

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Thursday, 7 July 2011
8 *(The hearing starts in closed session at 9.42 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
12 in closed 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 Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
18 the Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre
19 Bemba Gombo. Good morning to our interpreters and court reporters. We will
20 continue this morning with the questioning of Witness 169. Just to inform the
21 parties and participants that the Chamber received a short report from VWU stating
22 that Witness 169 is not feeling well, that he had a bad night and has a headache.
23 He agreed to start testifying, but if he feels too unwell to continue during the morning
24 session he will inform the Presiding Judge and ask for a break. So hoping that the
25 break will not be needed, because we are running against the clock, I will ask the

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1 court usher to bring the witness in.

2 (The witness enters the courtroom)

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

4 (The witness speaks Sango)

5 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

6 THE WITNESS: (No interpretation).

7 PRESIDING JUDGE STEINER: I have no interpretation.

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

9 PRESIDING JUDGE STEINER: Good morning, Mr Witness. The Chamber was
10 informed that you had a headache. Did you receive medication for that?

11 THE WITNESS: (Interpretation) Thank you, Madam President. It is true that I
12 have a headache. I was not able to sleep last night. I did take some Paracetamol
13 this morning. I used some anointing oil because I had a nightmare and I hit my
14 head against a side table next to my bed. I am sure that it is the Devil who is
15 threatening me, but I am not taking that into account. I took the decision to come to
16 the courtroom this morning in order to continue my testimony. If I have any
17 problems, I will inform you.

18 PRESIDING JUDGE STEINER: Thank you, Mr Witness, to let us know. If you
19 have any problem, please inform the Chamber. We hope you feel well and you
20 don't have any problem, because as soon as you finish your testimony, as soon as you
21 can go back home, that I'm sure you're missing home at this point. So let's see if we
22 can advance and come to the end of your testimony.

23 I just need to remind you that you are still under oath. Do you understand that, sir?

24 THE WITNESS: (Interpretation) Yes, I understand. If I was not prepared to testify
25 I would not have come to this courtroom, so I fully understand that, your Honour.

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1 PRESIDING JUDGE STEINER: Thank you very much. Sir, I'll give the floor to the
2 Defence, but whatever problem please let us know. Maître Liriss, you have the
3 floor.

4 MR LIRISS: (Interpretation) Good morning, Madam President. Good morning,
5 your Honours.

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

7 Q. Good morning, Mr Witness. I made an effort to streamline the questions that
8 I'm going to ask to you. If everything goes well, or rather and if we are not able to
9 conclude today, then we will do everything possible to conclude early tomorrow
10 morning.

11 Now, do you remember the date on which the MLC entered the CAR in October 2002?
12 Please just tell us the period. You do not need to give us a precise date.

13 A. Thank you, Counsel. Yesterday I told you that it was around the 10th or the
14 11th of the month. It was yesterday that I heard of the date of the 25th, so I heard
15 about that here.

16 Q. On page CAR-OTP-0043-0329 you said that the MLC was a support regiment,
17 they set up base there for about seven days before moving to PK12; is that correct?

18 A. That is correct. The soldiers of the MLC themselves told me that. (Redacted)
19 (Redacted)

20 Q. Were you able to learn later that it was not seven days but, rather, two weeks?

21 A. I did not try to find out. At that time, I had no interest in trying to find out all
22 that. I've been telling you about what I observed myself, or what I experienced
23 personally.

24 MR LIRISS: (Interpretation) At this point, I would like to ask the Chamber to
25 take into consideration document CAR-OTP -- and that document is in English, by

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1 the way. It is CAR-OTP-0027-0190 and 0238.

2 Q. Mr Witness, which forces were in control of PK12 at the same time as the MLC?

3 A. At that time, I do not know. This question was put to me by the investigators
4 and I told them that I did not know. Were they together with the loyalist forces? I
5 do not know and I did not try to find out.

6 Q. Let us now go back to the arrival of the MLC troops in Bangui. You have
7 stated that the MLC soldiers were wearing military uniforms at the time of their
8 arrival. The reference is 0352 and 0353.

9 A. That is true. The Central African Armed Forces -- well, when the MLC soldiers
10 arrived, they were dressed in a disorderly manner, not to say a bizarre manner.
11 Some of them were wearing FACA uniforms, but they were dressed in a disorderly
12 and disparate manner. That is what I said. It is possible to recognise the Bangui
13 soldiers because of their dressing. They were wearing red berets, green berets, black
14 berets, but the MLC soldiers were dressed in a generally disorderly manner.

