

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

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 Wednesday, 6 July 2011

8 *(The hearing starts in closed session at 9.38 a.m.) Reclassified as Open session

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 in

12 closed session.

13 PRESIDING JUDGE STEINER: Good morning. Court officer, could you please 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 Gombo, case reference ICC-01/05-01/08.

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

18 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba

19 Gombo. Good morning to our interpreters and court reporters.

20 We will continue today with the questioning of Witness 169, this time starting with the

21 examination by Defence team.

22 I ask please, court usher, to bring the witness in.

23 (The witness enters the courtroom)

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

25 (The witness speaks Sango)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 2 THE WITNESS: (Interpretation) Good morning, madam.
- 3 PRESIDING JUDGE STEINER: Did you have a restful night? Are you feeling well and
- 4 ready to continue with your testimony?
- 5 THE WITNESS: (Interpretation) Yes, I did rest well and I am ready to go on with my
- 6 testimony.
- 7 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are under
- 8 oath; you understand that?
- 9 THE WITNESS: (Interpretation) I promised to say the truth and that is what I will do.
- 10 PRESIDING JUDGE STEINER: Mr Witness, today the Defence will start questioning you.
- 11 I'll give the floor to Maître Liriss. Maître Liriss.
- 12 MR LIRISS: (Interpretation) Madam President, Judges, thank you very much.
- 13 QUESTIONED BY MR LIRISS: (Interpretation)
- 14 Q. Witness, good morning.
- 15 A. Good morning.
- 16 THE INTERPRETER: Perhaps -- the Sango interpreter is -- Sango to French interpreter is
- 17 asking the witness to get closer to his microphone, if possible.
- 18 MR LIRISS: (Interpretation)
- 19 Q. My name is Mr Liriss. I am one of the counsels for Mr Jean-Pierre Bemba, and it is
- 20 my honour to be questioning you on behalf of Defence here. Before proceeding, I would
- 21 remind you of the recommendations that have been made to you by the President
- 22 concerning the speed at which you speak.
- 23 Clearly, this is going to be a difficult exercise, not only for you but also for me, but
- 24 together we shall try and do our best, so as to follow that rule.
- 25 And if at any time my questions are not very clear to you, please feel free to ask me to

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 repeat my question. Furthermore, when I finish asking my question, try in your mind to
2 count up to five so as to allow the interpreters to grasp the question. As for myself, I will
3 try and do the same.

4 One more thing: You have been granted protective measures; the maximum protective
5 measures. Nobody can see you. Nobody can hear you. The transcripts of the hearings
6 are also written in the same way so as to hide your identity and ensure your security.

7 The Chamber took those measures so as to be sure that there is a balance between not only
8 the need for your safety and security, but furthermore to allow you to fulfil your
9 obligations; the obligations that arise from the fact that you have taken an oath to tell the
10 truth.

11 In this way there is no need for you to be worried when I ask you questions about people
12 who you yourself have quoted in your statements to the investigators, and if -- in spite of
13 the fact that you yourself quoted these persons, if you decide in spite of that not to answer
14 questions about them, then I will refer to the President, or to the Chamber, who will draw
15 the appropriate conclusions. Have you understood me well, Witness?

16 A. Yes, I did understand you full well. What I can say to you is this. It is not a good
17 thing to lie. I want to hear the truth. That's what I can say to you.

18 Q. Well, that is certainly to your credit, Witness. So I'm going to start with a question.

19 On page 276 - this is 0276, CAR-OTP-0043-0276 - you stated that (Redacted)
20 (Redacted). Can you explain to the Chamber what, in practice, this
21 consisted in?

22 A. Thank you, Counsel. (Redacted) well, we fled from the fighting,
23 we withdrew and the events began in Bangui. President Bozizé took power. I didn't go
24 back there immediately. I have children - I have many children - and it was my duty to
25 do something so that I could earn a living so as to satisfy the needs of my family. The

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 ferry that carried goods across and vehicles to Zongo, well, that ferry belonged to the
2 Central African Republic and had -- was in a state of disrepair. This is indeed still the
3 (Redacted)

4 (Redacted)

5 THE INTERPRETER: Interpreters correction: (Redacted)

6 THE WITNESS: (Interpretation) (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 The Ministry for Transportation of the Central African Republic was aware of this. The
13 authorities of the Central African Republic had given their consent to this being done so as
14 to help the population of the two countries: Central African Republic and the
15 Democratic Republic of Congo. That's what I can say on that topic.

16 MR LIRISS: (Interpretation)

17 Q. Thank you. I understand what you say. Let me now come back to something that
18 is painful to you, but we shall not go into detail. Yesterday you stated - and in your
19 statement you told us - that you lost in very dramatic circumstances two members of your
20 family in Bondo and Isiro. Do you remember that?

21 A. Yes, I remember. That is indeed what happened, but I didn't file a complaint. I
22 didn't file a complaint here. I asked the investigators. I asked them the question.

23 Q. There is no point going into the details. That is what I wanted to know. Could
24 you tell us whether Bondo is indeed in the Orientale Province in the Democratic Republic
25 of the Congo?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. Yes, that's right. Its Bondo. Bondo, close to Équateur, Aketi, that whole area.

2 Q. You said that because of an attack of the MLC soldiers in 1998 that this happened; is
3 that right?

4 A. I said that all those events took place in 1998. My mother called me to tell me about
5 this. My brother called me to talk about this, in spite of the fact that I wasn't on the spot.

6 Q. There's no need to go into the details. We agree that this happened in 1998 and it
7 happened in the Orientale Province, in Bondo and Isiro. Now, of course that changes
8 nothing in that -- to that tragedy, but I think it is important for us to know that in 1998 the
9 Orientale Province was occupied by the RCD rebellion, rather than by the MLC rebellion,
10 okay?

11 A. Thank you, Counsel. You and I were not on the spot. We were not there. It
12 doesn't matter. That is a way of you denying those facts and that is why I say let's leave
13 it alone. I don't have the strength. I simply don't have the strength to compel you to
14 accept that reality. You deny that reality. That changes nothing at all. Thank you,
15 Counsel.

16 Q. Witness, I am not denying what happened. I simply want to restore that historical
17 truth about the facts that we are aware of. This can be verified by any document, any
18 historical document, but I'm not denying the truth. And, on the contrary, I share your
19 pain. I do not deny those facts, and I think it's important that you should know that.
20 You also talked about the loss of all your belongings (Redacted) during the attack by the
21 MLC in Équateur, the attack that dislodged Mr Kabila's soldiers. Following that attack
22 you suffered damage, both material damage through the loss of (Redacted)
23 (Redacted); is that not the case?

24 A. Yes, that's right. But concerning those particular facts, how are you going to be
25 able to deny them? Mr Jean-Pierre Bemba is here, in this room. I have several examples

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 about these specific points that I can provide, so I'm perfectly ready to do that.

2 Q. Mr Witness, once again, I am not denying the facts. I'm basing myself on your
3 statements to ask you relevant questions. (Redacted)

4 (Redacted)

5 A. (Redacted) His

6 aircraft landed there and he was dressed in a military uniform. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 He was with Captain Paul, a Ugandan, and they were speaking in English. He had a
13 walking stick in his hand. (Redacted)

14 God is listening to me; God has heard me. That is the truth. I did not have any evil
15 intention against him. I had a good heart. (Redacted) I did that in good faith. If
16 he can admit that today, then I thank God but if he wants to deny that reality then I leave
17 everything to God.

18 PRESIDING JUDGE STEINER: Maître Liriss, sorry to interrupt you. If I could ask you
19 a favour, in order not just to help the Chamber but for the sake of the transcript. When
20 you mention some declarations, that you give the references, please. And, if possible,
21 that you give the reference of the page in French and the English translation, if possible.
22 That would help the Chamber in following the questioning. Thank you very much.

23 MR LIRISS: (Interpretation) Thank you very much, your Honour. I will try to do that.

24 Q. Mr Witness, unfortunately, because of the circumstances, (Redacted)

25 (Redacted) That is regrettable.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

- 1 You subsequently stated - and I'll give the reference here, in French it's
2 CAR-OTP-0043-0335 - you stated that you were recruited by an officer of Mr Kabila's
3 intelligence service in June 2002. CAR-OTP-0043-0317 in French. I will give you the
4 English reference later. Is that correct?
- 5 A. It is good to tell the truth. You are now talking about recruitment. I was not
6 recruited; I was simply called up. (Redacted) I
7 cannot deny that I serve God; I serve the true God. I cannot tell you a lie here. I have
8 never worked for the government. I'm telling you the truth about what really happened.
9 It is true that (Redacted) brought some people. I also gave you their names.
10 There was a major there, and a sum of money was given to me. I cannot deny that. I
11 am prepared to admit all that, and all that I'm telling you I'm saying it in the presence of
12 God, who is listening to me and who knows that I'm telling you the truth.
- 13 PRESIDING JUDGE STEINER: Maître Badibanga.
- 14 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'm sorry to have to
15 intervene in this way. I simply wanted to draw the attention of the Chamber, because
16 while looking for the references there was a detail that was missed.
17 The French version, that is page 9 -- end of page 8, beginning of page 9, the Defence
18 Counsel was telling the witness "Unfortunately, (Redacted)
19 (Redacted), which is regrettable," and the witness raised his hand at
20 that time. He wanted to speak. Unfortunately, he did not have the opportunity to do so
21 because my colleague continued with his questions.
22 I have a concern here for the ascertainment of the truth, and this was something that was
23 put to the witness because he was told (Redacted).
24 I believe by raising his hand he had some important information to give the Chamber, so I
25 would like my learned colleague to give the witness the opportunity to say what he

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 wanted to say. Thank you, your Honour.

