide an explanation so that we can move
11 forward faster.

12 Q. No difficulty with that. So let us proceed in that manner, if that is what would
13 be convenient for you. You started by mentioning Jean-Denis as the first rapist.
14 That was the first rape you mentioned. Can you tell us how you became aware of it?
15 Well, you said that he boasted about it himself and maybe we can take that to be the
16 answer to my question; namely, that he boasted of having raped a white woman.
17 How did you become aware that he was involved in other cases of rape since that was
18 your testimony? How did you become aware of that?

19 A. Mr Prosecutor, yes, for Jean-Denis's case as you have just said I stated in open
20 session for everybody to hear that this is what he did. Now, a short while ago you
21 also mentioned something and I want to repeat that it is not very difficult to
22 understand all these things.

23 These were soldiers who had no scruples, they had no discretion, no rules of ethics.

24 All that happened was that if anybody stole something, for example, and was asked

25 "Where did you get this?", he would say "I stole it." He would talk to his friends

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 about it and tell them "I stole this item," or "I stole that item."

2 So during the proceedings I will continue to tell you that these people were soldiers

3 who had no secrets, they had no scruples. They didn't hide anything that they had

4 been involved in. They talked about those things to their commander and to

5 whoever. Because they were not punished, there was no prison for Banyamulengues

6 in the Central African Republic and if there had been any prison during these

7 proceedings I dare anyone to challenge me on that point and then we will deal with

8 the other issues as they arise.

9 Q. Did you find out about the rapes committed at PK12 and at the Begoua school

10 in the same manner, namely, by the way they spoke about it in general terms, or did

11 any specific or particular soldier talk to you about those cases of rape?

12 A. Thank you, Mr Prosecutor. They had spent a few days at PK12, some time I

13 would say at PK12, and there were at least three large houses at PK12, one being the

14 headquarters in which Mustapha lived, and the other was occupied by René and

15 Major Sengue and the others were in another house. So those persons were

16 occupying the three large houses that were opposite the football field, and Mustapha

17 used to live in the yellow house.

18 I told you that opposite those houses there was a field, and next to the field was a

19 tarmac road and if one went across the tarmac road one would get to the Begoua

20 school and behind that school there was a place where people went to relieve

21 themselves. And when I say "relieve themselves," it was not -- or vent their impulses,

22 it was not a matter of going to answer nature's call, but rather to grab and rape young

23 girls.

24 How did I know about this? They said when they wanted to go and fuck, they

25 would say that they are going across and when they go across they would find a girl

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 and then they will sleep with her. And when they come back, they will say "Oh, I
2 was over there and I slept with a girl," and that was the way they raped. They raped
3 so many people, Mr Prosecutor, in that manner and they talked about it.

4 Q. You talked about the young girl and said that it is (Redacted)
5 (Redacted). Can you tell us a little more about that young girl?

6 A. Thank you, Mr Prosecutor. One thing that I feel sorry about, and I am sorry
7 about it today, is that I do not know the name of (Redacted).

8 It is Mr Mustapha (Redacted)

9 (Redacted). And although we are in private session, let
10 me say that these are issues that we can talk about and what happened actually is that
11 when we were going he showed me the house, and to this day I know that house, the
12 house of that 12-year-old girl who was raped and who died a few days after.

13 (Redacted) knew that the girl had died so, Mr Prosecutor,
14 can you imagine that this thing happened between 5 and 7 November, and I went
15 there between 12 and 17 November, so it was a very short time before the girl died.
16 If it happened on the 5th, then she must have died on the 8th, the 9th or the 10th. If
17 it happened on the 7th, it would have -- she would have died on more or less the
18 same dates. So, Mr Prosecutor, those are the additional details I can provide on that
19 case.

20 Q. A last clarification on the manner in which you became aware of that
21 information. If we look at line 14, page 9 of the French transcript of today, this is
22 what you said: "When I was in the taxis, the women showed me the location
23 between PK12 and Damara". Now, what were the women showing you? Can you
24 provide further details?

25 A. Yes, thank you for those details, Mr Prosecutor. I am happy that you are

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 helping me to enable us to move forward and by taking point by point I am going to
2 provide some additional details.

3 I went to Damara three times and whenever I went to Damara I would go by taxi, or a
4 bush taxi. Some of you may wonder what is a bush taxi? A taxi - a bush taxi - is an
5 ordinary vehicle that has been modified so that it can have a carriage and where the
6 driver sits they are able to take in three additional people. So you have four persons
7 in the front of the vehicle and four in the back seats.

8 And then in the back boot, and above the vehicle itself, there is a carriage, and so you
9 have an ordinary small vehicle that can carry some 20 or more persons. (Redacted)

10 (Redacted) in a suit when I went to see them and whenever I travelled I
11 was lucky enough to have a seat in the front of the car with the driver.

12 Now, along the way it is true that I speak Sango, but if I have to speak Sango for a
13 long time people can see or notice that my accent is more Congolese. So along the
14 way, as people were talking about this and that, I was part of those conversations and
15 the ladies in the taxi were talking about the cases of rape that had been committed by
16 the Banyamulengue. During those trips, I became aware more and more from these
17 lady traders, who would be going to buy goods to sell in Bangui, I would find out a
18 lot of things and I would laugh along with them so that I could identify with what
19 they were saying and that is how I became aware of some of these things between
20 those trips from PK12 to Damara, and they talked about how the Banyamulengue had
21 looted and raped girls.

22 Q. Thank you, Mr Witness. Except you have any additional information on the
23 rapes, I think I am done with that line of questioning and we could move back to
24 open session.

25 A. As I said a short while ago, if I do remember something I will jot it down and I

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 will notify you.

2 MR BADIBANGA: (Interpretation) Madam President, can we revert to open
3 session.

4 PRESIDING JUDGE STEINER: Court officer, please.

5 (Open session at 10.21 a.m.)

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

7 MR BADIBANGA: (Interpretation)

8 Q. Mr Witness, if it is fine with you, let us now talk about the murders and the
9 killings, killings by the MLC soldiers, of civilians. Since you have already mentioned
10 it, let me still put it to you: Have you heard mention of death or murders committed
11 by MLC soldiers and, if yes, under what circumstances and were you present at any
12 such incidents?

13 A. To be present, no, no. I say "no" because those things happened when they
14 were carrying out their operations and as a civilian I could not be present. When
15 they finished their operations and came back to town and needed something they
16 would call for me (Redacted). So in my statement I mentioned a number
17 of crimes and I became aware of these crimes through them directly.
18 You see, from the support regiment up to PK12 there is a market known as the
19 Gobongo market, and a nine-year-old child was killed by one of Mustapha's drivers.
20 Mustapha did not have only one driver, he had several drivers, four or five, when I
21 say "several" or many.

22 Now, as for the names, I might remember one or two names and I remember one or
23 two faces of the other drivers. So those drivers would go from town to PK12 at full
24 speed and, as they sped along, a nine-year-old child was killed, and on the same day I
25 arrived at the spot and I did not understand what had happened because the area had

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 been cordoned off.

2 (Redacted), and they told me

3 that a driver called Yannick, I believe, had killed a child. So 20/30 minutes later (Redacted)

4 (Redacted) and

5 he was not punished for that killing. So that's one case of killing of a nine-year-old

6 child. I don't know his gender -- I don't know the child's gender, but that was a

7 nine-year-old child.

8 Then at PK12, in Begoua school, behind the neighbourhood, in the neighbourhood,

9 several persons were killed. If you want to know more about it, I believe that the

10 Red Cross had gone to that area one year later to dig up the dead bodies. People

11 were not able to decently bury their dead and several or many people were buried

12 behind that neighbourhood and those bodies were exhumed one year later and given

13 a decent burial by the Red Cross and this is public information which is available to

14 all and this happened in Begoua.

15 At PK13, and again being accompanied by someone, I will not provide any further

16 details on that, I could smell something, and so I asked (Redacted)

17 what the smell was all about, and he pointed at a location and told me, "See, over

18 there, there are 16 dead bodies, 16 dead bodies." And further on, not too far away

19 from those 16 dead bodies, some five or six metres away, there was a mosque and

20 there were six or rather eight dead bodies which had been recovered and buried by

21 the parents, or relatives.

22 And then not too far from the mosque, four other dead bodies were found near the

23 mango in the mosque, and so, you see, I have talked about the 12-year-old child who

24 was raped and who died, so after the rape it became a killing because she had been

25 raped and then she died, and then in addition to that there were also two brothers in

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 the house who tried to resist attempts by the soldiers to take away some property and
2 they were killed.

3 I know in addition two young persons who were also killed in the neighbourhood, in
4 the same neighbourhood, PK13. (Redacted)

5 (Redacted) If I can
6 provide any further details, the gentleman or the husband who came to complain had
7 accompanied his -- or had taken his wife and his children to the forest to hide them
8 there, leaving his two young brothers behind in the house, but upon his return the
9 two younger brothers had been shot down, had been killed.

10 On that day I was present, the day of the killings. How can I put it? You see, these
11 events that I'm talking about happened on different days, but the day on which those
12 two brothers were killed, on that day their brother came to complain to Mustapha and
13 (Redacted)

14 (Redacted)

15 Now, a few days later, I think it was the very night, I think I remember who the
16 person is, I know who he is, he is at PK5 and he lives in the same neighbourhood.

17 His name is Thomas. I had advised him to lodge a complaint, but I don't know
18 whether he did so.

19 Now, still talking about the killings, on the Damara road (Redacted)

20 (Redacted) for about 32 persons. I'm sorry, I think I'm missing something here. After
21 PK13, now PK14 and this is what happened: (Redacted) pointed
22 out a mass grave for 22 people when we got to PK14, and this was a mass grave in a
23 plantation, a former plantation, belonging to one Congolese in 1980 or '85, belonging
24 to that person around those times.

25 I cannot provide much more details than that and, by the way, (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted), and I went to cross-check this information and found out that
2 (Redacted) was actually right to the extent that 22 persons
3 had been killed and had been buried in a mass grave at PK14. Let us move forward.
4 In Damara, on the Damara axis - and we were still in the bush taxi - the villagers who
5 raised pigs and sheep, well, it would be sufficient for them to refuse to give their pigs
6 or sheep and everything would be over. They'd be beaten. They complained about
7 this in the bush taxi. The women spoke about rape and cases of killing.
8 Some time later, after I'd given my statement, you know this took time, I remembered
9 another mass grave. This wasn't included in my statement so, for the sake of
10 providing information, on (Redacted) I was in Damara, ten kilometres away.
11 I had to go and check certain things before providing information. I always go to
12 check the situation.
13 So I went there again, but I failed to mention this in my statement, but this
14 information I'm providing you was obtained recently. There were more than 50
15 bodies in a well. This is recent information. I myself was there. It's now I think
16 (Redacted) So the information I'm giving you was
17 (Redacted).
18 I went there. There were over 50 people - 50 bodies - in a well from which you draw
19 water. Over 50 bodies were there. (Redacted)
20 (Redacted).
21 I haven't finished, Mr Prosecutor, telling you about the crimes. In Bossangoa, it's a
22 long trip. You know, when I go left and then I go right, it's a long trip. You go to
23 one end, then to the other end, to get a complete understanding of the situation.
24 So on the Cameroon route, Bossembélé-Bossangoa axis, in Bossangoa, in order to take
25 revenge for Commander René, an order was issued to fire at anything that was

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 moving. This order, I don't want to get entangled in this, but this order must have
2 come from the very top and was relayed to Bossangoa.

3 In Bossangoa, they killed a lot of people. Those who were witnesses said they had
4 piled the bodies up in a big vehicle. A number of bodies were piled up. They
5 killed an old person, who was 60 or 75-years old, rather, an old lady, and this was at
6 the entrance to Bossangoa. I don't know if there's something I have forgotten to
7 mention, but I believe I have told you everything about these killings. Thank you.

8 Q. I didn't want to interrupt you, but I wanted to tell you what is most important
9 here: What is most important is what you knew at the time of the events, what you
10 were able to see yourself or what was told to you by certain individuals at the time
11 that certain events occurred. So rest reassured if you are in a position to provide the
12 Chamber with this information, it will be of assistance.

13 With regard to additional investigations you may have subsequently carried out, that
14 will be less relevant because you weren't there at the time of the events, no one spoke
15 to you about it at the time of the events, so this is information that you obtained at a
16 later stage.

17 I would like to, therefore, focus on what you experienced during that period of time
18 and if we do that we will have attained our objective. We want to know about the
19 truth that you are familiar with. That is our purpose. You said to take revenge for
20 René. In order to do so, an order was made to shoot on anything that was moving.
21 Why was it necessary to take revenge for René?

22 A. Well, René, his name was René Eboma. He was a captain, it's true, you will see.
23 I'll provide a lengthy explanation, but I can provide you with a full list of the
24 individuals who died there.