15 Q. You stated that they were dressed exactly in the same way as the FACA soldiers
16 and that the only difference was that their own uniforms were new; is that correct?

17 A. Please kindly read that excerpt, Counsel.

18 Q. No problem at all. Can you describe those uniforms? And I'm referring here
19 to page 0353; that is CAR-OTP-0043-0353. "Are you able to describe these
20 uniforms?"

21 A. It was military khaki uniforms and slippers. Sometimes the soldiers wore
22 boots.

23 Q. Was it possible to distinguish the MLC, only Bemba soldiers, from the other
24 soldiers?

25 A. Yes, because their uniforms were new.

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1 Q. Can you confirm that?

2 A. The first-time Bemba's soldiers, well, some of them had new uniforms but
3 others wore old clothes.

4 Q. So, if I understand you rightly, the statement that you made here is not right?

5 A. I think I'm perfectly clear, Counsel. I said that you could easily differentiate
6 among the MLC soldiers. Some had new uniforms and slippers or plastic shoes,
7 whereas others wore used clothes. That's my statement and that's what I saw.

8 There was, indeed, a difference. You could easily recognise our soldiers, and when I
9 say "our soldiers" I'm referring to the FACA soldiers.

10 These soldiers and the policemen have their own uniforms and berets, and the
11 policemen have khaki-coloured berets. The FACA soldiers had red or green berets,
12 but the MLC soldiers wore mixed uniforms, with various colours, and they wore
13 them in a fairly disorderly manner. That's my statement.

14 Q. You also said, Witness, that apart from the new uniforms the only distinction
15 was that the MLC soldiers spoke Lingala, apart from the new uniforms. You also
16 later say that the commanders wore the same uniforms as FACA commanders and
17 that they even had "FACA" marked on their uniforms. The reference is
18 CAR-OTP-0043-0354. Do you still go along with that statement?

19 A. It's true, because that's what they told me themselves. They were given the
20 uniforms of the FACA, but I never saw with them -- I didn't see any soldiers from the
21 armed forces of the Central African Republic with them. (Redacted)
22 and if he'd been there I would have asked him. I have taken the oath and I am
23 absolutely determined to tell the truth.

24 And I would like to apologise, Counsel, but some uniforms can be bought. Even
25 officers can do so. Well, perhaps you've never been to Bangui, because you are

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1 having trouble believing me and that's your position, but nonetheless that is my
2 testimony.

3 Q. The issue here is not whether or not I believe you. I am a little bit worried in
4 that in 2009, when your memory was still fresh, you stated -- well, you stated that
5 there was no distinction between what they wore, and two years later, as memory is
6 beginning to recede, you're talking about strange uniforms. Why didn't you
7 mention this to the investigators?

8 PRESIDING JUDGE STEINER: Maître Badibanga.

9 MR BADIBANGA: (Interpretation) Well, I realise that you don't want us to
10 intervene during the questioning by my colleague and I've tried to abide by that rule
11 so far, but I would like to note that the quotation that has been presented to the
12 witness is not exact, as far as I can tell. And if I may, page 0043-0354, my learned
13 friend talked about this.

14 The question was: "The soldiers who didn't come from the airport -- concerning
15 those soldiers that did not come from the airport, where did they get their uniforms
16 from?" And the witness replies: "Those who had come over the river, they came
17 over at night, and because they had money they bought their uniforms here and there
18 at the forestry boards and from the FACA." And he's asked a question and he
19 answers: "I saw them buy them. Some of the MLC soldiers wore FACA uniforms,
20 the ones that are mottled uniforms, whereas they had received CEMAC uniforms as
21 khaki-coloured uniforms, and some of them even had uniforms that bore the word
22 'FACA'."

23 Now, if we read all this, you cannot simply say to the witness that he stated that there
24 was only one type of uniform and that there were no differences in the uniforms. So
25 I was rather concerned that one was alleging here that he had said something that he

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1 never did, in fact, say. Thank you very much.

2 PRESIDING JUDGE STEINER: Maître Liriss, you've been turning around this same
3 issue for 20 minutes now. Unless you have something really relevant to insist on
4 this issue on the uniforms I would suggest that we go ahead, unless you have any
5 comment on what the Prosecutor just pointed out.