2 PRESIDING JUDGE STEINER: Maître Liriss.

3 MR LIRISS: (Interpretation) When I put that question, I had two concerns not to dwell
4 on the painful experiences. You remember the reaction of yesterday. And, also,
5 because these events are not relevant to the charges but that they are important for me, for
6 the continuation of my questions. These were the reasons for which I found it pointless
7 to have the witness come back to those issues. It was not my intention to avoid any
8 truth.

9 I believe when I acted in that way it was not only for the expeditiousness of the
10 proceedings, but also because of the welfare of the witness. But if the Chamber feels that
11 he can give an explanation, then that is all right.

12 JUDGE ALUOCH: Mr Liriss, if I understand you correctly, I think when you said
13 "Mr Witness, unfortunately, because of these circumstances, (Redacted)
14 (Redacted)" I understand you to have
15 completed that part of questioning. And then when you started, you subsequently
16 stated -- you are going on to -- you are moving on; is that correct? When you
17 started -- when you referred to the French CAR-OTP-0043-0335, you are moving on. You
18 had abandoned the other line of questioning; am I right in my understanding? Thank
19 you.

20 MR LIRISS: (Interpretation) Your Honours, yes, I dropped that line of question. I
21 wanted to continue immediately.

22 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I think it was quite clear that
23 you were not posing any question to the witness; you just made a comment which maybe
24 was not so relevant but, in any case, was a comment. And, therefore, I don't see any
25 point in allowing the witness to continue and make comments on your comments.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 I just would like to remind the Prosecution, Maître Badibanga, that I -- the Chamber
2 would prefer that whatever interventions are to be made are on relevant points; otherwise,
3 we are not going forward. If the Prosecution starts interrupting, or any detail that the
4 Prosecution is not happy, this is not the way the Chamber has been conducting the trial.
5 So let's spare the interventions for the relevant issues. The Chamber would very much
6 appreciate. Maître Liriss, you can proceed, please.

7 MR LIRISS: (Interpretation) Thank you, your Honour.

8 Q. Mr Witness, I asked you the following question: Is it true that you were
9 subsequently contacted? And I am not using the word "recruited." You were contacted
10 by an officer of military intelligence of Mr Kabila. It is on page 0043-0317 in French, and
11 this was in June 2002. I will give you the references for the English version later.

12 A. That is correct, Counsel. That is indeed my statement. It is a statement that I gave
13 and it did not come from anyone else. I was not coerced in any way. It is based on the
14 reality of the facts.

15 Q. Mr Witness, can you tell the Court the name of that military intelligence officer who
16 contacted you?

17 A. I have already given his name here: (Redacted).

18 Q. (Redacted)

19 (Redacted) I'm

20 referring here to your statement, reference CAR-OTP-0043-0335.

21 Unfortunately, your Honour, I believe we don't have the English version for this witness.

22 PRESIDING JUDGE STEINER: 394. Oh, no, the previous one at least.

23 MR LIRISS: (Interpretation) CAR-OTP-0043-0335. I will repeat my question.

24 Q. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 A. That is correct, Counsel. Let me elaborate. (Redacted)
- 2 (Redacted) It was not for any other reason.
- 3 PRESIDING JUDGE STEINER: 0054-0411, the English version.
- 4 MR LIRISS: (Interpretation) Thank you, your Honour.
- 5 Q. Mr Witness, how many times did you meet (Redacted)
- 6 (Redacted)?
- 7 A. I believe it was only once.
- 8 Q. You said the following to the investigators, and it is page CAR-OTP-0043-0335.
- 9 "When you went to Damara, were you alone or were you with someone else?" Answer:
- 10 (Redacted)
- 11 (Redacted) And that is on the next page, 0036. Your answer: "Two
- 12 times." Can you clarify, given the fact that you have stated today that it was only on a
- 13 single occasion?
- 14 A. Counsel, I have told you that I went to Damara three times. The first time it was to
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. I did not say that you went there three times, but two times, based on your
- 20 statement. Was it once or twice, that is, (Redacted)
- 21 (Redacted); is that correct?
- 22 A. That is correct.
- 23 Q. You did not observe the five-second pause. Now, Mr Witness, (Redacted)
- 24 (Redacted)?
- 25 A. I'm sorry I did not observe the five-second rule. I would like to confirm that I was

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 the one who (Redacted)

2 (Redacted) and that is the truth.

3 Q. Mr Witness, when you (Redacted)

4 (Redacted)?

5 A. No, I do not remember. I have forgotten. Is there something in my statement to
6 that effect? I do not know. I have forgotten.

7 Q. You did not tell him that (Redacted)

8 (Redacted)?

9 A. You know, these things happened a very long time ago. Counsel, only a computer
10 can retain all those details. I am a human being. It is possible for me to have forgotten
11 some details. You can tell me that you did such-and-such a thing or that you said
12 such-and-such a thing. I can deny it or confirm it. If it is indeed my statement, I will
13 confirm it. I am someone who fears God. I am a servant of God. That is what I can
14 say now.

15 Q. It is not stated in the statement that you introduced him as such or not. What I
16 want is for you to confirm that (Redacted), and I suppose you
17 could not even have told him (Redacted)
18 (Redacted); is that
19 correct?

20 A. Thank you. I have fully understood you. In my statements, at that time (Redacted)
21 was crossing from one end to the other and he travelled to (Redacted) and you can read that in
22 my statement, or rather Mustapha had gone back to Zongo and you can read that in my
23 statement. The events took place a long time ago, and if in the statement it is mentioned
24 that I did something or that (Redacted), I'm asking you to please
25 refresh my memory and that will make it possible for me to confirm or to deny it.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. I think we will move on. We have understood. On page CAR-OTP-0043-0317,
2 you acknowledge that in June 2002 (Redacted) and certain individuals who had
3 come from Kinshasa assigned you on a secret mission to the MLC; is that correct?

4 A. Thank you. That is what I said myself. It is not someone else who said that. I
5 have said that I'm someone who fears God and, yes, indeed I was called up and money
6 was handed over to me. That is true. I cannot conceal all of that. I was corrupted,
7 because when they met with me I did not have any money. They gave me money. I'm
8 the one who revealed that. I have just told you that it is a good thing to speak the truth.
9 That is what I said.

10 Q. Witness, can you tell the Chamber how much money you were given and what the
11 mission that you were entrusted with consisted in?

12 A. At the time they asked me to go and see what the positions of the MLC were and
13 how they were organised in the villages close to the river, and it is true I went there, then I
14 came back and I reported to them.

15 Q. What was the strategy that together you formulated so as to carry out that mission?
16 Well, I've asked the question. What was the strategy that you agreed on so as to carry
17 out that assignment?

18 A. Well, (Redacted)
19 (Redacted). I would go to (Redacted), all those places. Well, I was familiar with them.

20 Q. To be sure that we have understood properly and for the purposes of the transcript,
21 I would like to read out your explanations in terms of that strategy. Page 0043-0318 in
22 the French version, third line: "The type of information was to find out what the position
23 of the soldiers of Jean-Pierre Bemba was, the arms that they carried, what they were
24 recommending, whether they planned to continue, whether they planned to go all the
25 way to Kinshasa. They asked me to stay with them so as to collect this type of

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 information. (Redacted)

2 (Redacted)" "So what was your strategy?", that was the question.

3 And your answer: (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. I am going to answer you. Everything that you just said is true. I myself was the
8 one who said that. I'm not a soldier. I was called. They are the ones who asked me to
9 do this and that, everything that you've just read out. I was not coerced into disclosing
10 all this to the investigators. I'm not involved in politics. All I did was to tell you the
11 truth about what happened.

12 Q. Witness, you did not answer one of my questions. How much money did you get
13 to carry out that assignment in June 2002?

14 A. 1,500 and (Redacted).

15 Q. What was the currency used for the 1,500?

16 A. US dollars.

17 Q. Witness, just a detail. You went to the (Redacted) in 2002, in June 2002. Now,
18 the Zambian market, is that the same one as the Mongoumba market? Please correct me if
19 I'm mistaken.

20 A. The Mongoumba market is a different one to the Zambian market. Mongoumba is in
21 the Central African Republic, whereas Zambian is in the DRC.

22 Q. Yes, I realise that, but aren't these between Libenge, Mongoumba and the Republic
23 of the Congo? This -- are they not placed at the intersection between those places?