25 The officers and junior officers -- I'm referring to René. Now, he was a captain, he

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 was Mustapha's deputy, and he was let's say an account S4, is what they're called in
2 Congo. He was close to Mr Jean-Pierre Bemba, I would say. Why? Because with
3 regard to the position he held -- well, there were others who were superior to René,
4 but René had this position. Bemba liked him a lot.
5 We said he was the pawn Bemba was preparing, because as they were a rebel force
6 this was perhaps necessary. A few days later, René received a bullet to the head.
7 When you leave Bossembélé, or when he left that place, he was shot in the head.
8 Mr René was shot in the head and he subsequently died.
9 During that period of time, there were soldiers who would be shot and they would
10 die at the front line. Often they were buried up there, but on this occasion - and this
11 was the first time it was done - the body, René's body, was taken to Bangui via the
12 Maximum Garage and later Mr Bemba had a special plane in Zongo to collect the
13 body and take it to Gemena which is where he was.
14 Mr Bemba was in Gemena, the body was transported by the plane, and when the
15 body arrived in Gemena the body was honoured. René was honoured by Bemba.
16 So it was a shock within the MLC and amongst the Banyamulengue.
17 After the burial, when returning, Mustapha went back to his post because he was in
18 Bossembélé and from there he issued the order to shoot anything that moved to take
19 vengeance for René. So this was a terrible thing for the population between
20 Bossembélé, Bozoum, Bossangoa is what I have in mind.
21 But in Bossangoa, with regard to Bossangoa, I had information (Redacted)
22 (Redacted)
23 (Redacted) he said Mustapha had given the order to
24 shoot on anything that moved, and they really shot at random and in a disorderly
25 manner.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 Mr Bemba perhaps told Mustapha, "Well, as someone dear to me is dead, you have to
2 kill all those people there." Perhaps that is what was said. That would be it.

3 Q. With regard to all the killings you have mentioned, the 16 bodies in a mass
4 grave, eight bodies in front of the mosque, four bodies under a mango tree, who were
5 the perpetrators of these crimes? Who killed these people, as far as you know?

6 A. They were Mr Jean-Pierre Bemba's soldiers that were called the Banyamulengue
7 in Bangui.

8 Q. Did you have the opportunity of finding out who these victims were?

9 A. Among all these victims, well, most of them were civilians.

10 Q. When you say there were 16 bodies in a mass grave, or 20 bodies, was this grave
11 open or closed? And if it was closed, how did you know how many bodies there
12 were?

13 A. Yes, the grave was closed, but those who operated on the ground, I don't know
14 if I can call them the operators, but the troops, if you like, among them there was one
15 whom I call (Redacted) and he first of all provided me with the
16 numbers, and upon arriving where I was going the person also confirmed that in fact
17 there were 16 bodies, and a little earlier you'll see 22 bodies, but under the mango tree
18 there are four and at the mosque there are eight bodies. So this is information that I
19 was given by the soldiers themselves.

20 Q. Did you see the bodies at the mosque and under the mango tree? Did you see
21 them yourself?

22 A. Thank you, Mr Prosecutor. These are events that took place on 5 or
23 7 November. I left between 13, 14, 15 November, so two or three days -- during two
24 or three days the bodies decomposed. What do you have to do? You have to bury
25 them.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted) said that there were bodies buried at the mosque and
2 under the mango tree. He didn't go into all the details, but he said that the bodies
3 had been buried but not in the mass grave. There are parents or Muslim brothers
4 who were able -- who must have been able to take the bodies, get hold of the bodies,
5 and then give them a burial.

6 Q. Did you have the opportunity of finding out why Jean-Pierre Bemba's troops
7 killed civilians?

8 * A. Thank you. Mr Prosecutor, from PK12 to PK14, well, the population there is
9 mixed. You will see Central African people, Christians, Central African people who
10 are Muslims, Chadians, Muslims and civilians who reside in the area, and at PK13
11 most of the inhabitants are really Muslims.

12 How do I know that the population that was massacred was civilians? Well, you
13 know, the so-called enemy of the Banyamulengue were the combatants of the current
14 President François Bozizé whose ally or whose allies were Chadians, Muslims, the
15 Zakawa if you like.

16 So since they were fighting civil clothes -- in civilian clothes, the Banyamulengue
17 considered all civilians as the Zakawa. So they didn't have the type, they would just
18 shoot and, thus, they killed a lot of civilians. And this is not just a conclusion, the
19 Banyamulengue themselves at PK12 would speak to each other and they would say
20 we really don't have enough time. Whoever we see has to be eliminated, because
21 they disguised themselves as civilians as they don't have uniforms, so they do this in
22 order to shoot at us.

23 So if you see a civilian in front of you, that means you should open fire and kill.

24 That would be it as far as the details are concerned, Mr Prosecutor.

25 Q. Were you able to find out whether the fact that fire was opened on all civilians,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 since they were considered to probably -- well, I'm referring to the Zakawa civilians,
2 above all, because they were considered to be the enemy, do you know whether this
3 was an instruction that they received, an order that was issued, or was it an initiative
4 taken by the soldiers themselves?

5 A. It was an order issued by Mustapha, an order issued by Mustapha. He told
6 them to be very careful and to shoot at the population. When I say the "population,"
7 it means to shoot at anyone present, anyone who would appear, and they should
8 perhaps get hold of them, if they were civilians, and put them somewhere. If they
9 were troops, put them in prison. According to the law, that's what they should have
10 done but they shot at them. It's a war crime.

11 Q. When it was necessary to take revenge for René, and those were the words you
12 used, and they were told to shoot at anything that was moving, according to what
13 you understood or according to what you were told to be a source of concerned
14 civilians?

15 A. Most of the crimes committed in -- most of the murders committed in
16 Bossangoa were related to civilians because when they had combing operations,
17 when they combed through the ground, the civilians weren't spared in Bossangoa.
18 It's an area, well, if you try to obtain information - I know that investigators weren't
19 there - but you will see that most of those killed were civilians. If you see an old
20 person or an old lady, 74-years old, who is tired, who is involved, well, they didn't
21 have time, you know, they would just open doors by shooting at them (Redacted)
22 (Redacted). They wouldn't knock on the door. There were the Kalashnikov and you
23 just opened fire to open the door, you don't knock, so you go in and then you shoot
24 without checking. There were many dead in Bossangoa.

25 Q. Apart from the case in which specific instructions were issued, according to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 which one should open fire on everyone in Bossangoa --

2 A. On those who are moving.

3 Q. -- with regard to other areas where crimes were committed against civilians, did
4 the superiors, Mustapha and his assistants, his deputy, the main staff, did they know
5 about these murders of civilians?

6 A. There wasn't a new main staff without Mustapha participating in it, and I do
7 say "participating in it." If Mustapha was in Bossembélé, although he had passed
8 through Damara, so it would be in Damara, he'd be on the ground, he would leave
9 someone there; he would then return by Bossembélé, he would then advance to
10 Bossangoa, he would leave someone there. So Mustapha was all over the place and
11 nothing could escape his attention, there's nothing he wouldn't hear about. So that
12 would be my answer.

13 Q. Did the soldiers also boast about these murders, as was the case with regard to
14 some of the cases of rape that you mentioned a while ago?

15 A. Yes. As far as the soldiers are concerned, I'll call them "soldiers," if you like,
16 for the Banyamulengue the fact that they had killed was a matter of glory for them.
17 They would boast about it.

18 Q. And to the best of your knowledge were there any soldiers who were punished
19 or disciplined for these murders.

20 A. Mr Prosecutor, I have told you, and I will repeat, I never saw a prison for the
21 Banyamulengue. No such prison existed. They were not punished, whatever the
22 crime was. I repeated that and I will continue to repeating this to the very end,
23 Mr Prosecutor.

24 Q. Did you have the opportunity of finding out whether any officers, high-ranking
25 officers, Mustapha's deputies or others who had the rank of officer, did you have the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 opportunity of finding out whether they themselves were involved in crimes, in
2 killing civilians?
- 3 A. Thank you, Mr Prosecutor. I remember (Redacted)
4 (Redacted) and Mustapha was always surrounded
5 by troops. In front of the main staff in Damara there was a prison. Were they
6 detained individuals, passers-by, who were suspected of being scouts, that was in
7 front of the main staff. In front of the main staff Kamisi lived there, and
8 Coup-Par-Coup. There were civilians who were arrested, that's what I understood.
9 Some time earlier they had been arrested. Mr Mustapha issued an order stating that
10 these individuals should be brought in - these civilians, because they were in civilian
11 clothing - and they were to be brought in for interrogation. They sent out troops,
12 three or four of them - I'm using the plural - to go and search for these civilians who
13 were in front. When you cross the tarmac, they were in a house that was being used
14 as a prison.
- 15 Upon arriving there, Coup-Par-Coup who was there -- or, rather, the jailer who was
16 there told them that Coup-Par-Coup had killed them, he had killed them in the night,
17 and that troops went back to see Mustapha. They then told Mustapha "Leader,
18 they've gone on a trip. Boss, they've gone on a trip." That was a coded message, I
19 didn't understand that then. "Who made them go on a trip?" "It was Lieutenant
20 Coup-Par-Coup." To go on a trip it means kill. That was in Damara. (Redacted)
21 (Redacted) So that would be an example.
- 22 Q. This is the first time you have mentioned such a prison. Where were there
23 such prisons?
- 24 A. I said in Damara. It wasn't a prison; it was a house, and that's where they
25 would detain the so-called scouts. So if you just passed by, you'd be suspected of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 being a scout trying to identify their positions, and that's how things happened.

2 Q. You mentioned a number of civilians who were arrested, and you said that they
3 were suspected of being scouts. Could you explain to us what you mean?

4 A. Well, I understood all those things. (Redacted) the scouts
5 would appear to be troops or soldiers disguised as civilians and they would then be
6 sent to determine the enemy's positions, or to observe the enemy's positions, and then
7 they would return to the point of -- their point of departure to facilitate the task of the
8 other camp, to attack the enemy.

9 Q. So this was the purpose of the scouts. And now the civilians, do you know
10 whether these civilians were in fact scouts, or was that not the case?

11 A. Thank you, Mr Prosecutor, but someone who is in civilian clothing, someone
12 who is arrested in civilian clothing, well, in order to do that I think you need a
13 judgment to determine whether the person is a soldier or a civilian. If the person is a
14 soldier, then the army has a certain of code of discipline, you know, how to treat
15 soldiers in wartime. If it's a civilian, you also know what one should do. But when
16 you open fire indirectly, well, then it's a different matter; this is no longer the
17 procedure one is following.

18 Q. When Mustapha issued the order saying that these civilians should be brought
19 to him, do you know how many civilians approximately there were in the prison at
20 the time? How many civilians did Mustapha want them to bring to him?

21 A. I do not have the exact number, but I would say that there were some civilians.
22 Well, he said that there are quite a few of them, but he said, "The civilians that we had,
23 or that you had arrested the day before yesterday," perhaps something like that, but
24 I don't know the exact number, no.

25 MR BADIBANGA: (Interpretation) Witness, I think we now have to have a break.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Your Honour, it's 11 o'clock and I think it is time to adjourn. Thank you.

2 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

3 Thank you, Mr Witness. We'll have now a short break, half-an-hour break, in order
4 for you and our interpreters and court reporters to take a break. It's 11 o'clock. We
5 will resume at 11.30.

6 I ask, please, the court officer to turn into closed session in order for the witness to be
7 taken outside the courtroom.

8 *(Closed session at 11.01 a.m.) Reclassified as Open session

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

10 (The witness stands down)

11 THE COURT OFFICER: All rise.

12 (Recess taken at 11.02 a.m.)

13 *(Upon resuming in closed session at 11.33 a.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: Welcome back. I ask, please, court usher to bring
16 the witness in.

17 (The witness enters the courtroom)

18 PRESIDING JUDGE STEINER: Before we turn into open session, Mr Witness,
19 welcome back.

20 THE WITNESS: (Interpretation) Thank you.

21 PRESIDING JUDGE STEINER: Mr Witness, I would like to ask you to pay more
22 attention to your declarations in open session. During the first part of this morning's
23 hearing, the Presiding Judge had to order many redactions in the transcripts. It's not
24 your fault, we understand that sometimes it's difficult to be attentive 100 per cent of
25 the time, but many times you referred to the fact that (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted) This kind of information can lead to your
2 identification and, therefore, we have to order the redactions of the transcripts.
3 But the thing is that there is a limited number of redactions that we can order, so I'm
4 asking you again -- and I apologise for that technical problem, but in order to avoid
5 an excessive number of redactions that imply in stopping the broadcast of the hearing,
6 I would ask you to pay double attention and not to mention these very specific
7 situations in which (Redacted), or with any other person.