6 MR LIRISS: (Interpretation) I was about to go on to the next question, but on the
7 basis of what the Prosecution has just said, I'm sorry, but I spoke about 0043-0354 and
8 the question was: "Could you distinguish the soldiers of Bemba from the others?"
9 And on page 0043-0354 the question that I asked was this: "Some officers and
10 commanders of the MLC did, indeed, wear FACA military uniforms, whereas others
11 wore uniforms that bore the words 'FACA'." That's the question I asked him. I
12 didn't cheat. Let's go on to the next question.

13 Q. Who provided them, supplied them, with those uniforms, Witness? Or, to
14 speed things up, you said that it was General Bombayake; is that not the case? Is
15 that correct?

16 A. This is what I was told by the soldiers: When they received those uniforms I
17 wasn't actually there, but it's true because at that time they would -- they worked
18 with President Patassé and so it's highly likely because at the time when they came
19 they were given money, but I'm talking in very general terms and you must assess
20 that. What the Prosecutor just said is also true.

21 Q. You said that (Redacted) General Bombayake handing out the uniforms;
22 is that correct? I'm talking about CAR-OTP-0043-0354.

23 A. I said that at the time (Redacted) -- he was with Brown. Brown was
24 Mustapha's henchman --

25 THE INTERPRETER: Right hand, rather; interpreter's correction.

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1 THE WITNESS: (Interpretation) (Redacted)

2 (Redacted) That's why I mentioned that.

3 MR LIRISS: (Interpretation)

4 Q. I'm sorry, I didn't go by the five-second rule. You say, (Redacted)

5 (Redacted)

6 (Redacted)

7 Let me go on to the next question. Had any crimes been committed in Bangui; in
8 particular, in the north -- northern neighbourhood, more specifically at Fouh.

9 A. Yes, it is true, and I went there. It was related to cotton. One of the
10 shoe-shiners was killed. (Redacted)
11 he had called Mazangue. Mazangue is the director of OCRB. He called the
12 prosecutor so as to recover that cotton. In the meantime, he had been able to take
13 away five bales of cotton, but I don't know who said -- told him that some Congolese
14 people had been killed, and Atandele went there.

15 (Redacted) and a number of Congolese people were killed. That's
16 true. Now, in view of the situation, Atandele promised that he would call
17 Jean-Pierre Bemba to report this to him, but who was the perpetrator? It was Kamisi.
18 Why did he do that? Because to abolish --

19 THE INTERPRETER: That's the word used.

20 THE WITNESS: (Interpretation) -- this cotton problem. The wives of the people
21 who had been killed were on the spot (Redacted) I may have
22 forgotten some details, but I am willing to answer questions on that topic.
23 (Redacted), and there was

24 a quarrel between Mazangue and Kamisi. Now, what was the outcome of this
25 whole episode? When Kamisi said, "We came here to help you to drive away the

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1 enemy ..." --

2 Q. You have actually answered my question, i.e. whether or not there had been
3 killings in the Fouh neighbourhood. You said that these were shoe-shiners. You
4 said that Kamisi was the one who committed those acts. It wasn't Kamisi? So this
5 is my question. Who killed those Congolese people in the Fouh neighbourhood?

6 A. Counsel, the truth must be told. I did not say that Kamisi was the one. It was
7 Atandele who said so to discredit Kamisi.

8 Q. He said that it was Kamisi, but it was not Kamisi? Is that what you mean, or
9 am I mistaken?

10 A. Exactly.

11 Q. You furthermore say that, as far as you knew, these were Central -- those who
12 killed the Congolese were Central African nationals, because they were the brothers
13 of Mr Jean-Pierre Bemba and that they had come to Central African Republic to
14 plunder their belongings; is that correct?

15 A. Counsel, now what happened at the time I must confess today, well, were very
16 difficult things. There was -- there were not only those two victims. Many
17 Congolese people were killed, because they were considered -- it was considered that
18 the Banyamulengue were their brothers. And I think I can say that what
19 happened -- even what happened to me in the city of Bangui, well, there was
20 bloodshed. There was bloodshed.