24 Correct me if I am wrong.

25 A. Mongoumba is in the Central African Republic. It is a diagonal city. There's an

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 island before you reach Libenge. To go to Zambi, you have to cover 65 kilometres.

2 Zambi is in the DRC.

3 Q. Oh, fine. Well, I stand corrected. Witness, is it not true that it was while you were
4 fulfilling that mission that (Redacted)

5 (Redacted)? That appears in the transcript dated 1 July, page 20,

6 lines 18 to 21, real transcript, and also in your statement, OTP-0043-0284 and 0318.

7 Would you like me to repeat my question?

8 A. Yes, please. I didn't fully understand your question. Perhaps you could restate it.

9 Q. So it was while you were carrying out that mission that (Redacted);
10 is that not the case?

11 A. Which month are you talking about? (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) Well, I'm not quite sure I know what you're referring to. Perhaps
15 I've forgotten, because all this goes back a long way.

16 Q. (Redacted)

17 JUDGE ALUOCH: I'm sorry to interrupt. When the witness says (Redacted)

18 (Redacted) it's getting confusing as to which name of -- whether it's in DRC or whether

19 it's in Central African Republic. Maybe, you know, you could make that clarification or
20 the witness can make that clarification. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. (Redacted) Was that in 2002?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. That's right, it was in 2002.

2 Q. That is why I raised this question, because it was in 2002 that you began your
3 mission that was entrusted to you by the secret agents from Kinshasa. That's why I
4 asked you this question, whether or not that it was while carrying out that mission that
5 (Redacted)?

6 A. Counsel, I wonder exactly which assignment or mission you're talking about.
7 What I know is that I was contacted only once, and I was sent out on the mission. And
8 the second time, well, those people just asked me questions, and that was once Mustapha
9 and his team had withdrawn. That was the second time. They hadn't sent me out, no,
10 they just asked me questions.

11 PRESIDING JUDGE STEINER: If you allow me, as well, a clarification from the witness.
12 When, according to your statement on page 0043-0317, you say that it was your contact for
13 the first time, and I see in the French statement "des envoyés de Kabila à savoir un major
14 du ..." (interpretation) emissaries from Kabila, (Redacted) and a colonel, whose name I
15 don't remember, (speaks English) how these persons introduced themselves to you who
16 they said they were?

17 THE WITNESS: (Interpretation) (Redacted), he was the person who contacted
18 me and he took me to (Redacted) in Bangui. I asked him who these people were,
19 and he answered that they had come from Kinshasa; and he introduced me to (Redacted)
20 (Redacted) and he also introduced me to the other people who were present, to the
21 colonel - but I don't remember his name - and there was also a young man with them, and
22 they were all dressed in civilian clothes. They spoke to me. They gave me the strategy,
23 saying I should do this and that. That is the truth. I am telling you the truth.

24 The second time, and before I forget this, they simply asked me questions, but that was
25 after Mustapha had withdrawn and there were only Chadians. (Redacted) was with one or

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 two people. They called on me. We had a conversation, but they didn't send me out to
2 follow people on the ground or to do any particular thing. That's not what happened.
3 PRESIDING JUDGE STEINER: Thank you, Mr Witness. My question, Maître Liriss, is
4 because I've been taking notes. So page 11, lines 19, 20; page 12, line 3; page 14, lines 5, 6;
5 page 14, lines 18, 19; and now page 19, line 10, that you are always referring to these
6 persons as "secret military intelligence officers," or "secret agents," or "intelligence officer
7 in Mr Kabila's service."

8 I haven't seen this reference in this statement, so I would like to ask whether you have any
9 reference that these persons that contacted the witness were military intelligence officers
10 in Mr Kabila's service, because the witness just mentioned in his statement "gens du
11 gouvernement de Kinshasa."

12 MR LIRISS: (Interpretation) Page 0317, CAR-OTP-0043-0317, this is the statement
13 given by the witness. He said at the time "I had a young one named (Redacted)
14 who had put me in contact with people from the Kinshasa government because he knew
15 that (Redacted). Emissaries from Kabila - i.e., (Redacted)
16 and a colonel, whose name I've forgotten - came to meet with me at (Redacted) in
17 Bangui. They met me twice."

18 Later on I will be giving you the references where the witness states that (Redacted),
19 because you asked me this question, is a person in charge or an officer for military
20 intelligence for the DRC. And I'll be able to give you that reference hopefully before the
21 end of this hearing.

22 Q. Witness, so it was in January that you met these members of the secret service of the
23 Kinshasa government, military secret service. Sorry, I should have said June 2002. That
24 is also the month during which (Redacted). You stated that you met with these
25 people a second time, at the end of the events relating to CAR, in April or May 2003 once

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 the MLC had left; is that correct?

2 A. As I have said, Counsel, the first time (Redacted) was the person who contacted me.

3 (Redacted). When Jean-Pierre Bemba was taking power,

4 (Redacted). I knew him before, and that is why I went with him to the

5 (Redacted). He was the one to say to me that these people were a (Redacted) and a colonel,

6 but they were all wearing civilian clothes. And, as I already said, I didn't know them

7 before that.

8 Q. Now, to be more specific, page 0043-0321, I would like to know why the government

9 of Kinshasa chose you to investigate what is going on in the DRC?

10 A. (Redacted)

11 (Redacted) also told them that I was a nice person. He told them that he was going

12 to call me to ask me. So he called me and he told me that they would be giving me a

13 little money. I accepted.

14 Q. Did (Redacted) say why he had chosen you to carry out this investigation?

15 A. I had contacts with (Redacted). This time we're talking about page 0321, and I'm

16 afraid I don't have the English version. I had contacts with (Redacted) well before that,

17 when he was a soldier with the Alliance des Forces Democratiques de Deliberation.

18 Perhaps, but I'm not sure which then became the Forces Armées Congolaises, the FAC.

19 Following what happened, I told (Redacted) that Jean-Pierre Bemba's people had plundered

20 me and taken away all my belongings and that, therefore, I am against Bemba. He knew

21 all this. Perhaps that is why he chose me.

22 PRESIDING JUDGE STEINER: Maître, just for the record, 0054-0398, English version.

23 MR LIRISS: (Interpretation)

24 Q. Witness, you heard me read out your statement, didn't you?

25 A. Yes, I heard. Counsel, it is a good thing to tell the truth. (Redacted) was still very

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 young when I met him. His father was called (Redacted). That was in Isiro, in the
2 Orientale Province. And I had -- well, (Redacted), and I met
3 him in the Équateur Province. He was not a soldier. When the AFDL had come, that is
4 how they were recruited. And they were driven out during the fighting, and he crossed
5 the river and me too.

6 And what you said is true. They looted all my belongings. They destroyed my
7 belongings. I spoke to him about this; he was aware of this. And then I forgot. And
8 when he met with the people who had come over, he spoke to them about this and those
9 people asked him questions. I wasn't present. That was the security service or -- well, I
10 was never involved in that type of thing.

11 If I had done that -- I'm here before the Presiding Judge. I believe I would not have
12 revealed my activities in the secret service if I had been involved. But I believe that,
13 Counsel, you are trying to lead me onto a slippery slope, so as to tell the people in the
14 courtroom that I was Kabila's informer. That is not true. It is not true; it is a lie.
15 If it had been true, that I was involved in those sorts of activities, I would not have
16 revealed this in broad daylight to everyone. I travelled here to tell you in good faith
17 everything that happened.

18 MR LIRISS: Mr Witness, it is very interesting. I could not even conclude the first part.
19 It is 11 a.m., and you'll be able to explain all that to the Chamber after the break. Thank
20 you, your Honour.

21 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Mr Witness, we'll have now a
22 half-an-hour break. You can have a coffee, or a tea, take some rest. It's 5-past-11.
23 We'll be back at 11.35. I ask, please, court usher to accompany the witness outside the
24 courtroom and, in the meantime, we will suspend and resume at 11.35.

25 (The witness stands down)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 THE COURT OFFICER: All rise.

2 (Recess taken at 11.05 a.m.)

3 *(Upon resuming in closed session at 11.43 a.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: Welcome back. I hope the problems were solved
6 with Maître Liriss's computer.

7 Please, court usher, bring the witness in.

8 (The witness enters the courtroom).

9 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

11 PRESIDING JUDGE STEINER: Can we continue with your questioning,
12 Mr Witness?

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

14 PRESIDING JUDGE STEINER: Maître Liriss, you have the floor.

15 MR LIRISS: (Interpretation) Thank you, your Honours. Good morning once
16 again, Mr Witness.

17 Your Honour, I have two pieces of information for the Chamber. The OTP never
18 disclosed to us the English version, or versions, of the statements of the witness. It
19 would therefore be difficult for us to provide any references.

20 Secondly, you asked for a reference about whether the person we referred to was
21 indeed a secret agent. I will give you two references and I will give you a third later,
22 which I cannot do with this witness. The first is CAR-OTP-0043-0322.