8 Is that fine with you?

9 THE WITNESS: (Interpretation) Yes, thank you.

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

11 (Open session at 11.37 a.m.)

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

13 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
14 testimony?

15 THE WITNESS: (Interpretation) Yes.

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

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

18 Q. Witness, in addition to the Presiding Judge's reminder concerning your security
19 and paying attention to your statements, I too would like to say to you that both you
20 and I must be careful about the five-second rule. We have been able to speak slowly,
21 but apparently we do not allow five seconds to go by between the questions and
22 answers and we'll try to do that now, all right?

23 When the hearing was suspended for the break you were talking to us about these
24 prisons, and to refresh your memory I had asked you whether you knew exactly how
25 many civilians were involved and you had said that you didn't know the exact figure.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 From what you said, can one infer that Mustapha asked for these civilians to come,
2 but that it turned out that they couldn't be brought? Could you explain to us again
3 why that was?

4 A. Thank you, Prosecutor. If I understand your question, you want to know -- or
5 perhaps you could rephrase the question so that I am sure I hear you properly?

6 Q. You're quite right. In very simple terms, what happened to those civilians who
7 were in prison and that Mustapha had ordered to have brought to him?

8 A. Death. These civilians were killed before Mustapha could interrogate them.
9 I'd like to take this opportunity to say that at PK12 there was also a prison, and there
10 is -- there was a Ben-el-Aden, I mentioned his name, and he too was killed at PK12.
11 From before they went from PK12 to Damara, before that Ben-el-Aden had come to
12 Dongo and so at PK12 civilians were also killed by Ben-el-Aden.

13 Q. Do you know whether those civilians who were killed, both by Ben-el-Aden at
14 PK12 and by Coup-Par-Coup at Damara, had they been convicted? Had there been
15 any sort of trial, or judgment?

16 A. No, I don't think so, because every time the relatives of those civilians came
17 looking for their children, the military who were on duty would proceed with a cover
18 and say that they'd been sent somewhere, but when they were speaking to Mustapha
19 they openly said that the relatives that had come, or that from time to time came to
20 look for their relatives, well, they had already been -- sent them on a journey. Now,
21 that should be understood as a secret word for saying killed. They were killed.

22 Q. And do you know how those civilian prisoners were actually killed?

23 A. This was during the war. There were weapons all over the place. You told
24 me that if I didn't know -- if I don't know something I shouldn't say anything, and so
25 this is what I say. I don't know.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 Q. The MLC's command, did it know that those civilians had been executed in
2 prison?

3 A. (Redacted) the deputy, the commander's deputy, the operations commander. The
4 organisation in their movement was done through reports and reports went all the
5 way up to the top, so no doubt the chiefs, the leaders - of course, that starts with
6 Mr Jean-Pierre Bemba - all the way down they were aware of this because there were
7 these reports, these notes.

8 The only -- you couldn't only write that there were only five sacks of beans in those
9 reports, and say nothing about the people killed, no, those reports must have been
10 complete. There was a log-book. A black book.

11 Q. I think you probably will say that you've answered this question, but we are
12 here in a judicial proceeding, so it's important for me to ask you this question and first
13 to record your answer. As far as you know, whether we're talking about
14 Coup-Pour-Coup or Ben-el-Aden, were either of them punished for executing
15 civilians?

16 A. No, not at all.

17 Q. Do you remember when this took place, more or less, these executions, when
18 did they take place?

19 A. The executions at PK12, well, it was around 3 November 2002. That's when
20 they were already at PK12. And on 3 November up to 6 December, from
21 3 November to 6 December, they were at PK12. So these executions took place
22 starting from 3 November 2002 onwards up to 6 December 2002, because Damara fell
23 on 7 December 2002.

24 You asked me about the period, so when I say 3 November to 6 December 2002, I'm
25 talking about Ben-el-Aden who really looked quite a lot like the true Bin Laden that

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

- 1 we know with a beard and a killer, and Coup-Par-Coup, he too was in PK12 but (Redacted)
- 2 (Redacted), when Mustapha sent the soldiers to get the
- 3 prisoners, well, that was between - they were in Damara - that was between the 7th,
- 4 the 7th -- I went to Damara three times.
- 5 On 1 January 2003 they were still in Damara, so I cannot tell you exactly the date, but
- 6 if I make some assumptions, starting from 7 December up to the month of January it
- 7 must have been, because it was in January that they left - I'm talking about
- 8 Commander Mustapha - left Damara to go to Bossembélé.
- 9 So the events relating to Coup-Par-Coup took place in December 2003 and January,
- 10 because that is a rough estimate of the period concerned, but I can't tell you an exact
- 11 date.
- 12 Q. Well, that's helpful. In any case, after the month of December and the month
- 13 of January - afterwards - as far as you know did -- Coup-Par-Coup and Ben-el-Aden
- 14 still there in the Central African Republic?
- 15 A. Coup-Par-Coup, yes, he was. He put up resistance and stayed until the very
- 16 end. On the other hand, Ben-el-Aden, at PK12 -- Ben-el-Aden, Janvier Tafi (phon), a
- 17 group of them there, well, had gone back. Well, Mustapha, they went back to Dongo
- 18 Zaire. There is a French Dongo and Belgian Dongo, so I'm talking about Dongo
- 19 Zaire. That's when Mustapha was asked to come to, by Jean-Pierre Bemba, to the
- 20 CAR to conduct the operations.
- 21 Q. No, my question was in continuity with what you said earlier on, saying that
- 22 they went unpunished. I just wanted to know if thereafter you ever found out that
- 23 Coup-Par-Coup was still moving about freely and the same as regards Ben-el-Aden?
- 24 A. No, they were not punished; they moved about freely.
- 25 Q. Apart from Mustapha and Ben-el-Aden -- I apologise. Apart from

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 Coup-Par-Coup and Ben-el-Aden, as far as you know, did any other soldiers of the
2 MLC also take part in the summary execution of prisoners?

3 A. Yes, there were the soldiers, but I think we have to be specific here in this
4 context. I have to be specific. This is known to one and all. Overall, soldiers had
5 committed abuses, had perpetrated killings, and there was also Dragula, Dragula.
6 He didn't do this inside the prison, he would operate outside. In other words, he
7 would kill on a, as it were, private basis.

8 And how did I understand that? (Redacted)

9 Dragula, Dragula, "Listen, Dragula, you do too much. You do too many -- you
10 commit too many gaffes," but there was a smile on his face.

11 MR BADIBANGA: (Interpretation) Your Honour, if we may, can we go into
12 private session?

13 PRESIDING JUDGE STEINER: Court officer, please.

14 *(Private session at 11.53 a.m.) Reclassified as Open session

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

16 MR BADIBANGA: (Interpretation)

17 Q. Witness, I wanted to go into private session, Witness, to remind you to help the

18 Chamber to ensure your security and safety. Once again, you said, "(Redacted)

19 (Redacted) 'Listen Dragula, you commit too many gaffes, you kill too much'."

20 (Redacted)

21 (Redacted)

22 (Redacted) -- is witness so-and-so.

23 So if you say that in public session then -- in open session, well, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted)

2 (Redacted)

3 To my question, (Redacted), you should answer, "Yes, there was

4 Dragula, and he killed people in the prison." And when we go back into private

5 session later, I will ask you how you found out. Do you understand?

6 A. Yes, thank you, Mr Prosecutor. I know you are taking care of my security, but

7 actually there were quite a few of us there.

8 Q. Very good, then. Since we are in private session, perhaps we could examine

9 together with you the basis of your knowledge. You said that Coup-Par-Coup killed

10 people in the prison, you said that the same applied to Ben-el-Aden, could you now

11 give us the details about how you found out about this?

12 A. Thank you, Prosecutor. Concerning Ben-el-Aden, as I said earlier on, the

13 relatives, there was a prison -- when I talk about a prison, you shouldn't conjure up a

14 prison as such, but rather houses that were -- they had occupied. Either they would

15 take over a house and put four soldiers on guard with weapons, because there were

16 windows in those prisons, and they were afraid that prisoners might open them and

17 escape, also in front of the entrance, so surrounded by armed soldiers, and I don't

18 know why or how they arrested these prisoners, but they would put them in those

19 houses.

20 And in the PK12 area, quite a few people had fled into the bush, and some people had

21 stayed behind and resisted, and even all the while they were there, didn't budge.

22 But the parents - I'm talking about PK12 here - when you see your child arrested, and

23 the Central African nationals were afraid of the Banyamulengue, but if there was an

24 arrest they would try and go and see the leader or the chief and ask him, "Well, you

25 arrested such-and-such a person," and sometimes Mustapha would send someone to

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 go and get that -- the person in question.

2 Mr Prosecutor, can I go on? This is a piece of information that I forgot to tell you.

3 Some of the people would come along and try to negotiate using money. (Redacted)

4 (Redacted) I don't know whether he was from

5 Zaire or a Congolese or a Central African, but sometimes he would be dressed in a

6 zarabia (phon), an Arabic caftan garment, their own gowns, and when the parents

7 would come Mustapha would call over this man. His name was strange, (Redacted).

8 (Redacted); he spoke Lingala; he spoke Swahili; and he spoke several languages.

9 (Redacted)

10 (Redacted) so as to -- negotiating the release of those people,

11 sometimes using by means of money. That happened in PK12.

12 For Dragula or, rather, Coup-Par-Coup, I think I said this earlier on, we're in private

13 session now so I can repeat it, (Redacted)

14 (Redacted) sent for the people in the prison. There were quite a few of them.

15 And he specified, "Go and get the people you arrested the day before yesterday," or

16 something like that. There were three or four soldiers with weapons who went off,

17 and they went to the prisoner -- the prison and the guards told them that

18 Mr Coup-Par-Coup had sent them on a journey, perhaps shot them down, I don't

19 know how he did that. Did he use a gun or a knife, I don't know, but what I heard

20 was they sent them on a journey. In other words, they had died. They said -- they

21 just negatively nodded their head.

22 There were a lot of us there. The Presiding Judge told -- gave me some advice. She

23 said that there were -- if there were only three of you then I should avoid giving such

24 information but when I did this earlier on we were in open session but I knew it

25 would be difficult to identify me because there were a lot of people there at that

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 particular moment.

2 Q. You have just mentioned somebody who was interpreting (Redacted) for
3 Mustapha, and his name I believe was (Redacted), if my reading of the transcript is correct.
4 Was that gentleman also a member of the MLC? Was he also an MLC soldier?

5 A. (Redacted)

6 (Redacted)

7 Q. (Redacted), I want to suggest that whenever we
8 are in open session and you feel like mentioning that person, please use the name "the
9 interpreter," or refer to him as "the interpreter," since you say that he was interpreting.
10 Allow me also to tell you that if you want to talk about (Redacted)
11 (Redacted) "the commander," without
12 mentioning his name.

13 Yesterday, we also suggested that if you need to talk about (Redacted)

14 (Redacted), then

15 refer to him as "the deputy." And since you have mentioned two other -- you have
16 mentioned other deputies, and if you need to talk about any such other deputy then
17 just say "the deputy," or "assistant," and then we will clarify whichever assistant you
18 may be referring to in closed session.

19 So for purposes of clarity, if you want to refer to any time that (Redacted),

20 (Redacted) -- you were with the deputy. And if

21 you are referring to any other deputy, please just say "the deputy" and then we will
22 clarify that in closed session. If you want to talk about (Redacted),

23 say "the commander" and then we can clarify that in private session, (Redacted),

24 (Redacted), then say "the interpreter."

25 Any clarification?

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 A. Yes, I wanted to point out that I -- (Redacted)

2 (Redacted)

3 (Redacted), and

4 whenever there was any misunderstanding he served as an interpreter. But he also
5 spoke Sango and, strangely, that gentleman was able to speak a number of languages.

6 Q. All right. So for that gentleman we will refer to him as "the interpreter," so that
7 we do not establish in the course of the testimony a direct link with his specific line of
8 business. If we don't have any other matter to discuss in private session, then let us
9 go to open session.

10 A. No, let me add that there was one "Mozart." Mozart was a warrant officer.
11 He had looted in Bossembélé, near the Catholic Church. Mozart, that was the
12 warrant officer's name.

13 MR BADIBANGA: (Interpretation) Madam President, maybe we can revert to
14 open session now.

15 PRESIDING JUDGE STEINER: Court officer, please.

16 (Open session at 12.05 p.m.)

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

18 MR BADIBANGA: (Interpretation)

19 Q. Witness, we were talking about the summary execution of prisoners and you
20 mentioned Coup-Par-Coup, Ben-el-Aden and Dragula. Without going into any
21 details, can you provide us with the military ranks of those individuals? Was
22 Coup-Par-Coup an officer or an ordinary soldier, as far as you know?

23 A. Coup-Par-Coup was an officer. Ben-el-Aden, I am not sure that I knew
24 his -- his rank, if you want. Now, Dragula must have been a sub-officer or a
25 non-commissioned officer.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 Q. Were there any other officers or sub-officers who were involved in those
2 executions?