21 Q. Thank you, Witness. You have answered my questions. How did the MLC
22 troops travel over the country?

23 A. Thank you. I did not try to find out. I didn't check that. (Redacted)

24 (Redacted)

25 (Redacted) I didn't work there. (Redacted)

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1 (Redacted) I spoke about what I saw and what I
2 heard, and that is what I have been talking about here and what I talked about when I
3 answered the investigators. Their travelling was decided upon by Mustapha. They
4 reported and received instructions from Jean-Pierre Bemba. Sometimes he took
5 decisions or gave orders (Redacted)
6 (Redacted).

7 Q. Were any lorries made available to the MLC troops?

8 A. Yes, that's true. Right from the start I did see that there was a Sovamag vehicle
9 that belonged to Yves. I saw Mitsubishi, Benz vehicles, TPs, and the driver of that
10 vehicle was Kiwi. I also saw other vehicles, but I can't remember their brand.

11 Q. Witness, I am taking into considering your complaints and that's why I'm
12 asking you short questions, so if you make the effort of giving short answers we'll get
13 ahead better. So you saw lorries being made available to the MLC. How many,
14 more or less?

15 A. I don't know, Counsel. I can remember the lorries, but I don't remember the
16 small vehicles because --

17 Q. How many lorries?

18 A. Many. I cannot give you an estimate. There were many of these lorries.
19 Some of these lorries could carry 50 to 100 people.

20 Q. Thank you, Witness. Now, did these lorries come from the Democratic
21 Republic of Congo?

22 A. Thank you, Counsel. Well, how could I know?

23 Q. You said that these lorries were provided to them by Mr Patassé. I'm talking
24 about your statement CAR-OTP-0053-0355.

25 A. Thank you, Counsel. Well, according to your knowledge -- well, Patassé was

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1 President of the Republic and he had sought an intervention. Was he just going to
2 leave these people to walk, or to cycle to and fro? Even if you ask this question to a
3 child, the child will answer you that.

4 Q. Should I infer that you are confirming that the vehicles made available to the
5 troops, together with the cars made available to the officers, were indeed supplied by
6 Mr Patassé?

7 A. That's just what I said, Counsel. Who called upon those soldiers? They were
8 called by Patassé. That's what I said.

9 Q. Thank you, Witness. Now, the MLC officers and soldiers, as far as you know,
10 did they have any means for communicating? Did they have any devices and, if so,
11 which devices?

12 A. Thank you, Counsel. I saw Mustapha with a Thuraya device and Brown was
13 in charge of keeping it safe. There were two of them, and Sege too and Kamisi too
14 had a device of this type. One day a box-load of telephones was given to them, and
15 inside that box there were Alcatel, Telecel telephones (Redacted)
16 (Redacted) I saw a radio device with
17 Mustapha. (Redacted), I saw the device that belonged to Major Sege.

18 Q. Thank you, Witness. Let's take things one-by-one. You spoke about the
19 Telecel devices. Now, for better understanding by the Chamber, are you talking
20 about cellphones in this particular case?

21 A. I understand you, Counsel. I'll answer you. I have had opportunity to say
22 that I did see Mustapha with two Thuraya devices. Thuraya, these are not the same
23 thing as Telecels and the device that Mustapha had was always in the keeping of
24 Brown. (Redacted) a box, a box that was full of Telecel devices. Now, these are
25 cellphones, mobile phones. There were many of them. (Redacted)

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1 (Redacted)

2 Q. Very well. I simply wanted you to tell the Chamber what a Telecel phone is.

3 Now, let us begin with the cellphones. I'll give you the English version transcript,

4 page 42, line 24, as well as page 43, line 5, edited version of the English transcript.

5 You stated that, "With regard to the cellphones, the network did not go beyond 25

6 kilometres or, rather, PK25. Is that correct?" And that is the English transcript of 4

7 July.

8 A. That is correct. At that time the Telecel network extended up to 25 kilometres,

9 and there was no network in Bossangoa and other towns after PK25, so there was no

10 network after PK25 at that time. Let me also point out that I'm talking about the

11 Bossembélé road and also in the Damara area there was no Telecel network, nor a

12 Move network or Nationlink network.

13 Q. Thank you, Mr Witness. I would like to remind you once again that I'm asking

14 you short questions and I would like to have short answers so that we can save time.

15 I'm taking into account your state of health here and that is why I am sometimes

16 compelled to interrupt you.