23 "Do you think that there were other reasons for choosing you to carry out that
24 investigation? Why not (Redacted) himself or someone else?" Answer: "I do not
25 think that there were other reasons. (Redacted) could not do it because he was a soldier

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 of the Congolese Armed Forces. At that time the MLC occupied North and South
2 Ubangi."

3 And then lastly, a short while ago, French transcript page 24, lines 25 to 28, and in
4 English, page 23, lines 15 to 18. The witness stated as follows: "After that I forgot,
5 and when he," and he's referring to (Redacted), "when he met the people who had come,
6 he spoke with them. They asked him questions. I was not present with them. It
7 was the security service or the secret service. I never involved myself in any such
8 thing."

9 This is not to confront him with this, it's simply for the information of the Chamber.
10 So it is possible to look at the document which is also, unfortunately, only in French.
11 It is CAR-OTP-0043. I repeat: CAR-OTP-0043-0200.

12 PRESIDING JUDGE STEINER: I thank you, Maître Liriss. And I wish the Defence
13 had been provided with the English version of the transcripts because that would, as I
14 said, help the conduct of the proceedings, but in any way I still have some doubts in
15 relation to the fact that the witness talks about the militaire and the Defence refers to
16 someone from the secret service, but only at the end we will see at what point this fact
17 is relevant or not. But in any case, I appreciate the efforts made by the Defence in
18 bringing to the Bench the references.

19 You can proceed, Maître.

20 MR LIRISS: (Interpretation) If you wish, your Honour, you can simply order the
21 OTP to provide an English version.

22 PRESIDING JUDGE STEINER: Maître Badibanga.

23 MR BADIBANGA: (Interpretation) Thank you, your Honour. To begin with, I
24 would like to point out that the Office of the Prosecutor fulfilled its obligations by
25 disclosing all evidence to the Defence in the language of the accused, pursuant to Rule

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 76(3).

2 Nevertheless, the OTP had the courtesy to send copies of all statements in translated
3 versions, and I'm referring also to the English version. I don't want to dwell too
4 much on this but (Redacted)

5 (Redacted)

6 (Redacted). Ever since then, we did not receive any further request from the Defence
7 asking us to give them new copies.

8 PRESIDING JUDGE STEINER: Having said that, would Prosecution be kind enough
9 to provide Defence with another copy of the translated version?

10 MR BADIBANGA: (Interpretation) Yes, indeed, your Honour. For purposes of
11 the expeditiousness of the proceedings, the OTP will grant that request, in accordance
12 with the new security measures that have to be applicable to all disclosure of
13 materials. Thank you.

14 MR LIRISS: (Interpretation) Your Honour, before I continue, we have to be clear.
15 The document that was sent in English was sent only to a member of the team; that is
16 on a personal basis, and the instruction was that this document should not be referred
17 to in court. Thank you. I believe, as soon as we have the other copies, this incident
18 would be considered closed.

19 PRESIDING JUDGE STEINER: So that the witness asked the permission to say
20 something. Mr Witness, do you want to say something?

21 THE WITNESS: (Interpretation) Thank you, your Honour. This is what I wanted
22 to say: A short while ago, Mr Liriss asked me questions about (Redacted). He then
23 said that I had been used as an informer. I would like to react to that. When the
24 investigators arrived in Bangui, I was asked why I wanted to testify. I told them
25 clearly that it was because of my sisters who had died and also because of my

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 property which had been looted by Mr Jean-Pierre Bemba's soldiers. I was angry.

2 Afterwards, I had the opportunity to meet with people to whom I spoke about this. I

3 was also able to meet with (Redacted). And this happened before the supposed envoys

4 of the government met with me. I mentioned all of those things to (Redacted).

5 My vehicle was looted and (Redacted). I was not happy at all. I was angry

6 against Jean-Pierre Bemba, and it was for that reason that he came and he contacted

7 me for that mission.

8 However, I do not accept what Mr Liriss has said. No one can *expose himself to

9 death. The investigators asked me questions and they did not put a gun to my head,

10 but I revealed that information because I wanted to tell the truth about the events.

11 I'm sorry, Madam President, I do not wish to be confused. If he puts that question to

12 me again, then I will have to refuse. I will accept to answer other questions. I

13 believe that his intention is to unsettle me and I do not agree with the way he's

14 proceeding. That is what I wanted to tell the Court, your Honour.

15 PRESIDING JUDGE STEINER: Mr Witness, so your words are now in the transcript

16 and the Chamber will be, as always, vigilant in order for you not to feel distressed or

17 harassed.

18 On the other hand, in relation to the facts, you are supposed to answer to the

19 questions put by the Defence. You can refuse the qualification of certain facts, but in

20 relation to the facts you can say "I know," "I don't know," "This is not like this, this

21 was like that," but you cannot choose the questions you are going to answer.

22 So in case you feel that any question that is put to you does not reflect what is in your

23 statements given to the Court, you just let us know and we will see whether Defence

24 can phrase the questions in a manner that reflects your statements.

25 Maître Liriss, you have the floor.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 MR LIRISS: (Interpretation) Thank you, Madam President.

2 Q. Witness, rest assured, I am not asserting anything; I am simply asking questions.

3 The decisions, the determinations, will be made by the Chamber alone. I am simply

4 content myself with asking questions. And, indeed, I will no longer use the word

5 "mission," because perhaps that is what is disturbing you. And I fully agree that we

6 can use another term, let's say "assignment," and that is why I'm going to ask you the

7 next question:

8 Since you were entrusted with this assignment in June 2002, did you tell (Redacted)

9 (Redacted)

10 (Redacted)?

11 A. I don't know.

12 Q. For the purposes of the transcript, shall we record whether or not (Redacted)

13 (Redacted)

14 (Redacted); is that correct?

15 A. Well, you have just answered that.

16 Q. All right, Witness. You elsewhere stated that you once again met with these

17 people, (Redacted), in Bangui in April or May 2003; is

18 that correct?

19 A. I'm going to tell you the truth. I was asked questions about the events in the

20 Central African Republic and I gave them explanations.

21 Q. Let me give the references to the Chamber so that we can follow more precisely,

22 page CAR-OTP-0043-0318. And there you say that in April/May, after the events in

23 the CAR, you met with (Redacted), once again (Redacted)

24 (Redacted). What was the purpose of this second meeting?

25 A. (Redacted) brought them to my place. He called on me to talk to them about

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 everything that was going on in the Central African Republic and I did speak to them
2 about everything that had happened.

3 Q. Witness, they asked you questions about everything that happened in the
4 Central African Republic or else on particular -- was it on particular events; and if it
5 was, which particular events?

6 A. Counsel, the events occurred a long time ago and you're asking me for some
7 details. I have just said to you that I'm a human being, and it could well be that I
8 forget certain information. They asked me questions about events that had occurred
9 and I told them about them. I told them exactly what had happened. At the second
10 occasion, I don't know.

11 Q. I'm going to try and help you. I'm referring here to your statement, page
12 CAR-OTP-0043-0319. Is it true to say that the questions they asked you related
13 exclusively to the possible crimes that might have been committed by the MLC
14 troops?

15 A. Counsel, earlier on I said to you that it is difficult for me to remember some
16 things and you promised to help me refresh my memory. Please, could you read out
17 my statements? If I said those things, I will recognise them and I will able to
18 confirm.

19 Q. All right then. Page CAR-OTP-0043-0313, at the end of the page, this is the
20 question that you were asked: "Did they tell you -- " sorry, next page,
21 CAR-OTP-0043-0319. You answer in the following manner: "They asked me what
22 Bemba's troops had done during the events in the CAR in 2002 to 2003. I gave them
23 the positions that were held by Bemba's men, the names of the commanders. They
24 asked me if they had killed, and I told them that they had killed. I was asked
25 whether they had committed rapes, and I said 'yes.' They asked me questions about

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Atandele Soge, who was a fugitive at the time."

2 This is what you answer; is that correct, Witness?

3 A. Yes, that's right.

4 Q. Did they take notes while you were speaking?

5 A. Counsel, please, could you read out the whole statement. You are only
6 reading a small part of this, and I cannot gather enough from this. Could you read
7 out the whole thing? I no longer remember whether or not they took notes.

8 PRESIDING JUDGE STEINER: Mr Witness, the Chamber understands that your
9 statements were taken a long time ago, but at the beginning of your testimony the
10 Chamber asked you whether you had been given opportunity to read your statements
11 in order to refresh your memory, and you said "Yes." We can ask the court officer to
12 display all pages of your statement, but that will mean that your statement will take
13 weeks to come to an end.

14 I think we could try to make an exercise: When the questions are more complex we
15 can ask the court officer to display, and then you can read it again, but I would ask
16 you to make an effort - when the question is more concise and objective - that you can
17 just give a concise and objective answer. Then I think it's not necessary to display
18 page-after-page of your statement. Would that be agreeable for you?