3 A. I am not going to fabricate any testimony here that will turn out to be different
4 tomorrow. The truth of the matter is that everybody participated, everybody
5 participated, and how did I become aware of that? Because they talked about it
6 among themselves, they kept no secrets, and so the names that I have mentioned are
7 the names of persons whom I know to have actually participated.

8 Q. Do you know whether those executions were carried out openly, be it at the
9 Damara prison or at the PK12 prison, for what we refer to as "prisons"?

10 A. I do not know. Well, speaking for myself, I do not know. Maybe it happened
11 at night, but I do not know.

12 Q. The other prisoners who were not executed, what became of them?

13 A. They were tortured; they were given 50 whips and lashes.

14 Q. Please observe the five-second rule. You said torture and 50 per cent discount?

15 A. I didn't say 50 per cent, Mr Prosecutor. I said 50, 50 lashes without any
16 discussion or any negotiations. The prisoners couldn't say, "Well, instead of 50
17 please kindly give me only 40 lashes." No, it was 50, and that was it.
18 You see, in Bangui, when you want to buy something and the cost is set at 50,000, you
19 can negotiate and haggle for a discount, and so this is what I was referring to, that it
20 would be 50 lashes without any discount.

21 So when they came, the issue here is that they used a certain language and so in order
22 to avoid translation problems, which we dealt with already, and I'm simply testifying
23 in French, so it was 50 lashes without any discount, so to speak.

24 Q. Do you know how those 50 lashes were administered, what tool was used?

25 A. They had some ropes, and I saw with my own eyes that they also used pieces of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 wood, and they peeled off the bark of the lashes, and the diameter of those pieces of
2 wood would be about 10 centimetres and about 20 metres, or 1 metre 20 long. So
3 they used those pieces of wood and ropes to torture people.

4 Q. Were you able to find out whether these beatings came as a result of a trial or
5 not?

6 A. Please, kindly rephrase your question.

7 Q. I'm sorry. It has been your testimony that those people were beaten up. I
8 want to find out from you whether these beatings were administered pursuant to a
9 Court decision. Were they tried or had they been convicted and sentenced to 50
10 lashes, or something like that, as far as you know?

11 A. Thank you, Mr Prosecutor. I don't think that there were any trials. You see,
12 when I talk about the 50 lashes without discount, I'm referring to the fact that it was
13 the jailman, or the jailer, or the guard at the jail, who would take these people out and
14 beat them up as stated, and this was not as a result of any trial or any legal
15 proceedings; it was simply a matter of the whim of the jailers.

16 Q. Let me remind you not to mention names of persons when you answer
17 questions for fear of exposing your identity and the identity of others. Next question:
18 You mentioned that a number of families came to negotiate the freedom of some
19 members of their families who had been held in those prisons. Who did they
20 negotiate with?

21 A. Some of the families that came to negotiate spoke French, since Mr Mustapha
22 spoke French himself. Other persons who came to negotiate did not speak French,
23 but spoke Sango, and whenever (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) and that is it.

5 Q. Was anyone released following those negotiations?

6 A. Yes, for money. For money, yes.

7 Q. Do you know about how much was paid out for the release of a prisoner?

8 A. Well, I don't know whether it depended on the nature of the offence, but I don't

9 have an exact amount. It was not a matter of 5- or 10,000 francs CFA. We are

10 looking at 50,000 francs CFA upwards.

11 Q. Who was this money paid to? Who received this money?

12 A. Mustapha or René, the commander or his deputy.

13 Q. On several occasions you reminded us that all these crimes that had been

14 committed went unpunished: Rape crimes, theft and murder. Can you tell us what

15 the state of mind of the MLC soldiers must have been at that time in relation to those

16 crimes? Did their conduct in any way indicate whether or not they were afraid of

17 being punished for those acts?

18 A. Who was going to punish them, Mr Prosecutor? I can say it now, I have said it

19 before and I will repeat it. They were not punished. They did not bother about it.

20 They did not care about what happened. Even after they had committed a crime,

21 they didn't bother. They thought it was normal and no one was going to punish

22 them.

23 Let me add, by the way, that - and, again, this is my understanding of the

24 situation - their barbaric conduct, that is the conduct of the Banyamulengue, was such

25 that the Central African soldiers and gendarmes were supposed to be working closely

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 with them but, because of the savagery of their actions, the Central African Republic
2 gendarmes and soldiers rather went home and gave them open field instead of going
3 back to the barracks. So they then felt that they had a field day, and they boasted
4 about their ability to do anything that they wanted to do because they had everything
5 for themselves. These were savages, in a nutshell.

6 Q. Your answer was clear, but I would like you to further clarify an issue so that
7 we understand that the transcript is a clear reflection of your testimony. This is the
8 answer you have just given, "Because of their barbaric conduct, the Banyamulengue's
9 barbaric conduct, Central African soldiers and gendarmes, since the Central African
10 soldiers and gendarmes had to work in collaboration with them, but because of their
11 conduct and savagery the Central African gendarmes and soldiers preferred to go
12 back to their homes and leave them on the field, and because they were left on the
13 field they felt that they had a field day since the others were no longer there. That is
14 why they acted in the way they did, because those people were savages."

15 Your question, or rather your answer is full of references to "they," and "them" and
16 what have you, so what I would like you to do is to tell the Court -- in one or two
17 words, tell the Court who you were referring to in that part of the testimony. You
18 said at the beginning, "Their barbaric conduct, the Banyamulengue." Are you
19 referring to the Banyamulengue when you say they had a barbaric conduct?

20 A. Yes, that is correct.

21 Q. Then you go on to say that, "The Central Africans and the gendarmes were
22 supposed to be together with them, but because of their conduct they were
23 extremely -- they behaved like savages." When you say "they behaved like savages,"
24 who are you referring to?

25 A. The Banyamulengue. The Banyamulengue were extremely -- they behaved in

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 an extremely savage manner.

2 Q. You said further -- this is a question. You said further that, "They rather went
3 back to their homes." Who are you referring to as having gone back to their homes
4 and left the field to the Banyamulengue?

5 A. It was the Central African soldiers and gendarmes. They gave up everything
6 and left the area to the Banyamulengue, who were barbaric and savage.

7 Q. "We left them on the field." Who are you referring to as having been left on the
8 field?

9 A. The Banyamulengue.

10 Q. Then you go on to say that, "They boasted that the commander had given them
11 the soldiers." Who was boasting?

12 A. The Banyamulengue were glorifying themselves, but let me say something
13 because it would appear that maybe you did not quite understand me. Can you
14 repeat that last sentence which you just mentioned?

15 Q. The entire sentence was the following, "The fact that they were left on the field
16 caused them to glorify themselves. You see, the commander has given us and the
17 soldiers are away, and so we are free to do everything since the commander has given
18 us."

19 A. No, the high command, not the commander. That's the correction I need to
20 make.

21 Q. "We can do anything we want to." Who are you referring to?

22 A. The Banyamulengue felt that they could do whatever they wanted to do.

23 Q. Finally, you conclude by saying that "It is for that reason that they did whatever
24 they wanted to do because they were savages." Who are you talking about?

25 A. Still talking about the Banyamulengue; the Banyamulengue in the plural,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 third-person plural. They killed, they raped, they did anything. They did whatever
2 they wanted to, the Banyamulengue.

3 Q. Several times over you said that the officials, or the officers, in the Central
4 African Republic were aware of the crimes committed by their soldiers. Would you
5 know whether they had any meetings, or any discussions, at which they may have
6 discussed those offences committed by their soldiers?

7 A. When you talk about officers, are you referring to the Banyamulengue officers?

8 Q. Yes, I'm sorry. It is the officials of the MLC; the Banyamulengue in the Central
9 African Republic as you referred to them. I would like to warn you that we are in
10 open session, and so please do not refer to any matter that might identify you. If
11 need be, we would revert to a private session.

12 A. Yes. As I said earlier on, the officers or soldiers, or even the foot soldiers
13 of -- they had no secrets. They spoke about everything and anything openly, so they
14 had no secrets.

15 Q. Would you know whether the Banyamulengue officers were aware of the
16 existence of the mass graves you talked about?

17 A. (Redacted)

18 (Redacted) and that person is aware and even provides me with the exact names of persons
19 in the mass graves, such a low-ranking officer, if such a person were aware of these
20 things how much more would the commander and his deputies not be aware of it?
21 So the officers were aware. They knew.

22 Q. It is your testimony that no one was punished for those acts committed during
23 the conflict. Would you know whether after the conflict, after 15 March 2003 and in
24 the months following, whether any measures were taken to punish the soldiers for the
25 excesses committed in the Central African Republic?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Thank you, Mr Prosecutor. After 15 March, that is after Bangui, they went
2 back to the DRC, and the operations commander in the Central African Republic
3 remained in Zongo. The deputies - at least I know one of them - was in Gemena,
4 and I think that after the events they were not punished. What happened, to the
5 contrary, is that they were given even more duties, they became commanders in
6 major centres and even before going to Sun City they were not punished.
7 What happened, as I said yesterday, is that the looted vehicles had been taken to
8 Gbadolite to reinforce the rebellion. The rebel leader at that time may not have had
9 enough resources to buy vehicles at that time, so those vehicles were used in
10 conducting the revolution. Unfortunately, shortly thereafter they were in South
11 Africa, in Sun City, but the short answer to your question is that they were not
12 punished.

13 Q. Did you hear mention of any trial that may have taken place in Gbadolite?

14 A. No, not at all. What I understood during the operations was that they had
15 ranks. Mustapha had become a general. How would I put this? He had become a
16 colonel, a general, so they were encouraged in this way. They were encouraged.
17 There was no punishment. Someone who causes harm in the army is deprived of
18 rank but the head of the rebels at the time, Mr Jean-Pierre Bemba, decorated them, if
19 that's how you put it. He made them generals. They were conferred these ranks in
20 Gbadolite. That's how it was.

21 Q. In your opinion, was Jean-Pierre Bemba able to punish his troops, these troops,
22 if he had been aware that they had committed these acts of abuse or violence?

23 A. Thank you, Mr Prosecutor. Mr Jean-Pierre Bemba, who is present in this
24 courtroom, is someone who has what one calls authority and when I say "authority,"
25 it means respect, people respect him. I myself find it hard to call him Bemba. Even

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 though he's in detention, I still call him Mr Jean-Pierre Bemba, so I still pay him that
2 mark of respect, but it surprises me that -- well, it surprises me that he could have
3 stopped these events in the CAR. He didn't do that.

4 He could have stopped these acts when, as with the commander, wherever he called
5 him on the Thuraya - although he was very far away from Gbado - well, you should
6 have seen how the commander ran or how the troops who were there -- there was a
7 soldier who was guarding the Thurayas, for example, you could -- you should see
8 how he took the Thuraya to run and take it to the commander because it was the
9 supreme commander who was calling, so he had this power to stop these crimes.

10 I don't understand why he didn't do that. It continued until the very end.

11 Q. Witness, yesterday you said that Brown, if I'm not mistaken, had said on France
12 International Radio that Sibut had been taken and that it was Coup-Par-Coup. I'm
13 just recalling this. Could you remind us?

14 A. It wasn't Brown. Brown is a nickname, beard is also his nickname. But it was
15 in fact Coup-Par-Coup who was the lieutenant in Sibut. He was the deputy, if I may,
16 as we are in open session, he was Kamisi's deputy in Sibut. And that's where they
17 fought for Sibut and at the end he was interviewed by RFI and he said -- well, he
18 mentioned the name of the town, and he said that Sibut had fallen. He spoke very
19 slowly. It was Coup-Par-Coup.

20 Q. I apologise, my memory isn't as good as yours. In fact, it was Coup-Par-Coup.
21 This therefore means that the fact that the town had been taken was mentioned on the
22 radio. Were acts of violence committed against the civilian population also
23 mentioned over the radio?

24 A. Central African Radio spoke about certain things, but at one point in time things
25 were no longer going well. The media could no longer support this. They didn't

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 hide this, they spoke about these acts of violence, about all these things. It wasn't a
2 secret. If you're referring to the media, to the journalists, if you consult them they
3 will tell you in fact -- well, they will tell you more about these crimes and acts of
4 violence that were committed by the Banyamulengue in the Central African Republic
5 because the population was fed up, and I'm saying fed up, Mr Prosecutor. Thank
6 you.

7 Q. Which Central African radio station are you referring to?

8 A. Yes. We had -- well, when I say we had, I mean that in the Central African
9 Republic there is only one national radio station, only one national one is what I said,
10 and several private radio stations. I'm referring to the Central African radio station.
11 I don't know. I don't want to provide you with misinformation because there is also
12 an Ndeke Luka station, a UN radio station. There is information that I do not have,
13 so I can't provide it, with you, but there was the Central African radio station and the
14 people reacted, journalists reacted, if you like. They spoke about things because it
15 was too much.