19 THE WITNESS: (Interpretation) Yes, I understand you, Madam President. It's
20 true I did read my statements, but it could well be that I forget some of the
21 information and that is why that is the case. I have forgotten many things.
22 Now -- well, if the information is true and I have said so, then I will recognise them as
23 such, if I am the one who said that. To display part of my statement on the screen
24 that would take a long time, I agree. It is better to ask me questions, but I would like
25 those things to be read out to me quickly so that we can get ahead. I wouldn't object

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 to that.

2 PRESIDING JUDGE STEINER: We'll find a way to combine all needs in order for
3 your testimony to go as quick as possible without losing any information that the
4 Defence is seeking.

5 Maître Liriss, I hope that helps.

6 MR LIRISS: (Interpretation) Yes, of course, madam.

7 Q. Witness, I had asked you a question, i.e. whether you were able to see whether
8 these people while they were talking to you took notes?

9 A. Counsel, I'm sorry, I no longer remember those details. I don't know whether I
10 said so in my statement. If I did say that, then it was the truth.

11 Q. So, in other words, you are referring to your statements. In that case, let me
12 give the reference to the Chamber so that the Chamber knows that in response to the
13 question you did say that notes were taken, CAR-OTP-0043-0319. Now, Witness, if
14 every time I read out what you said and ask you to confirm it, it will take you far
15 longer. You will have to stay here far longer in The Hague. So every time that you
16 don't remember and that you say that you don't remember and that you'd like me to
17 read out your statement, that of course I will be able to do.

18 Now, it appears from your statement that they did take notes. Now that you know
19 that, do you remember that being the case?

20 A. Yes, that's the case. I was the one who said so.

21 Q. Witness, do you know why those people needed that information?

22 A. Well, you know, at the time I was angry, because of my property that had been
23 looted, and I spoke about this to many people. (Redacted) brought them to me and he
24 said to me that they were emissaries from the Kinshasa government, and what I said
25 to them, well, I limited myself to what they -- what I told them. I didn't know what

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 they were going to do with that information.

2 Q. In your statements you say that it is no doubt because Bemba was opposed to
3 Mr Kabila and that they needed that type of information. The reference is once again
4 the same. Do you remember that?

5 A. Counsel, please restate your question.

6 Q. "Do you know whether they -- why they needed that information, because
7 Jean-Pierre Bemba ...", and you can repeat the rest yourself since I'm sure you have
8 understood me this time?

9 A. Yes, it's true. That is what I said to them. The investigator asked that
10 question. I answered him saying "Yes, I believe it's possibly because Bemba was on
11 bad terms with Kabila and perhaps that's why they came to ask me those questions."
12 The investigators asked me that question and I said, indeed, that everybody knew
13 that Bemba did not get on well with Kabila. Perhaps that was the reason. That is
14 what I stated in my statement.

15 Q. Is it correct to say, consequently, that these people needed that information so as
16 to discredit Mr Jean-Pierre Bemba?

17 A. Did you hear what I just said? When the investigator asked me, I answered
18 that at the time the -- Bemba and Kabila did not get on well and that is why the event
19 occurred.

20 Q. Witness, can I infer that the answer to my question is "Yes"? So let's go on to
21 the next question. Is it correct, in relation to what you've just said, that this
22 information was needed so as to discredit Mr Jean-Pierre Bemba?

23 A. I have told you about the ill feeling between the two. There was no good
24 understanding between the two, because there was combat between the two parties.

25 Q. Thank you, Witness. Did you get money in return for the information you

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 provided?

2 A. (Redacted) was the one who gave me \$500. It must have been (Redacted) who gave
3 me that amount.

4 Q. So (Redacted) gave you this money at his own initiative, or on behalf of those
5 persons?

6 A. To begin with he was given money. He took away part of it and gave me the
7 remainder. He was the one who knew the people who had come. He was the
8 person in contact with them before he turned to me. All I could say -- well, I was
9 somewhat limited in my action. He was the one who took me to them.

10 Q. Witness, is it correct to say, then, (Redacted) gave you this money on behalf of
11 those people; in the name of those people?

12 A. I went with him to meet those people. After the conversation, when we came
13 out, he gave me money. What does that mean? Well, perhaps those people were
14 the ones who gave him that money. How much he was given, I do not know. All I
15 could do was to content myself with what he gave me; what he handed over to me.

16 Q. I'm going to read out the question that you were asked. I'm sorry, Madam
17 President, CAR-OTP-0043-0319. The question: "What was your motivation to go
18 out and collect the information for the Government of Kinshasa?" Answer: "They
19 gave me money." Question: "How much did they give you?" Next page, answer:
20 "\$1,500, but (Redacted) I was left with \$1,000." Can you
21 confirm that, please? Remember the five seconds.

22 A. That's right.

23 Q. So it is correct to say that this money came from those people? Is that not the
24 case, sir?

25 A. I have just said to you that we went to meet with them together and after the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 meeting he gave me money. That might mean that the money came from the people
2 that we had met.

3 Q. That seems to be logical. Yes, indeed. Thank you, Witness. I have a rather
4 difficult question to ask you right now. Subsequent to the information that you
5 provided to the agents from Kinshasa, a TV crew was sent out to the Central African
6 Republic by Kabila's government and a news report was filmed, victims were filmed
7 on the basis of the information collected and the report was broadcast at the time.
8 Were you aware of this happening?

9 A. Counsel, it is possible that I might have forgotten, but I'm not aware of that. If
10 it is true, then please read the excerpt to me.

11 Q. No, I'm not sure that you're aware of that. I simply was asking you whether
12 you had known about that. Now, would you agree to listen to this statement from
13 the president of the NGO, Journaliste en danger, or Journalists in Danger, who talked
14 about how the report was made? And after that I will have questions to put to you.
15 You are free to accept or not.

16 A. Counsel, I believe I have told you that it is possible that I might have forgotten
17 certain details, but if you need to have a clear answer, I believe it is important to ask
18 the question clearly. Then I would be able to confirm or deny that information to the
19 Chamber.

20 Q. Do not feel that I'm trying to trap you here. I simply want to be honest and fair
21 with you. You have answered clearly that you are not aware of that news report,
22 even though it might have been prepared subsequent to the information that you
23 provided, for the reasons that you yourself have given; that is, a misunderstanding
24 between Bemba and Kabila.

25 So since you're not aware of that report, I can only ask you a question about it if you

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 freely accept that we listen to it. If you do not accept, then I will move on. In order
2 to be even more fair with you, the question would simply be whether that video
3 statement corresponds to the objective that you believe was that of those people who
4 contacted you. So I am totally at your disposal, Mr Witness. You are the one who
5 decide.

6 I am asking you this question in light of what you have told me: You want the truth.
7 You are there to enlighten the Judges and you wish the truth to be known.

8 A. Thank you, Counsel. With regard to that point, it is possible that I might have
9 forgotten. Nevertheless, I can say that I did not see it. Did I ever make such a
10 statement? Well, you know, I am a human being. There are many issues. But to
11 say that these people came and that we were together, if that is mentioned in writing,
12 then it means it is a reflection of the truth. But if it is not mentioned, then I cannot
13 confirm that to you. I do not know.

14 MR LIRISS: (Interpretation) Your Honour, can the court officer show us audio
15 recording that is number 10 on our list? After that, I will have a question for the
16 witness. And can you allow me to sit down, your Honour, during this time?

17 THE COURT OFFICER: Madam President, document CAR-DEF-0001-0828 will be
18 shortly displayed. Please press the "PC1" button to view the video. For the record
19 of the case, this video is classified as public in the Defence list of documents, but since
20 we are in closed session, the document will be confidential, unless otherwise
21 instructed.

22 (Video extract played)

23 THE COURT OFFICER: Madam President, there is a slight problem with the sound
24 of the video. I asked for a technician to come here and verify what is happening
25 with the equipment. I would kindly ask you to be a little bit patient.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Calling this a slight problem is quite generous.
- 2 Maître Liriss, while we wait for the technician, I'm informed that this video is of
- 3 around 22 minutes. You intend to have the 22 minutes displayed?
- 4 MR LIRISS: (Interpretation) I do not think so, your Honour. I was not able to
- 5 identify the relevant extracts, but I can stop at any time. In the meantime, we can
- 6 continue with questions, if that is all right with you.
- 7 PRESIDING JUDGE STEINER: No. My suggestion would be, if you intend to
- 8 listen to the whole video, that maybe we could do it in the second half of this hearing,
- 9 because there will be no time for the whole video to be heard.
- 10 MR LIRISS: (Interpretation) That is -- you're correct, your Honour. We can
- 11 continue with the questions, and I would like to have the entire video projected.
- 12 THE INTERPRETER: In the meantime from the interpreters, can someone switch off
- 13 that tape, because there's a lot of sound interference?
- 14 PRESIDING JUDGE STEINER: It was switched off. So I hope the technician is able
- 15 to test the equipment during the lunch break and we can -- Maître Liriss. Maître, we
- 16 will wait for the technicians to fix the problem during the lunch break and then we'll
- 17 be able to listen to the tape after the lunch break, if that is fine with the Defence.
- 18 MR LIRISS: (Interpretation) Yes, indeed, your Honour.
- 19 Q. Mr Witness, we have about 15 minutes left and that will be enough for us to
- 20 conclude on this particular line of questioning. You told the investigators that you
- 21 were chosen by (Redacted) and the Kinshasa officers probably because of the fact that
- 22 you had already told (Redacted) that you were against Bemba - and those were your
- 23 words - because of what you had suffered for which you blamed his forces. If you
- 24 do not remember I will read you the excerpts, but I believe you do remember; correct?
- 25 A. That is correct.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Can you tell the Chamber -- well, I'm Congolese and I understand the term, but
2 can you tell the Chamber what it means to be "against someone"?

3 A. Thank you, Counsel. I believe that I also understand French. I have said this
4 before and I will repeat. I do not know what is your understanding of the word
5 "contre" in French, or "against." It is not the meaning that I am giving to that word.
6 It referred to the property that I had lost. I wanted to give you greater details, but
7 you refused. I wanted to tell you the truth about what I had suffered. Those
8 people had taken my property, but to be against him, why? I do not have weapons.
9 What is the interest?

10 Q. On page 30, line 6 of your testimony given a short while ago, you stated clearly
11 as follows "I was angry with Jean-Pierre Bemba and it is for that reason that he came
12 to contact me for that mission." Go ahead, Mr Witness.

13 A. Yes, that is true. Let me repeat what I said in my statement. When the
14 investigators came to see me, the first thing that I asked them was that. With regard
15 to the property that I lost, I asked him some questions.
16 I have other details about what happened in the DRC. There's someone who was
17 called (Redacted). He lost property, but he was compensated. But what did I get?
18 The soldiers took my property, (Redacted). In your view, shouldn't that have
19 made me angry? All those goods, all that property, I acquired after working hard for
20 them. It was God who gave them -- who gave me that property. When I wanted to
21 talk about it you told me that it was not necessary, and yet when I make a statement
22 you rely on it. Up until now I am suffering. I have children that I need to care for.
23 When I wanted to talk about it you refused, because you said that these are things
24 that happened in the DRC. According to you, Counsel, under the circumstances isn't
25 it necessary to get angry? Who am I?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. Thank you, Mr Witness. I fully agree with you. It is human in such
2 circumstances to be angry against the person that you believe is responsible. That is
3 why the Defence is of the opinion that this is what motivated you to collaborate with
4 the Prosecution. This is our thesis.

5 I have one last question. It will be fine, your Honour.

6 You stated that "The current president of the CAR does not take in account the
7 various ethnic groups. He is able to welcome everyone. (Redacted)

8 (Redacted)

9 (Redacted)

10 and this was the real-time transcript, French version, of 5 July, page 40, lines 25 to 28,
11 and then page 41, lines 1 to 3. These are my questions to you on this matter,

12 Mr Witness: When you say (Redacted) who
13 are you referring to?

14 A. Thank you, Counsel. I believe that it is important for me not to follow a path
15 that can create a problem for me where I live. (Redacted)

16 (Redacted)

17 (Redacted) I asked him how does he

18 know that and he told me "Well, there have already been cases such as this and
19 Bozizé is aware." I know that he is the president of everyone, because he is a man of
20 peace. There is no discrimination.

21 There was a problem. A shop belonging to a Lebanese man was set on fire by

22 Central Africans. What was done? There were other incidents in Bangui recently.

23 A Chadian beat up a child. What was done? What did he do? This means that he
24 likes everyone, but I would not want you to focus only on a single aspect because that

25 would disturb me.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 THE INTERPRETER: If the Sango interpreter understood correctly.

5 MR LIRISS: (Interpretation)

6 Q. And how is it that you are present here to testify, Mr Witness?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Maître Liriss, could you please insist on the question
11 to which president the witness was referring to, because the English transcript is kind
12 of confused in this respect.

13 MR LIRISS: (Interpretation)

14 Q. Mr Witness, when you were referring to a president who is supposed to be
15 aware that you are here, which president were you referring to? Is it the president of
16 (Redacted), as I understood?

17 A. Yes, that is correct.

18 Q. That was just for the record. And what is his name?

19 A. I do not remember his name.

20 Q. Who else did you tell that you were coming to testify in this Court?

21 A. I told my wife and my wife alone.

22 Q. One last question: What name does (Redacted) know you by?

23 A. My full name. Yesterday I heard you say that (Redacted) had been asked; but if
24 he was there, it would have been a good thing because he referred to me (Redacted)
25 (Redacted) But if you wish, you can ask him the question. Because he's not

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 present here, if you want to ask him that, you can do so because I know that, for me, it
2 is lost.

3 Q. For the record, should it be noted that (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)?

7 A. Counsel, I believe I've already answered that.

8 MR LIRISS: (Interpretation) Thank you, Mr Witness. Your Honour.

9 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Mr Witness, we'll have
10 now our lunch break. You have time to have your lunch, to take some rest. It's 1
11 o'clock now. We'll be back at 2.30. I will ask, please, the court usher to take the
12 witness outside the courtroom and, in the meantime, we will suspend and resume at
13 2.30.

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

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 1.04 p.m.)

18 *(Upon resuming in closed session at 2.44 p.m.) Reclassified as Open session

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

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

22 (The witness enters the courtroom)

23 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

24 THE WITNESS: (Interpretation) Yes, hello again, Madam President.

25 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 your testimony?

2 THE WITNESS: (Interpretation) Yes, I can go on. Well, I have a headache, but I
3 am willing to answer your questions.

4 PRESIDING JUDGE STEINER: Thank you, Mr Witness. As soon as we adjourn, I
5 will ask VWU to give you assistance and if need be to take you to see the nurse if your
6 headache persists.

7 Maître Liriss, you have the floor.

8 MR LIRISS: (Interpretation) Your Honours, it is my pleasure to inform you that in
9 actual fact we will not be taking 20 minutes to listen to the recording, but only six
10 minutes. We shall start from second 0.44 and go to second 1.04, and then another
11 portion 6.46 to 12 minutes 37.

12 THE INTERPRETER: "Very important. Perhaps you could give me your name and
13 your references? Answer: My name is M'Baya Tshimanga. I am a journalist. I
14 am President of Journaliste en danger, which is an NGO to promote freedom of press
15 based in Kinshasa in the Democratic Republic of Congo. Question: Mr M'Baya,
16 could you re-explain to us what you -- the news you released yesterday? The second
17 aspect of our investigations related to the accusations of work done by journalists
18 paid by the political opponents, so we invited to our offices the cameraman who had
19 gone with Mr Kabila to Bangui and filmed the testimonies and the places where the
20 crimes -- the alleged crimes were committed. He got to our office and my colleague
21 hosted him there and I think a few minutes later I arrived so I was able to take part in
22 the interview. The cameraman confessed to us this. He said to us, first of all he
23 himself had gone out there before he went to Brazzaville, spent a few days there,
24 before Mr Petit (phon) Passy joined him and together they took an aeroplane to go to
25 Bangui. When they reached the Bangui airport the ambassador for the DRC received

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 them, the ambassador to the Central African Republic, and the cameraman said that
2 the work was very well-organised because the ambassador had already made the
3 appropriate contacts with the people who were going to bear witness, bear testimony,
4 as well as find the proper locations that we were going to be visiting and filming and
5 so he said that the work was very well-organised and went very well. To the
6 question was he paid anything for that work, he confessed that, yes, he was paid by
7 Mr Pinje (phon) Passy he received the amount of \$2,000 US said the cameraman, and
8 we also asked him whether he used the \$2,000 US to pay for his hotel, food and his
9 stay in general in Bangui, but he said no, that money was for his work and his
10 accommodation and food, and the other expenses on the spot were covered, he didn't
11 know by whom, but at least for the food. Once he ate, well, he didn't have to pay
12 anything, so the \$2,000 were just for the work he had done and he indeed even added
13 that in view of the volume of the work that they had done he considered that the
14 \$2,000 US were not enough because they had -- well, they had filmed for more or less
15 eight hours.

16 Now, on that basis, we inferred that the news report in Bangui was paid for by
17 somebody other than the TV channel. Why do we say that? First of all because the
18 cameraman, the journalist and Tropicana TV, well, their monthly wage is between 50
19 and \$150, so I really cannot see how that TV channel could have forked out \$2,000 to
20 just pay for ordinary cameraman's work whereas all the travel costs were covered.
21 So it was money that must have been paid by somebody else and as a journalist
22 I think I can say this outright: Any time the Congolese journalists go out, outside of
23 Kinshasa, the rule is generally that the organiser of the event is the one that covers the
24 costs for the crew; pay, accommodation, travel costs, food and even the costs of
25 broadcasting when they come back with images, and here we have the certainty that

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 the Bangui report was paid for by someone other than the TV channel involved.

2 Now, as for the question who actually paid, the cameraman confessed to us that he

3 didn't know who paid that. He received the money from his own crew leader and

4 he didn't know where exactly it had come from, but we in any case considered that

5 that money was paid by someone other than the TV channel.