16 Q. Do you know whether one of these radio stations could be heard in the DRC?

17 A. All the radio stations, the state radio stations and private ones, well, you know,
18 they broadcast over a certain territory, and there was Radio Liberté, Jean-Pierre
19 Bemba's Radio Liberté, could be listened to in Bangui and in the suburbs of Bangui.
20 So Central African radio station could also be listened to in Gemena, Mr Prosecutor.
21 The Central African radio station could be heard in Gemena, but Ndeke Luka only
22 broadcast in restricted neighbourhood, in Zongo itself, within the confines of Zongo.
23 That's how it was.

24 Q. A minute ago I asked you whether, to the best of your knowledge, Jean-Pierre
25 Bemba was in a position to punish troops if he came to learn that they had committed

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 acts of violence. I also have to put the same question to you with regard to President
2 Ange-Félix Patassé, because as far as you know he had the power to punish the
3 Banyamulengue soldiers if he found out that they had committed acts of abuse of
4 violence?

5 A. Thank you, Mr Prosecutor. President Ange-Félix Patassé had a simple
6 response. I'll give you an example, and before I answer your question I think that
7 even those who are following us - and I myself - will be able to provide you with the
8 answer.

9 Mustapha, or rather, I apologise, the commander sent his troops and his wife to
10 Mongoumba to go and -- not Mongoumba, to Dongo Zaire to leave what he had
11 looted, household appliances amongst other things, televisions, satellite dishes,
12 fridges, freezers and there was a boat, it's a small boat, it depends, it could be 10, 15 or
13 20 metres long, but it's in wood, it's made of wood and you have a motor at the rear
14 and that was used to transport what he had looted.

15 His wife was at the head of these people and had three million on her. When they
16 arrived at Mongoumba they were stopped by Central African troops. In spite of
17 their explanations, the troops seized them, or seized these things. They understood
18 that this had been looted. They took them to prison. They put them in prison.

19 (Redacted)

20 (Redacted)

21 (Redacted) or rather the commander, received a call, let's say, according

22 to which this boat had been looted and the three million CFA francs, as well.

23 So what was his first reaction? He called the President Ange-Félix Patassé to inform
24 him that it was his money and his goods that had been blocked by the troops and as
25 the supreme commander he should issue orders, if you like, so that these troops could

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 get hold of the money and everything that had been seized.

2 The troops were stubborn, however, and President Ange-Félix Patassé, instead of

3 condemning the acts over the radio - I think everyone followed this in

4 Bangui - instead of condemning the acts he treated -- he said these troops were

5 good-for-nothings and they said that they had -- they hadn't been prevented from

6 fighting but he had gone to fight and he had won certain things. And he said this on

7 the radio, the President of the Republic said this on the radio.

8 He said he had earned what he earned, and "You," he said, "have remained at your

9 posts just to steal. Return what you took from the Banyamulengue." The Central

10 African Republic troops did not return the goods, so the response was clear and

11 simple, Mr Prosecutor. Or the answer is clear and simple. I don't know if there are

12 any more details I have to provide you with, or perhaps you could answer instead of

13 me. I don't know.

14 Q. You are the witness today, so it is for you to answer the questions. But to

15 summarise what you have just said, according to you, did President Ange-Félix

16 Patassé have the power or the possibility of punishing the Banyamulengue soldiers if

17 he found out that they had committed acts of abuse and violence?

18 A. Not at all, not at all, but probably in response to the way the French question

19 was --

20 Q. You said on a number of occasions that these soldiers had no secrets. I want to

21 speak about their training. Did you have the opportunity of discovering whether

22 they had any military training of any kind?

23 A. Thank you, Mr Prosecutor. Thank you. Your questions are really interesting.

24 I'll provide you with an example, I'll answer your question. In DRC, in Kinshasa to

25 be more precise, there is a centre, a training centre that one calls Kibomango.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 Everyone knows this. In Gbadolite there is a training centre that is called Kotakoli.
- 2 These are centres that are known. I've never been there myself, but I think the
- 3 Belgians and French were involved. These are real centres.
- 4 I was saying a while ago that Mr Bemba and his soldiers hadn't been provided with
- 5 training. Amongst these troops there were ex-FAZs, the armed forces of Zaire at the
- 6 time. The little -- I said that 50 per cent of them were armed. They were the Mbeka,
- 7 and they trained behind the house. I'm telling you the truth, it was behind the house.
- 8 There was a cane, a baton, that was used, and there were children who were
- 9 under -- well, they were 11, 12, 13 years old. They were called the pumutu -- hurutu
- 10 (phon).
- 11 When you go to the camp, you'll perhaps have opportunity to do so with the other
- 12 parties. Kulutu was the term used. I can't translate it. It means "troops."
- 13 Perhaps later I can explain this. So nothing will be disputed, these are individuals
- 14 who didn't have any training. If there were any troops, soldiers among them,
- 15 perhaps a few who had trained during the Mobutu era, but the little Mbakala who
- 16 would also shine shoes in Bangui, well, they were just picked up here and there.
- 17 They had no training, zero training.
- 18 Q. Do you know whether as part of this training behind the house, or in some
- 19 other way, were they provided with a Code of Conduct? Were they told how they
- 20 should conduct themselves in the field?
- 21 A. Thank you. As far as I know, they were taught certain things. Well, first of
- 22 all, they did what we call "footing." It was jogging. How would I put this? A cane
- 23 would be put here, a baton would be put here, and afterwards, from seven to nine,
- 24 they went to draw water for the leaders, to fetch water for the leaders. If there was
- 25 food, they would be given food. If not, they wouldn't be given anything. They

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 would return to their parents and they would come again on the following day.

2 A few days later, they were taught how to use Kalashnikovs, how to use their

3 weapons, and that is all. That is the only kind of training they were provided with.

4 They were taught how to shoot, and that is all.

5 Q. Amongst all the troops who were in the CAR, did you have the opportunity to

6 note the presence of troops or officers who played the role of a judicial police or what

7 we, rather, call the role of the military police?

8 A. Yes. They were called the PMs, the military police, who would arrest troops.

9 There were no PM, there were no military policemen, none at all.

10 Q. You said there were a lot of soldiers, because I asked you for the number

11 yesterday, and you said you couldn't provide a number but that there were a lot of

12 them. So I'm going to insist on this point. You are certain that amongst this very

13 large number of soldiers, you didn't note the presence of a military policemen?

14 A. Not at all, because military policemen, wherever the military policemen

15 are -- well, if you're with soldiers, you'll understand how the troops hide, even in the

16 towns, because I noted this everywhere I went; in Kinshasa and in Bangui, as well.

17 When I say, "in Bangui," I'm referring to the recent government. There was the

18 military police that would arrest soldiers, troops, but during this entire period, at the

19 time of the events, I never saw with my very own eyes a single one, a single one.

20 There were no military policemen.

21 Q. I don't know if you have already answered this question or not. If you have,

22 then I apologise. Do you know whether the MLC troops had received briefing prior

23 to the operations before they crossed over to go to the CAR?

24 A. When you say "briefing," you mean instructions?

25 Q. Let's approach this in a general way, and perhaps I can be a bit more precise.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 In very general terms, do you know whether they received a briefing of any kind
2 prior to the operation? Does this mean anything to you, or not?

3 A. You are implying certain things. I would like you to be explicit, because not
4 everyone understands the term "briefing," because people are following us all over
5 the world. Please be a little more explicit, if you can, Mr Prosecutor.

6 Q. Very well. Do you know whether prior to crossing over and going to the
7 Central African Republic, the Central African soldiers received any instructions with
8 regard to the objectives of the operation?

9 A. The Banyamulengue or the Central African soldiers?

10 Q. I apologise. I said the Central African soldiers; I meant the Banyamulengue, of
11 course.

12 A. From Dongo up until Gbadolite, well, I don't really know. I have to tell the
13 truth with regard to that. I was only surprised to see them in the field, because I was
14 in the Central African Republic, so I don't know whether the president of the party, if
15 you like, or the head of the rebels at the time - the leader of the rebels at the
16 time - Jean-Pierre Bemba, had given them any instructions before they crossed over,
17 but I never knew them before I first came to know them in the Central African
18 Republic. I saw how they behaved and that's it. So I do not know whether they
19 actually received any instructions from Mr Jean-Pierre Bemba Gombo.

20 MR BADIBANGA: (Interpretation) Your Honour, we have five minutes before the
21 break. I would like to move into private session to clarify two or three issues with
22 the witness, and then we could adjourn.

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

24 *(Private session at 12.55 p.m.) Reclassified as Open session

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

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 MR BADIBANGA: (Interpretation)

2 Q. Before I release you for the break, I just have a few questions to clarify certain
3 things. Did you have the opportunity of finding out whether MLC officers
4 discussed amongst themselves the crimes that had been committed and, if so, were
5 you present and how did these things unfold?

6 A. My answer is "no."

7 Q. You spoke about looted goods that Mustapha had asked his wife to transport,
8 and you mentioned incidents and the fact that he called President Patassé. How did
9 you find out about this? Was it through him himself or through some other source?

10 A. Thank you, Mr Prosecutor. On that day I was in Bossembélé. I will repeat,
11 Mr Jean-Pierre Gombo -- or, rather, Mr Kamisi, Major Kamisi - (Redacted)
12 (Redacted) - called Mr Mustapha to tell him, "I've just received a call and it
13 seems that the children that you have sent to Dongo have been arrested en route by
14 Central African soldiers."

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. Yes, Mustapha in Bossembélé, and when he received this call, he became very
20 irritated. He called Mr Ange-Félix Patassé immediately, and I don't know how they
21 spoke or what they spoke about on the phone, but on that day, let me tell you, the
22 programme, the plan, changed. Mr Mustapha, having had this conversation with
23 the president, issued orders and they placed explosive devices in Gallopers. When I
24 say "explosive devices," I mean mortar shells, over -- mortar shells that were as big as
25 this, and they put them in Galloper vehicles. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted)
3 (Redacted) and the vehicle was full of troops and, you know, in a Galloper there's not
4 much room at the back, and there was bombs there, and these bombs were to serve
5 Mumba (phon).
6 (Redacted) I knew a family, and they had parents in Mongoumba. I
7 went to see the person and I said, "Be careful. Tell your parents to leave
8 Mongoumba because these people are going to send bombs there, they're going to
9 attack Mongoumba." The person had certain doubts, and a few days later - I think
10 four or five days later, in fact, this old papa, thank God, fled to the forest. They fled
11 to go to Bangui. So that's how it was.

12 Q. My last question before the break: You said that Mustapha was sending
13 looted goods there with his wife, to the Congo, and you mentioned the sum of
14 3 million. Was this the only occasion when, as far as you know, Mustapha sent
15 money through his wife, or having recourse to other means, to the
16 Congo?

17 A. When I spoke about this event in Bossembélé, that was at the end of February or
18 the beginning of March. They had arrived in Bangui, as far as I know, on
19 27 October 2002, and throughout this period of time they transported a number of
20 vehicles and a number of goods via Zongo and ferries were used to transport them.
21 So it wasn't the first time, but as far as Dongo is concerned, it was the first time that
22 these goods were taken to Dongo. That would be my answer.

23 MR BADIBANGA: (Interpretation) Your Honour, we can move back into open
24 session.

25 PRESIDING JUDGE STEINER: Court officer, please.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 (Open session at 1.00 p.m.)

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

3 MR BADIBANGA: (Interpretation) Your Honour, we have concluded for this
4 morning, so with your leave we may have the break now.

5 PRESIDING JUDGE STEINER: Maître Badibanga, do you have any estimation on
6 how long the Prosecution will take to conclude its questioning of the witness?

7 MR BADIBANGA: (Interpretation) Your Honour, I think we have made a lot of
8 headway and we will conclude this afternoon, no doubt.

9 PRESIDING JUDGE STEINER: Mr Witness, we will suspend now for the lunch
10 break. You will have time not only to have lunch, but to take some rest. It's
11 1 o'clock. We'll be back at 2.30. I ask please, court officer, to turn into closed
12 session for the witness to be taken outside the courtroom. In the meantime, we are
13 going to suspend and resume at 2.30 in the afternoon.

14 *(Closed session at 1.02 p.m.) Reclassified as Open session

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

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 1.02 p.m.)

19 *(Upon resuming in closed session at 2.34 p.m.) Reclassified as Open session

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

21 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask, please, the
22 court usher to bring the witness in.