6 Now, when we see that the TV crew reached the country and was picked up by the

7 ambassador in a country, the ambassador for the DRC, we ask ourselves the question

8 why, or under whose orders the ambassador acted - probably the government who

9 ordered him to go and get the crew and do such and such work, and as the

10 cameraman said, the ambassador in fact actually chose the locations and chose the

11 people that were going to be questioned. That is what we learnt and that was the

12 month of May 2006 when those events took place.

13 The threats against Mr Petit Passy, well, we told our partners about them. We work

14 in association with Reporters Without Borders that is based in Paris, and defence

15 journalists' interests."

16 MR LIRISS: (Interpretation)

17 Q. Good afternoon once again, Mr Witness. As I said a short while ago, the

18 Defence did not state that you were directly or indirectly the author of the report

19 referred to in the recording. The Defence simply wanted to ask you a question as

20 follows: Based on what you have heard, could this correspond, directly or indirectly,

21 totally or partially, to the objective towards which you were contacted in

22 April/May 2003 by those officers from Kinshasa?

23 A. Thank you, I am reassured. It is now that I have seen this video. When it was

24 made, I was not aware of it. I never heard about it. That is the answer that I can

25 give you.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. Very well. Mr Witness, were you in Bangui between 25 October 2002 and the
2 days after that?

3 A. I was in Bangui.

4 Q. In which neighbourhood were you living?

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. To be more specific, on 25 October 2002, in which neighbourhood were you
9 living?

10 A. Let me repeat my answer. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Let us try another approach. When exactly did you move to the (Redacted)
14 neighbourhood? Do you have an approximate date?

15 A. I know longer remember the date. All I know is that from 2002 to 2003, I was
16 living in the (Redacted) neighbourhood. During the same period I moved to the (Redacted)
17 neighbourhood.

18 Q. Do you remember what happened on 25 October 2002?

19 A. I believe that it was during that time that Mustapha crossed over. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Witness, can you please tell me whether on 25 October 2002 there was an armed
23 conflict in Bangui?

24 A. I was not present when the fighting broke out and I don't know the date since I
25 was not there. These are things that happened and everyone is aware of them. It

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 was said that the Banyamulengues had crossed and had spent two weeks before
2 withdrawing. It was when they crossed for the second time that I was present.
3 However, I no longer remember the date, because I am a human being and it is
4 possible that I might have forgotten. No one could have imagined that things would
5 take on such a dimension.

6 Q. If you do not know the date, can you at least tell us what you observed? How
7 did this conflict start? And I am talking about the second conflict, not the first time
8 that the Banyamulengues came in, and I want you to talk about the first day of the
9 second conflict because you were there. What were you able to observe and
10 experience?

11 A. What I know is that it was said - and it was the soldiers who told me - that they
12 crossed during the night, using boats, to Port Beach. There was also the ferry, and
13 that ferry belonging to the Central African Republic was still operational. And I did
14 not see them at the time of their crossing. We were told that these were soldiers
15 from Kamisi's and Sege's groups, but I was not present there with them.

16 Q. I believe maybe I am the one who is not expressing myself correctly.
17 Mr Witness, maybe this is my fault. Let us forget about the intervention of the
18 Banyamulengue. Let us focus on what happened before the Banyamulengues came
19 in using the boats. My question is as follows: What do you know about the events
20 that took place before the Banyamulengues, as you refer to them, intervened?

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. I apologise, once again. I believe that I am not asking the question properly.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Once again, let us forget about Mustapha and the Banyamulengues in the CAR. Let
2 us focus on what happened a few days before their arrival. Let us go stage-by-stage.
3 Was there an armed conflict prior to the arrival of the Banyamulengues?

4 A. In answer to your question, let me tell you this: Let us forget about the first
5 time they crossed the river. I know that at that time President Patassé had a problem
6 with Bozizé. That is all I know.

7 Q. And what happened thereafter, Mr Witness?

8 A. After that, we saw Mustapha and his MLC soldiers intervene. I do not know
9 how everything happened. Who called Mr Jean-Pierre Bemba? I do not know.

10 Q. You have just said that the former President Patassé and the current President
11 Bozizé did not get along, and you added that the MLC intervened. They intervened
12 in a conflict, pitting Patassé against Bozizé; isn't that correct?

13 A. That is correct. That is when they intervened for the second time, because
14 when they had intervened for the first time I was not in Bangui. I am referring to
15 their second intervention.

16 PRESIDING JUDGE STEINER: Sorry, Maître Liriss, I was still listening to the
17 translation, so don't forget the five seconds, please.

18 MR LIRISS: (Interpretation) I'm sorry, your Honour.

19 Q. Neither the Chamber, nor you, are interested in the first intervention of 2001.
20 What is of interest to us is the intervention between October 2002 to March 2003. Do
21 you understand that, Mr Witness?

22 A. I understand you, Counsel.

23 Q. With regard to the events of October 2002 to March 2003, the question that I
24 would like you to answer, since you were in Bangui, is to tell us what happened
25 before the MLC intervened? You say that there was a conflict between Patassé and

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Bozizé; is that correct?

2 A. That is correct. That is why Mr Jean-Pierre Bemba's troops intervened; it was
3 for that reason.

4 Q. Very well. Before Jean-Pierre Bemba's troops intervened, Mr Witness, who
5 was fighting against who? Which troops were fighting against which troops?

6 A. Counsel, all I know - and this was known by everyone - is that there was a
7 conflict between Patassé and Bozizé. (Redacted)

8 So everyone was aware of the situation. Everyone knew that there was a conflict.
9 That is all I can say.

10 JUDGE ALUOCH: Mr Liriss, maybe you want to find out from the witness what
11 was the nature of this conflict? What exactly was happening? Maybe if you break
12 it down in that way, he might understand you better.

13 MR LIRISS: (Interpretation)

14 Q. Mr Witness, what is important to us is not what everyone knew. It is what you
15 know; that is the reason why you are here before this Court. Let me ask you this
16 question: Were there two armed groups fighting against each other at that time, on
17 the one hand those who supported Bozizé and on the other hand those who
18 supported Patassé?

19 A. That is correct. I was at home; I could not go out. I knew that there was
20 fighting between Bozizé's soldiers and Patassé's soldiers. There was also fighting at
21 the National Assembly. (Redacted) each person was in their home.
22 That is what I know.

23 Q. Can you tell us who was fighting on Patassé's side?

24 A. When the fighting broke out, (Redacted)

25 (Redacted). It was the MLC soldiers, if I remember correctly.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Mr Witness, we are talking about the period prior to the intervention of the

2 MLC. At that time, who supported President Patassé?

3 A. I saw Libyans. Yes, there were Libyans there. Even at that time, after the
4 arrival of the MLC troops, the Libyans were still there. That is all I know.

5 Q. Very well. We have noted that the Libyan troops were there, but apart from
6 the Libyan troops who else supported President Patassé before the MLC intervention?

7 A. Counsel, I did not see anything else. With regard to the Libyans, well, you
8 know on the main road to PK12 near ONAF all those who passed by there could see
9 them. But you are talking of other troops. Which other troops were there? If they
10 were there, I did not try to find out. I did not try to find out whether there were any
11 other troops in the field.

12 During the events, (Redacted) to the city centre - and I have
13 testified about that - the Libyans were still there. (Redacted)
14 (Redacted) The Libyans were still
15 present, but I did not see any other forces.

16 Q. Had the army been present in the Central African Republic in October 2002?
17 Let me spell that out. I'm talking about a national army for Central African Republic
18 and I'm talking about October 2002.

19 A. Counsel, I would not lie to you about this. I really do not know and that's the
20 truth. (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. I'm sorry, Witness, but the question that is being asked here - and that is why

24 you are here - is precisely about the soldiers and the army. So let me ask my

25 question once again. Did the Central African Republic have a national army in 2002;

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 say "yes" or "no"?

2 A. The Central African Republic is a sovereign country. It cannot, therefore, not
3 have soldiers.

4 Q. What was the name, or what is the name, of that army please?

5 A. We generally see them with their vehicles and the uniforms that they wore.
6 Well, they had written on them the word "FACA".

7 Q. Forces Armées Centrafricaine, that is what it stands for, doesn't it? Armed
8 Forces of the Central African Republic?

9 A. Yes, that's right.

10 Q. In October 2002, during that conflict, you said that you saw Libyans defending
11 Patassé's camp. What about the FACA?

12 A. Counsel, I'm not a soldier. At that time, (Redacted),
13 well, I didn't see any FACA soldiers. (Redacted)

14 (Redacted) As
15 for seeing FACA soldiers with them, sincerely, quite frankly, I wouldn't want to lie.
16 I didn't see anything.

17 Q. We shall later on see whether the FACA was alongside the MLC, but my
18 question is, before the MLC intervened what was -- what were the FACA troops
19 doing? On what side were they fighting in this conflict between Patassé and Bozizé?

20 A. I don't know, Counsel. What do you want me to say to you? These were
21 soldiers and I'm just a civilian. (Redacted)

22 (Redacted), but there was conflict. Imagine yourself in my position.

23 Would you go all the way to where the fighting was taking place?

24 Q. Sir, in spite of the conflict, you saw the Libyans. Don't you think it is only
25 natural to ask you this question? The armed forces of the Central African Republic,

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 during that conflict on what side were they fighting? It's a simple question, unless
2 you are saying that you just don't know?

3 A. But that's precisely what I'm saying. I said to you, Counsel, that I don't know.
4 I'm not a soldier. Would you like me to lie to you? Would you like me to make up
5 stories for you? I really don't know, Counsel. I don't know. It could be that I said
6 something in my statement and have forgotten about that. I don't know. Well, you
7 should refer to what I said in my statement, and maybe I said something to that effect
8 in the statement, but I can't remember any more, so I don't know right now. You can
9 help me. You can refresh my memory in the presence of Madam President, if you're
10 willing.

11 Q. As far as you know, only the Libyan troops were fighting on the side of
12 Mr Patassé; is that right?

13 A. The events go back a long time. Counsel, I haven't -- I didn't work on behalf of
14 the security forces. It could be that I learned things that I now forget. Maybe I
15 spoke about something in my statement and in the meantime have forgotten. Please
16 be so kind as to refresh my memory, Counsel.

17 Q. I'm talking under the supervision of Madam President, Mr Witness. Our
18 questions do not relate solely to what you stated in your statements. They are
19 confined to what you might have learned, or what you might have seen. That is
20 why I asked you what the FACA forces were doing at that time and you say that you
21 don't know. If that is your statement, we shall leave it at that. Is that exact?

22 A. Well, let's go on to another point then.

23 Q. I'm sorry, Witness, but you are duty bound before this Chamber to answer my
24 questions. I have asked you this question, i.e. that you do not know what the FACA
25 forces were doing during that conflict before the MLC intervened. This is what I'm

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 asking you. Is that what we must infer from what you are saying?

2 A. Counsel, quite frankly, your questions disturb me. I have just said to you that
3 I'm a human being. It could well be that I might have forgotten some facts. You are
4 doing your job, but I'm not a lawyer. It could be that I have forgotten some things.
5 If that is what is written down on paper I'm not going to deny that, but you are
6 bringing me on to a difficult if not to say slippery slope. Before, you helped me to
7 remember certain facts, so I would ask you to continue to do so in the same way.

8 PRESIDING JUDGE STEINER: Maître Liriss, if you would allow me. Mr Witness,
9 it appears that maybe we are having a problem of understanding on what exactly the
10 Defence is asking you. The Defence is putting to you general questions that are of
11 common knowledge that you should know. If there is fighting on the streets where
12 you live, usually a citizen knows who is fighting who. This is the kind of question
13 the Defence is putting to you. It's not more than that. They don't want to know
14 whether you are aware of military strategies. No, it's not that. It's just about facts
15 of common knowledge: If you know who was fighting who; whether the FACA was
16 at the side of President Patassé, or at the side of General Bozizé. These are facts that
17 a normal citizen should know. If you don't know there is no problem, but I can
18 assure you that these are not trick questions. It's just about your common
19 knowledge of the facts that occurred in Central African Republic before the
20 Banyamulengue came. It's only that. The Chamber is vigilant and you feel free to
21 say if you don't know you don't know, but these are not trick questions, Mr Witness.
22 These are questions of common knowledge of persons that lived in Bangui at that
23 time.

24 Maître Liriss.

25 MR LIRISS: (Interpretation) Thank you very much, your Honour.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Witness, I think now you perhaps could answer my question, or perhaps you
2 would like me to ask you shorter questions? Let me try and help.

3 A. Yes, I have understood. Thank you, Madam President. Well, you already
4 asked me a question and I remember that the CEMAC forces were there, but I didn't
5 see the Central African armed forces. They were based at the airport. That's what I
6 was told. On 15 March, when President Patassé wanted to land, we heard gunshots.
7 We heard people saying that those gunshots were fired by the CEMAC forces with
8 (Redacted). The CEMAC troops were the ones who protected us.

9 Q. Mr Witness, I will try to assist you. Do we agree that the current president,
10 Bozizé, and former president, Patassé, fought against each other using weapons in
11 Bangui? Do we agree on that?

12 A. That is correct.

13 Q. Mr Bozizé had assembled some forces to fight alongside him; isn't that correct?

14 A. Yes, he assembled a force to fight because he could not advance to Bangui alone.

15 Q. Did you know the composition of Mr Bozizé's forces?

16 A. No, I do not know that.

17 Q. As you have said, Mr Patassé also could not go and fight alone; isn't that
18 correct?

19 PRESIDING JUDGE STEINER: Maître, the witness referred to Mr Bozizé and not
20 Mr Patassé. "... because he could not advance to Bangui alone," this is a reference to
21 Mr Bozizé.

22 MR LIRISS: (Interpretation) Yes, your Honour, that was a lapse on my part.

23 Q. What I wanted to say is that, just like Bozizé could not go and fight alone, it is
24 also correct that Patassé could not also go and fight alone; isn't that so?

25 A. That is correct.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. Amongst the forces that were fighting on Patassé's side, you said that you saw
2 Libyans; is that correct?

3 A. At that time, the Libyans were in charge of security at the entrance into Patassé's
4 residence; that is in front of the house and at the back of the house. That is on the
5 road leading to ONAF. When the fighting was taking place, or when they went to
6 the front, I was not present so I am not in a position to say whether they fought with
7 the MLC soldiers or not. I cannot tell you that.

8 Q. We are still talking about the period before the intervention of the MLC forces.
9 What I would like to know is did the Libyan troops fight on Patassé's side, or not?

10 Mr Witness, you just gave an answer a bit earlier.

11 A. What is the answer that I gave you? I know that they were Libyans. I saw
12 them. They were protecting Patassé's residence. I also mentioned the CEMAC
13 forces, which were based at the airport. How did I get to know about this? It was
14 on 15 March.

15 Q. Please, we are talking about the period of October 2002. We are not yet
16 discussing March. We will get to that. Now, if I put it to you that the Central
17 African Republic armed forces supported President Patassé, would you agree with
18 me?

19 A. How would I agree with you? I was not present. I was not at the front. I
20 was not aware of what happened there. I heard weapons fire. I know that Patassé
21 had soldiers. That is the truth. It was his soldiers who were fighting for his cause.
22 That is the fact, Counsel.

23 Q. Patassé had soldiers who were fighting for his cause; that is before the arrival of
24 the MLC. Who were those soldiers? Never mind, let us move on to something else.
25 To the best of your knowledge, how long did this fighting go on before the MLC

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 intervened to support Mr Patassé?

2 A. Counsel, (Redacted). That is when I started

3 seeing him. That I can tell you, but as to the period of the fighting, I do not know.

4 Q. Mr Witness, you said that you took refuge during the fighting. Like every

5 other citizen, you took shelter. We can tell you that the fighting started on

6 25 October, so when were you able to move about again? How many days after

7 that?

8 A. I do not remember the precise date. All I know is that (Redacted)

9 (Redacted)

10 (Redacted), but I cannot remember the precise date. However, I

11 do remember the month and I can say that all this happened in early November, if I

12 remember correctly.

13 Q. Are we to understand that from the day that you took refuge like all the other

14 inhabitants, so as to shelter from the battle, you were only able to move about freely

15 again as from early November?

16 A. (Redacted), but

17 when you are talking about "refuge," who am I to go out when fighting is going on?

18 To do what? (Redacted)

19 When they realised that activities had resumed, the market and the stalls were open,

20 (Redacted) because they were having difficulties on the field.

21 They had problems procuring basic commodities, for example groundnuts, because

22 the prices were being inflated. They were running a risk even while trying to buy

23 meat. (Redacted)

24 (Redacted) But who am I, Counsel, to have been circulating when

25 there was gunfire?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 MR LIRISS: (Interpretation) Very well, Mr Witness. We have two or three
2 minutes left. Maybe you are answering in this way because you are tired or because
3 of your headache. With the President's leave, maybe a goodnight's sleep and rest
4 will enable us to make progress smoothly tomorrow morning.

5 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Mr Witness, we believe
6 you are tired. It has been a whole day giving testimony. We are going to adjourn
7 now. We wish you have a very restful night, that you can take some rest, that you
8 feel better from your headache. We will ask VWU to give you assistance on this
9 issue and we will resume tomorrow morning at 9.30 in the morning in this very same
10 courtroom. Thank you very much, Mr Witness.

11 Thank you very much, Prosecution team, the legal representatives of victims, the
12 Defence team, Mr Jean-Pierre Bemba Gombo. Thanks to our interpreters, court
13 reporters, our court officer, court usher. I ask, please, the court usher to accompany
14 the witness outside the courtroom and, in the meantime, we will adjourn and resume
15 tomorrow morning at 9.30 in the morning.

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

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

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

20 CORRECTION REPORT

21 The Court Interpretation and Translation Section has made the following correction
22 in the transcript:

23 *Page 22 lines 8-9

24 "No one can commit suicide in that way." Is corrected by No one can expose himself
25 to death."

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

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