23 (The witness enters the courtroom)

24 PRESIDING JUDGE STEINER: Court officer, can we turn into open session, please.

25 (Open session at 2.37 p.m.)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 THE COURT OFFICER: We are in open session, Madam President.
- 2 PRESIDING JUDGE STEINER: Mr Witness, good afternoon and welcome back.
- 3 THE WITNESS: (Interpretation) Good afternoon.
- 4 PRESIDING JUDGE STEINER: I hope you had the opportunity to rest a little bit?
- 5 THE WITNESS: (Interpretation) Yes.
- 6 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 7 THE WITNESS: (Interpretation) Yes, I'm ready.
- 8 PRESIDING JUDGE STEINER: Thank you very much.
- 9 Maître Badibanga, you have the floor.
- 10 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 11 Q. Witness, as I announced this morning to the Chamber, we are going to make every
- 12 effort to finish our portion with you this afternoon. From what I can estimate that is
- 13 possible - quite possible - but we have both to be very concentrated and fairly concise, and
- 14 I'm sure that things will go well and that we will finish by the end of the session.
- 15 Do you know, Witness, whether throughout that period, from October 2002, as you
- 16 pointed out, up to March 2003, your specific dates being 27 October 2002 to 15 March 2003,
- 17 during that period did Mr Jean-Pierre Bemba ever go to the Central African Republic, as
- 18 far as you know?
- 19 A. As far as I know, yes, he went there once, to the best of my knowledge.
- 20 Q. And how did he travel to the Central African Republic?
- 21 A. Mr Jean-Pierre Bemba had a blue helicopter. It would shuttle between Gbadolite
- 22 and Bangui, and he came there with his helicopter.
- 23 Q. Do you know why Jean-Pierre Bemba came to the Central African Republic, or who
- 24 he wanted to meet with there during his visit?
- 25 A. The helicopter would go to and fro, but on that particular occasion I had gone to

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 PK12 and from there one of the soldiers - one of the military - told me that yesterday they
2 had gone to the airport to welcome him and they called him "Chairman." That was
3 Mr Jean-Pierre Bemba. The soldier called him "Chairman." "Yesterday, we went to pick
4 up Chairman. Chairman," and they explained to me how they had escorted him to Villa
5 Adrienne, Adrienne Villa. It was in 14 Villas where the former President Ange-Félix
6 Patassé used to live.

7 For the remainder I don't know, but as far as I know he did go to Bangui once and was
8 hosted by President Ange-Félix Patassé, and on that occasion he also saw Mustapha and
9 his officers. No doubt, based from Villa Adrienne, he met with Mustapha and his
10 officers. At least that's -- one of his soldiers told me, and (Redacted)
11 (Redacted)

12 Q. Do you know more or less when the visit took place?

13 A. I don't remember the exact date but, since this was information I was conveyed at
14 PK12, it's quite easy to work it out. They were at PK12 on 3 November, that's when they
15 were there, all of the rest of November up to 6 December, so from 4 to 6 November, or
16 rather 3 December -- no, sorry, 3 November 2002 up to 6 December 2003. So that was the
17 period. I don't know the exact date. This information was conveyed to me at PK12, so I
18 suppose that Mr Jean-Pierre Bemba -- Jean-Pierre Bemba was in the Central African
19 Republic during that particular period. Thank you, Prosecutor.

20 Q. Just to be sure that everything is perfectly clear, this might be due to tiredness, you
21 said from 3 November 2002 to 6 December 2003. Can you confirm those dates?

22 A. No, of course December was the same year, 2002. My mistake.

23 Q. Do you know whether during that visit Jean-Pierre Bemba met with his troops, with
24 the soldiers, the Banyamulengues?

25 A. Yes, of course, at Adrienne's Villa, where President Patassé lived, he was there with

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

1 all the -- all his officers. Let me take this opportunity, actually. Since this morning I
2 drew up a list, a full list of all these officers, and I can give it to you, all the people
3 involved, all the players.

4 Q. We'll come back to that and I did notice that you have done this since this morning
5 and we shall go on to this later on, but for the time being let's finish with something else,
6 the topic we are examining right now; is that all right?

7 A. Yes.

8 Q. Do you know -- and once again I'm not asking you "how," but whether you knew
9 that there were contacts between Mustapha and Jean-Pierre Bemba during that period
10 from October 2002 to March 2003?

11 A. Yes. As I said earlier on, this was one of the questions I was asked by you and I
12 answered that every time there was a phone call from Jean-Pierre Bemba, well, Mustapha
13 would be in a state of panic. He would rush everywhere to look at the -- get somebody
14 to mount guard to see whether there would be any calls through the Thuraya and, if there
15 was one, he would rush to bring this Thuraya to Mustapha.

16 On several occasions, (Redacted) the President of the MLC,
17 Mr Gombo, would call from time to time. From time to time, well, he called several
18 times. That's what I mean.

19 MR BADIBANGA: (Interpretation) Your Honour, to go on I would like to go into
20 private session, if I may?

21 PRESIDING JUDGE STEINER: Court officer, please.

22 *(Private session at 2.47 p.m.) Reclassified as Open session

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

24 MR BADIBANGA: (Interpretation)

25 Q. There we are, Witness. Now you can speak freely and say whether you were with

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted), or the commander. You can be more explicit. Let's go back to this point.

2 (Redacted) or

3 had a, telephone conversation with Mr Jean-Pierre Bemba?

4 A. Thank you, Prosecutor. I said earlier on that this happened on several occasions.

5 On several occasions, Mr Bemba called Mustapha (Redacted)

6 (Redacted)

7 (Redacted)

8 But starting at PK12, (Redacted)

9 with the soldiers, the food was there and he was strange. He didn't like to eat on his own.

10 He wanted to eat with the others. He said that, if the food was poisoned, then they'd all

11 die together. (Redacted) and he would talk - talk a lot - and when he received a

12 phone call he wouldn't hesitate, and at the end he would say, "It was chairman," or he

13 would say, "It was Patassé," or "It was Bombayake," and sometimes "It was General Mazi."

14 Q. And did Mustapha also talk about the content of their conversations? Apart from

15 the fact that he mentioned that it was Bemba or Patassé, or whoever, did he talk about

16 what was said during the conversation?

17 A. (Speaks English) Sometimes. (Interpretation) Sometimes. Let me give you an

18 example: At PK12 -- I don't know how this happened. Was it President Patassé who

19 had called Mr Bemba, or Mr Bemba? I don't know, but he told his soldiers, his officers,

20 "The chairman just called. We have to attack. We have to advance. We have to

21 attack," (Redacted).

22 He called for his officers, asked for a map and tried to look at how they were going to go

23 about their war plan to go towards Damara, and just a few days later in fact (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 Anyhow, I don't remember the number of times, (Redacted). So
2 they drew up their plan, they sent out scouts to reconnoitre the terrain and after the 6th (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted) and they got into a vehicle to go to attack
7 Damara. That was the 6th and Damara fell one day later.
8 Q. Sorry, I was allowing five seconds to go by, but perhaps you wanted to add
9 something, Witness?
10 A. Well, unless I'm mistaken, it wasn't the 6th. It was the 5th or the 4th, because it
11 wasn't the same day. It was on the 4th (Redacted).
12 That was when they went to Damara.
13 Q. I want to be sure I've understood you properly. The telephone conversation
14 between Jean-Pierre Bemba and Mustapha preceded the attack against Damara? How
15 many days before? By how many days? How many days before the attack on Damara
16 did this telephone conversation take place?
17 A. I would say more or less a week before - a week before - because there were bush
18 taxis that were going to and fro with the scouts. The scouts took the bush taxis to go and
19 reconnoitre the ground, and that must have been around a week beforehand.
20 Q. We're still in private session, so you can answer freely. The information that
21 Mustapha conveyed to the people in his entourage, saying that there was going to be an
22 attack on Damara, how long after the conversation he had with Jean-Pierre Bemba did he
23 say this?
24 A. He got the telephone conversation by Thuraya and he said, "That was the chairman,"
25 and then he said, "Kamisi, come here. René, come here." He called on his officers,

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 "Coup-Par-Coup, Seguin, bring over the map. How shall we go about this?" And
2 Coup-Par-Coup was a specialist in heavy weapons, and they began to explain, "When we
3 get a few kilometres away from Damara, then we'll start to attack. The shells will fall
4 before the infantrymen. Get close." And since they had the radio phonic
5 communications, the radio communications, the infantrymen would begin to ransack and
6 they will advance progressively together so as to take over the city.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Thank you. Now what I want to explore is what you know about the exchanges
11 between Bemba and Mustapha, so we're going to try and confine ourselves to that.

12 Apart from this example of the attack on Damara, (Redacted)

13 (Redacted) between Bemba and Mustapha, which

14 also led to a military operation?

15 A. Thank you Prosecutor. This reminds me of something that I'd forgotten and I'll
16 note that down. There was a so-called ambassador; he was commander, a commander
17 and a deputy, who had been nicknamed "Ambassador Soke Atandele," he's also referred
18 to as "Auf" (phon). Same person. He was in charge of fuel.

19 There was a rebellion in Équateur, and Kinshasa couldn't replenish their supplies and
20 they took advantage of that opportunity to get supplies from Mr Patassé. And
21 sometimes he would call to ask the commander to give orders to Mr Soke Atandele so as
22 to have fuel sent over; and the fuel sometimes was taken by riverboat at Ouangoia (phon),
23 some sort of port, and that's where they went from to go to Gbadolite. And sometimes it
24 was taken by helicopter. There we are.

25 Q. Let's go back into open session for a number of other items but, while we're still in

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 private session, could you please tell us more or less (Redacted)
- 2 when there were these telephone conversations, whether between Mustapha and Bemba
- 3 or other members of the MLC? (Redacted)
- 4 (Redacted)
- 5 A. Prosecutor, it would be a bit difficult for me to give you the number of times,
- 6 because already (Redacted)
- 7 (Redacted)
- 8 (Redacted) So they were constantly in contact.
- 9 They were in contact, I don't know how many times - I wouldn't want to make a
- 10 mistake - but, in any case, they were in contact with Mr Mustapha regularly.
- 11 MR BADIBANGA: (Interpretation) While we are still in private session, I would like us
- 12 to briefly relate, recall the document presented yesterday, CAR-OTP-0046-0387, page
- 13 0396-0396. This is a document we viewed together with the witness the day before
- 14 yesterday.
- 15 THE COURT OFFICER: Document CAR-OTP-0046-0387, at page 0396, is available on
- 16 your screens. This document is classified as confidential.
- 17 MR BADIBANGA: (Interpretation) Thank you. The document indeed is classified as
- 18 confidential and that is why we are dealing with it in private session.
- 19 Q. Mr Witness, when we looked at this document together, I did not ask you to read
- 20 out the telephone number below (Redacted) name. Can you, for the record, please read
- 21 out the telephone number which is in the circle below (Redacted) name.
- 22 A. Yes. This is the Thuraya number which Mustapha was using here in the Central
- 23 African Republic to communicate with Mr Jean-Pierre Bemba and the others. When I
- 24 talk about the others, I'm referring to President Patassé, General Mazi, General
- 25 Bombayake, and so on and so forth, yes.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Yes, you have somewhat answered my follow-up question by what you said, but I
2 simply want you to read out that number for the record. Please read it out aloud.

3 A. 00 88 216 37 22 53 43.

4 Q. Can you confirm that, as far as you know, this is the phone number that Mustapha
5 used in his telephone conversations with Mr Jean-Pierre Bemba; is that correct?

6 A. Obviously.

7 MR BADIBANGA: (Interpretation) Thank you. Madam President, I no longer need to
8 use that document.

9 PRESIDING JUDGE STEINER: Sorry, just maybe I don't remember if the witness has
10 already answered about that, but my question would be why there is this name (Redacted)
11 inside the circle close to this number, what (Redacted) means.

12 THE WITNESS: (Interpretation) Thank you, your Honour. I think this question was
13 put to me yesterday, and I will answer it again for better -- for the sake of clarity. Now,
14 during the -- well, how am I going to put this now? Throughout the proceedings
15 yesterday, I kept saying that the Thuraya had been placed on a stool, a stool -- the stool
16 which was some sort of a small, long table which would be two-and-a-half metres long,
17 that is the surface on which the Thuraya was placed.

18 Mustapha was not always at the same position to wait for the phone calls. You know, in
19 the forests, although there might be network availability everywhere, it was better for
20 them to place it on that stool in order to facilitate connectivity. So there would be times
21 when Mustapha would be in the house or in the courtyard, and whenever the phone rang,
22 or the Thuraya rang, the soldier who would be watching over the Thuraya would then
23 hastily take it and rush it to him. And there was a group of soldiers who were often
24 assigned to guard the phone, so to speak, on a rotation basis, and they would be there to
25 answer the phone when the calls came, either from General Bombayake, General Mazi,

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Private Session)

ICC-01/05-01/08

- 1 President Patassé or President Jean-Pierre Bemba. (Redacted)
- 2 (Redacted) because at that time the situation was different from what we have with
- 3 mobile telephones today, whereby I can easily call anybody in Damara, given that the
- 4 mobile antennas and transmitters are in place. (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted) It was possible for major, majors, and maybe René as well, since
- 11 Eboma René was a captain, but he was the deputy, the confidant of Jean-Pierre Bemba.
- 12 They had Thurayas after they had captured the entire area but, otherwise, it is only
- 13 Mustapha who was in possession of a Thuraya.
- 14 What I'm saying, therefore, is that the number on the screen is the number Mustapha used
- 15 to communicate with President Patassé, with Mr Jean-Pierre Bemba, with Colonel
- 16 Bombayake, or rather General Bombayake, and General Mazi. Thank you, your Honour.
- 17 PRESIDING JUDGE STEINER: Thank you very much. Maître Badibanga.
- 18 MR BADIBANGA: (Interpretation) Madam President, we no longer need that document
- 19 on the screen.
- 20 Q. Now, Mr Witness, we shall return to open session but, before we do, I have one
- 21 more question for you in private session. (Redacted)
- 22 (Redacted) when Jean-Pierre Bemba was having a telephone conversation or two with
- 23 Mustapha and when he gave instructions. (Redacted) when Mustapha
- 24 himself reported to, or gave an account of events to Jean-Pierre Bemba?
- 25 A. Yes. You see, when you have a telephone which you do not use to call, you do not

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 need credit or vouchers or units to place any calls, so it is René who went to buy those
2 units, or that credit, for the Thuraya, and from time to time he would place a call, and I
3 saw him do so with my own eyes from time to time. Yes, Mr Mustapha did call
4 Jean-Pierre Bemba. He did call President Patassé, and I can give you one example.
5 This was in Bossembélé, when Kamisi called him to tell him that the riverboat had been
6 hijacked, and so he called President Patassé and Mr Jean-Pierre Bemba. He did call them,
7 yes, he did.

8 Q. We shall now be returning into open session, and please, when you answer, don't
9 say, "I was there and I heard." Simply say, "I heard" or that "They did this and that," but
10 don't say, "I saw," "I heard," "I was there myself," and so on and so forth. Please just
11 focus on the content of the conversation.

12 MR BADIBANGA: (Interpretation) Now, Madam President, could we return to open
13 session.

14 (Open session at 3.12 p.m.)

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

16 MR BADIBANGA: (Interpretation)

17 Q. Mr Witness, as far as you know, did Mustapha report to or send any reports to
18 Jean-Pierre Bemba on the unfolding of events in the Central African Republic?

19 A. Thank you, Mr Prosecutor. You have asked me to find out about reporting. I
20 want to know whether you're referring to written reports or verbal, or oral, reports.

21 Q. I was referring for now to oral, or verbal, reports.

22 A. A short while ago I was telling you that the -- there was communication between the
23 commander, through the Thuraya system, with the President of the MLC, Mr Jean-Pierre
24 Bemba.

25 Q. Was Jean-Pierre Bemba aware of the advances of the troops on the ground?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Obviously, yes.

2 Q. How did he become aware of those advances? Would it have been through the
3 verbal reports which we have mentioned, or was it by way of the written reports you have
4 alluded to?

5 A. If I have understood your question properly, then you are asking of me to tell you
6 how I became aware of it; is that the question?

7 Q. No. You simply said that he was aware, and when I mentioned to you earlier on,
8 or when I asked you whether there were reports, you wanted me to clarify and state
9 whether I was referring to oral or written reports. Now what I want you to tell the Court
10 is whether he became aware by oral reports, or through these written reports?

11 A. No, he used to call the commander and the commander would also call him in
12 return.

13 Q. Yesterday, you talked about people who travelled between Congo and the Central
14 African Republic on behalf of Mr Jean-Pierre Bemba. Can you tell us what the mission of
15 these people was, and did their mission include information gathering as well?

16 A. Yes, I was referring to two colonels, (Redacted). Those
17 two colonels were liaison officers. That means that they were Mr Jean-Pierre Bemba's
18 special envoys to Bemba, whose mission was to assess the situation on the ground and to
19 report to him. They came in a helicopter.

20 Q. We are now in open session and I want you to tell us whether Mr Jean-Pierre Bemba
21 was in contact with any other MLC persons in Bangui, or with the Banyamulengue
22 soldiers? You've talked about the commander and you've talked about two liaison
23 officers. Were there any other MLC persons in the Central African Republic with whom
24 President or Jean-Pierre Bemba was in contact?

25 A. There was an individual in charge of fuel supplies to Mr Jean-Pierre Bemba in

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Gbadolite.

2 Q. Finally on this point, and as far as you know, was Mr Jean-Pierre Bemba in contact
3 with Central African authorities on the ground during that period?

4 A. Obviously, yes, and as I told you a short while ago he had come to Bangui in his
5 helicopter, and everybody -- when I say "everybody" it might be over-generalising, but the
6 former president used to call him, "My son, my son." Whenever he said "My son" he was
7 referring to Jean-Pierre Bemba, so they were in contact and they had very good relations.

8 Q. According to you, or going by what you were able to find out, what was
9 Mr Jean-Pierre Bemba's idea on the operations in the Central African Republic?

10 A. Thank you, Mr Prosecutor, for that question. It is a question which has arisen in
11 my mind previously. You see, I will answer you, but let me open a parenthesis and deal
12 with that before I answer your question. Can I do that, Mr Prosecutor?

13 Q. Please.

14 A. Now, Mr Bemba is truly an intellectual, an academician; that is someone who has a
15 full mastery of the pen and paper. You see, he goes to the university, holds a press
16 conference and asks the students to raise -- to put all types of questions to him and he
17 would pick up the chalk and make brilliant presentations, but what surprised me was that
18 such an intellectual will act in this matter -- in this manner. You see, sometimes people
19 lose it. That is understandable too.

20 So I ultimately understood that he did not come to the Central African Republic to help
21 the people of the Central African Republic during the time of President Ange-Félix
22 Patassé. You see, he also had some dealings with the people of the DRC. What he came
23 to do, actually, was to enrich himself on the backs of the Central African people, to equip
24 himself for his rebellion and to deal with the people of Zaire, since he was running a
25 rebellion in his country.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 So, as I have told you, I did not understand how or why an intellectual like Mr Jean-Pierre
2 Bemba could have behaved in such a manner, because it was within his power to use the
3 Thuraya to call and to say, "Stop whatever you are doing," and yet these people did all
4 those things with impunity.

5 So I say that he participated. He participated fully in the pillaging, in the rapes, in the
6 killings in the Central African Republic, because he did not on any single occasion open
7 his mouth to tell people to stop it. That would be my answer to your question.

8 Q. We will breakdown your answer into three parts: Looting, rapes and killings.

9 A. Crimes against humanity, war crimes and what have you, he participated in all
10 those things.

11 Q. We will get to that. We will get to it and it will be the duty of the Judges to
12 determine what these facts amount to, but for now you have testified that he participated
13 in the looting, the rape and the killings. Now, let us deal with those three aspects. You
14 have already explained that Jean-Pierre Bemba took the vehicles that were looted by
15 Mustapha. As far as you know, was Jean-Pierre Bemba aware that those vehicles had
16 been looted?

17 A. Why not? Where would Mustapha have found vehicles and where would the
18 commander have found such vehicles? When he left the DRC for the Central African
19 Republic he had nothing, even in Dongo he had nothing, and then all of a sudden he has
20 large, huge vehicles. How would he have come into possession of those vehicles if they
21 had not been looted, or pillaged?

22 Now, you as president, you would collect -- you would collect all of those things. Why?
23 Why would you? What he should have done would have been to say, "I don't want
24 those vehicles. Take them back to the Central African Republic," if you were going to be
25 a good father, but what did he do? He took them on. He took them into his compound.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 What does that mean?

2 Q. As far as you know, was Jean-Pierre Bemba aware of the killings that you have
3 testified to, and I'm thinking here of the mass graves and the summary executions in the
4 prisons?

5 A. Mr Prosecutor, I think you omitted one question and that question would have been:
6 What did Mr René use those notebooks in his hand for? Every day he had some
7 notebooks. Every morning, every afternoon. I think that report -- those books were
8 used for reporting, and I believe that the reports were sent to Mustapha and I also believe
9 that the -- Mustapha would then forward the reports to Mr Bemba. I hope that I have
10 answered your question. Mr Prosecutor, sometimes memory needs to be jogged for one
11 to remember these things.

12 Q. The notebook you have referred to, do you think that it may have contained any
13 references to rape? In other words, did Jean-Pierre, or could Jean-Pierre Bemba, have
14 been aware that rapes were being committed?

15 A. I would say "Yes." If you were to ask me to produce a report on what is happening
16 in the courtroom, then I would talk about seeing the court officer rising to confer or to talk
17 to the Judge, and so I will put that in a report if I have been asked to produce a report.
18 So if they have been asked to report, then they would talk about any losses suffered by the
19 Banyamulengue, they would talk about any cases of gaffs, they would talk about any
20 cases of killings, they would talk about any cases of rape in principle in such a report. So,
21 in principle, when a report is submitted it must contain everything that one has seen, that
22 one has observed. So Mr Bemba was aware of what was happening in the Central
23 African Republic. He was the leader. He received the reports. He's an intellectual.
24 He's a man with a solid head.

25 Q. Throughout that period, under whose orders was Mustapha acting?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Throughout that period, the orders often came from Jean-Pierre Bemba.

2 When -- well, quite rarely, if we are to look at the number of times that Mr Jean-Pierre

3 Bemba called, then we would say that Mr Jean-Pierre Bemba called more often than

4 President Ange-Félix Patassé, who was on-site.

5 Q. Did President Patassé give any orders relating to the operations to Mustapha?

6 A. Where would he have the power to do so? He clearly must have acted through

7 Jean-Pierre Bemba. You see, the orders came from the other side, from Gbadolite, from

8 the leader, from Jean-Pierre Bemba.

9 MR BADIBANGA: (Interpretation) Madam President, can we move into private session?

10 PRESIDING JUDGE STEINER: Court officer, please.

11 *(Private session at 3.29 p.m.) Reclassified as Open session

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

13 MR BADIBANGA: (Interpretation)

14 Q. Witness, you have just made a number of assertions on Mr Jean-Pierre Bemba's role.

15 It is important for the Court to understand where, or what your sources are and how you

16 can be so certain about these things. How do you know that it was Jean-Pierre Bemba

17 who gave orders to Mustapha?

18 A. Fortunately, the same question was put to me by the investigators; and although

19 you might turn the question around in different ways, I will try to answer. I have

20 already provided the answer to this question, but as long as you bring it up again from

21 different angles I will still tackle it.

22 Now, Mr Prosecutor, the orders - as I have stated - came from Jean-Pierre Bemba

23 whenever he called on the Thuraya. It happened sometimes that (Redacted)

24 (Redacted) and although these things happened

25 a long time ago, I believe that I have provided the Court with a number of examples to

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 clearly point out that he was the one giving the orders.

2 You see, I cannot say the exact number of calls that I received per day if I owned a
3 telephone, except I look at the log of calls - and so this would be incoming and outgoing
4 calls - that would then determine how many calls came in and went out. But the point is
5 that he received many, many calls from Mr Jean-Pierre Bemba, and that is a truth. It is
6 undeniable.

7 Q. Witness, to the extent that I don't know whether the -- this answer should be in
8 closed session or not, I'll put it in closed session. (Redacted)

9 (Redacted) Could you clarify this for us,
10 please?

11 A. Yes, thank you. After all these events, I believe that -- after the period in fact
12 during which the investigators went there, I believe that I understood a number of things
13 with regard to the law, (Redacted). I believe that -- well, the

14 Maître is here, they are here. We are in private session, aren't we? Yes?

15 I don't know if it's an information bureau -- it's an information bureau for human rights.

16 (Redacted)

17 (Redacted)

18 Q. Very well. I didn't wait for five seconds, I apologise. It's just so we understand

19 each other clearly, (Redacted). This is quite

20 recent. (Redacted) Have

21 I understood you correctly?

22 A. Yes, that's correct.

23 MR BADIBANGA: (Interpretation) Your Honour, with your leave, we could move
24 back into open session now.

25 PRESIDING JUDGE STEINER: Court officer, please.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Open session at 3.34 p.m.)

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

3 MR BADIBANGA: (Interpretation) Your Honour, I will soon be completing my

4 examination. When preparing for this examination, we were going to ask the witness to

5 use a map and to indicate a certain number of sites that he referred to. These are places

6 that he referred to in the course of his interview with the investigators.

7 Above all, these places are outside the town of Bangui, in other parts of the country, and

8 in order to do this in our list we ask that a map of the CAR be shown to the witness. I

9 still have the intention of using this map so that the witness can locate the relevant places.

10 However, the witness has provided additional information in the course of this hearing,

11 and he has spoken a lot about the town of Bangui and about the events that took place in

12 the town of Bangui. He mentioned a lot of places in the town of Bangui that are not

13 included in the statement he gave to the investigators.

14 We have carefully read through your decision again, which -- decision of the 14th, which

15 establishes the conditions under which we can present evidence. And under Chapter 8

16 you provided for the hypothesis whereby, in the course of the hearing, there might be

17 information that appears, and this might justify presenting new evidence.

18 And I mention this because I would like to ask the Chamber for leave to have a map of the

19 town of Bangui shown to the witness, so that the witness can point out the places that he

20 has spoken about.

21 We have a map with us, which was disclosed to the Defence in October 2008, on

22 1 October 2008, as early as that. It's a map of the town of Bangui. It is also included in

23 our list of evidence, but it has or, rather, bears the signature of another witness. So I

24 would rather not use a document that already bears the witness (sic) of another witness,

25 which might allow the identification of that witness, but I would like to use the same map

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 that hasn't been assigned. And, as I said, this was disclosed to the Defence on 1 October.

2 The map I am referring to has the following reference: CAR-OTP-0005-0321. I also

3 have an EVD number, which is EVD-T-OTP-00382. And I would also like to add, the two

4 references I have just provided are references of the document included in the list of

5 evidence with the signature of our witness, Witness 31, who hasn't been heard yet. And

6 this very same map, without any markings on it, could be used here for this witness. I

7 have a paper copy of the map on me, if necessary.

8 And, finally, one last thing I would like to add is that in the blank version or, rather, the

9 version that hasn't been marked the document reference is CAR-OTP-0030-0153 and, in

10 fact, it can be found in the eCourt system. I'm not quite sure what the term in French is

11 for "eCourt."

12 So that would be our request, and I will wait for your instructions to see whether I can go

13 ahead and make use of this map. Thank you, your Honour.

14 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. As you mentioned, in

15 the Chamber's decision May 2011, paragraph 8, it's stated that the procedure as set out in

16 paragraph 7 above does not preclude the parties from requesting the submission as

17 evidence of any item listed or not, either in the course of the questioning of a witness or at

18 a later stage during the proceedings through a motion.

19 The Chamber will decide, after giving the opposing party and participants the

20 opportunity to raise any objections they may have.

21 Since we are talking about a document that is of a public knowledge -- meaning, a map

22 from Bangui - my question is whether the Defence would oppose that a map of Bangui is

23 presented to the witness for the witness to assign some places that were referred to during

24 his questioning by the Prosecution?

25 MR KILOLO: (Interpretation) The Defence has no objections, your Honour.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 PRESIDING JUDGE STEINER: I also ask legal representatives of victims whether they
2 would have any objection on the presentation of a map of Bangui to the witness?
- 3 MS DOUZIMA-LAWSON: (Interpretation) We have no objections, to the extent that
4 the Defence will also be showing a map when examining the witness.
- 5 PRESIDING JUDGE STEINER: So I ask the Prosecution whether the Prosecution has
6 copies of this map to be provided to the Defence, and the legal representatives and to the
7 Bench, apart one to the witness, of course?
- 8 MR BADIBANGA: (Interpretation) Yes, your Honour, we have a sufficient number of
9 hard copies of the map for all the parties.
- 10 PRESIDING JUDGE STEINER: I ask the court officer what is the best way, the best
11 procedure for the witness to make some marks in the document that can be seen by those
12 present in this courtroom?
- 13 THE COURT OFFICER: Madam President, I can display on the screens document
14 CAR-OTP-0030-0153, which apparently corresponds to the hard copy version that you
15 have. The witness will be able to see this document in the screen, in the SMARTBoard he
16 has, and he can make any annotations using the electronic pen available to him.
- 17 PRESIDING JUDGE STEINER: So please ask the court usher to make it easier for the
18 witness to proceed like you say.
- 19 THE COURT OFFICER: Just for the record of the case, the document that is being shown
20 on the screens is a public document.
- 21 MR BADIBANGA: (Interpretation)
- 22 Q. Witness, can you see the map and are you able to locate the places?
- 23 A. Yes, Counsel, I can see a map before me, a map of Bangui. I can more or less find
24 my bearings because I know Bangui, and I can see the neighbourhoods and the avenues.
25 This is nice.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Witness, this exercise can be completed fairly expeditiously. At this point in time
2 it's not necessary to answer questions by providing detailed explanations. I will try and
3 summarise or, rather, go over information that you have provided us with in the course of
4 these last two days, and I would just like you to mark certain places on the map. Mark
5 certain things on the map.

6 With regard to MLC troops, for example, the Banyamulengue soldiers, I would like you to
7 use a triangle to indicate the presence of troops or, rather, I apologise. We'll make it
8 simpler. A circle could be used, rather than a triangle, to designate them, and in the case
9 of acts of violence and abuse, we'll just have some letters. We'll have an "M" for
10 "murder," "R" for "rape" and "L" for "looting," or in French, "P" for looting, "pillage," and
11 "V" for rape, "viol."

12 Witness, you said that when MLC troops arrived, they established themselves in Koru
13 and in the support regiment. Can you locate approximately Koru, Camp Roux, and the
14 support regiment on this map? You said that these two places were very close to each.
15 Can you locate these two places on the map?

16 A. Yes, Counsel. It's not Camp Roux but Camp de Roux .

17 Q. Thank you for that correction. If you can, I would like to ask you to mark that
18 place with a circle; Camp de Roux and the support regiment should be marked with a
19 circle.

20 A. Here, it's towards Bangui. When you cross over, it's the beach port. You progress,
21 you go towards the hill here, and here is the Camp de Roux. You go down, take Avenue
22 Kumen (phon) up until the assembly. Before you arrive at the assembly, it's true the
23 assembly isn't quite visible here, but the support regiment could be, in my opinion,
24 somewhere here. I apologise, in front here. This is where the support regiment would
25 be. The Camp Fidèle Obrou would be in front of it and this road leads to PK12.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Open Session)

ICC-01/05-01/08

1 Gobongo, you can see up there. After Gobongo, you have PK12.

2 Q. We'll go step-by-step, if you don't mind, so we can see what your circles designate.

3 Could you mark the first single that represents the Camp de Roux with a number 1, then

4 we'll know that the circle marked number 1 represents Camp de Roux.

5 A. I don't know if number 1 is visible here. Can you see it, I put number 1 here, I

6 mark number 1 here? I can rub it out. Yes, I'll rub it out to make the marking. There it

7 is.

8 Q. Don't be shy, you can mark it with a big "1," there's enough room.

9 A. There you have it, circle number 1. So the first circle is Camp de Roux, on the hill.

10 Q. Could you mark the place where the support regiment is with number 2.

11 A. The second circle is on the screen and I will mark that circle with number 2. There

12 you have the arrow. That is the support regiment.

13 Q. As you said, the carte, the map, does not include PK12 but we know that on the big

14 map of the CAR it would be difficult to point out. So, if you wish, just above Gobongo,

15 we can mark "PK12." At the limit of the map, at the edge, right at the top, you said

16 that PK12 was up there. You said that the road led to PK12, so mark it with a circle

17 because you said that MLC troops were located there. "PK12" is fine or you can mark it

18 with number 3.

19 At this point in time, sir, I would like you to mark out the location, or to indicate the

20 location of acts of violence in the town of Bangui.

21 I don't know, Mr Court Officer, if he could use the colour blue to make his markings.

22 Witness, you said that at the mosque there were eight bodies. Do you know where the

23 mosque would be in this map?

24 A. Counsel, when one refers to the mosque, it's PK -- or, rather, it's between PK12 and

25 PK13, that's where there's a mosque. I can locate the central mosque on this map. It has

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 nothing to do with the mosque that we have spoken about.

2 Q. What we're going to mark here are the places that you mentioned in relation to
3 crimes committed. Since this mosque is at PK13, I suggest that to the left of the road, on
4 the other side of the circle, you mark that place with the letter "M" for "murder," and since
5 your comments record, the comments are recorded, we'll know that it's because these
6 murders were committed at PK13, a kilometre away from PK12. So, to the left, could you
7 mark that location with the letter "M" to indicate murder.

8 A. Counsel, there's something I would like to add. I said that from the support
9 regiment up until PK12, well, there was the killing of a nine year old child there. It was
10 at Gobongo, and Gobongo is on the map, if you please.

11 Q. We'll get there, but would you first mark the place where the mosque is with "M"?
12 I have a list of items, but I'll get to the murder of the child.

13 A. What should I write to the left?

14 Q. To the left of the circle, can you see the circle where it says "PK12"?

15 A. Yes.

16 Q. To the left of the road, on the other side of the road, mark that location with the
17 letter "M."

18 A. That's it.

19 Q. Would you also like to mark the Gobongo site with the letter "M," which will
20 indicate the murder of the child. You mentioned Gobongo?

21 A. To the left?

22 Q. Yes, to the left. And with regard to the town of Bangui, I've also noted down that
23 you referred to the case of rape. Could you show us where the rape was committed, the
24 36 Villa site, and you could mark that site with the letter "V."

25 A. What should I mark this with, "V," Counsel?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Yes, the letter "V" for rape.

2 A. For those who are familiar with Bangui, with the 36 Villa site, there's (Redacted)
3 (Redacted) who lived in 36 Villas, which is between the avenue, the Avenue of Independence,
4 that goes as far as PK12. How can I explain this? No, the entrance is here, 36 Villas.
5 It's here somewhere. "Rape," that's it.

6 Q. And next to PK12, could you also mark that site with a "V," letter "V" for rape,
7 because you said at PK12, between PK12 and PK13, there was the Begoua school where
8 there were many cases of rape.

9 A. I should mark that to the right now because the Begoua school is to the right.

10 Q. If you wish, that's fine.

11 A. Yes, I'll mark that next to PK12, I'll mark that site with the letter "V," and why not
12 with the letter "M" as well, because murder was also committed up there?

13 Q. You can add an "M" to the "V," which will indicate that there were -- that murder
14 was committed at the PK12 site.

15 MR BADIBANGA: (Interpretation) Your Honour, with this map of Bangui, we have the
16 sites where the MLC troops were located and the sites where crimes were committed, as
17 far as the witness knows, crimes in the town of Bangui. Could we first give this a
18 number, because we might lose the information? Could we have this recorded, first of
19 all, and then with the leave of the Chamber, could the map be admitted into evidence as a
20 piece of evidence on the events in Bangui?

21 I would like to apologise to the Chamber at the same time because I still need some time
22 to deal with certain issues. With your permission, with your leave, I'll need another ten
23 minutes or so with the witness tomorrow morning, to deal with these issues, and then I
24 will have no more questions. Thank you.

25 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 I ask, please, the court usher to facilitate the witness to sign the document as marked by
2 him, and for the court officer, please, to upload the document and attribute an EVD
3 number.

4 We just need a few seconds for the court officer to print a copy of the modified document,
5 in order for the witness to sign such copy.

6 THE COURT OFFICER: Madam President, if you allow, we are going to use the
7 SMARTBoard to register the signature of the witness. The document being currently
8 displayed on your screens will not be displayed for the public and it will be a confidential
9 document. The document that is currently on the screens will be attributed EVD number
10 EVD-T-OTP-00664 and will be marked as confidential.

11 PRESIDING JUDGE STEINER: Thank you very much.

12 Mr Witness, thank you very much. It has been again a long day. It's time for you and
13 for our interpreters and court reporters to take some rest. We will adjourn for today.
14 We will be back tomorrow morning at 9.30. The Prosecution has still a few questions to
15 put to you, so we will proceed soon after the Prosecutor concludes with the questions put
16 by the legal representatives of victims and then we will see whether Defence intends to
17 start tomorrow, or after the weekend. However, we can decide it tomorrow because it
18 depends on how long the legal representatives will take in their questioning.

19 Thank you very much. I thank very much to the Prosecution, to the legal representatives,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Thanks to our interpreters and court
21 reporters. Hoping that you all have a very restful evening.

22 I ask, please, the court officer to turn into closed session, and in the meantime we are
23 going to adjourn and resume tomorrow morning at 9.30.

24 *(Closed session at 4.06 p.m.) Reclassified as Open session

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

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (The witness stands down)

2 THE COURT OFFICER: All rise.

3 (The hearing ends in closed session at 4.06 p.m.)

4 CORRECTION REPORT:

5 The Court Management Section has added one excerpt of the transcript previously
6 missing in the edited version of the transcript. The excerpt inserted in the corrected
7 version of the transcript (*) begins page 22 line 8 and ends page 26 line 20.

8 RECLASSIFICATION REPORT

9 Pursuant to Trial Chamber III's Orders, ICC-01/05-01/08-2223 and
10 ICC-01/05-01/08-3038 and its instructions in the email dated 6 February 2014, the
11 version of the transcript with its redactions becomes Public.