17 You stated that those cellphones, which were more than 100, were handed over to the

18 soldiers by General Mazi at PK12. For the reference, it is CAR-OTP-0053-0356. Do

19 you confirm that, Mr Witness?

20 A. Yes, that is correct. (Redacted)

21 Q. Mr Witness, do you know why General Mazi handed over those cellphones to

22 the soldiers?

23 A. I do not know, Counsel. In my opinion, it was to enable them to communicate

24 amongst themselves. (Redacted) In what capacity could I have gone to ask

25 them that question?

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1 Q. Regarding the Thurayas, do you know who distributed them to the officers?

2 A. Counsel, I have just told you that (Redacted). Those devices were
3 distributed to them. I only saw them when they already had the phones with them.
4 (Redacted)

5 but if I were to ask them questions about the phones it would be as though I was
6 supervising or controlling them. Did I mention any such thing in my statement?
7 Then I would ask you to read the excerpt to me and I would be able to confirm or
8 deny it.

9 Q. CAR-OTP-0043-0355. You stated that the phones had been given by Patassé.

10 Question: "How many phones did Patassé give to the MLC?" "Many." "How do
11 you know that Patassé gave those GSM phones to MLC soldiers?" (Redacted)

12 (Redacted) That is why I am asking you this question about the
13 Thurayas. Was it also Mr Patassé who gave those phones to them; that is, as far as
14 you know?

15 A. You are doing the same thing today that you were doing yesterday, just to
16 confuse me. I have told you that there were some things that I saw without
17 knowing where they had come from. You have my statement. If I have said
18 something about that somewhere, then tell me and I will confirm it. (Redacted)

19 (Redacted) I'm simply testifying to
20 what I observed. You are asking me the question as if I was working for him and
21 Patassé. Counsel, I really do not accept this approach. Yesterday you irritated me,
22 you confused me, Counsel, and today you are beginning to do the same thing.

23 Q. Mr Witness, let us understand each other well. You stated that the vehicles
24 were provided by Patassé, CAR-OTP-0053-0355. You also stated that the cellphones
25 were supplied by Mr Patassé, and I will give you the reference, 0043-0355. You

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1 equally said that those phones were distributed to the soldiers through Mazi, and
2 lastly you mentioned that the officers also had Thurayas. My question is simple:
3 Who distributed those phones to them? Was it still Patassé, or you do not know?
4 That is all.

5 A. Thank you, Counsel. I have just told you that if those statements are written
6 down -- because you have already read out parts of my statements to me and I
7 confirmed them, and if on this point I tell you that I do not know or that I confirm,
8 and it is not correct, then it would not be a good thing. That is why I am asking you
9 to read the relevant excerpt. What is the answer that I gave? Was it a "Yes" or a
10 "No? Please tell me and if it is my statement I would be able to confirm it. I did not
11 go there for the purpose of controlling them. It is possible that I have forgotten
12 certain details of those statements.

13 Q. Mr Witness, the investigators did not ask you the question to know whether it
14 was also Patassé who distributed the Thurayas to the officers. I am the one asking
15 you the question. If you do not know just say so but, if you know, then tell me the
16 answer.

17 PRESIDING JUDGE STEINER: Mr Liriss, unless we are having a translation
18 problem, it appears that the investigators asked him, "Savez-vous d'où provenaient
19 les Thurayas?" It's on page 356. So what you're saying, that the investigators did
20 not ask the question, apparently is not correct.

21 MR LIRISS: (Interpretation) It is correct, your Honour. I can see that it is actually
22 on my questionnaire. In any case, the witness said that he does not know so we can
23 move on.

24 Q. Mr Witness, you stated - and I will give you the reference - that President
25 Patassé used to call Mustapha from time to time. (Redacted)

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1 (Redacted) Do you remember that?

2 A. That is correct.

3 Q. How did the president call Mustapha? What means did he use; that is, if you
4 know?

5 A. Thank you, Counsel. Telephones have numbers. If I have your number, then
6 I can call you. Mustapha was the commander of an MLC operation in the CAR and
7 Patassé must have been in contact with him. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Mr Witness, according to what you have just said, would it be correct to say
14 that Patassé communicated with Mustapha by phone?

15 A. I believe I have already answered that. The two of them knew each other.
16 They had each other's numbers. I believe that is clear.

17 Q. It is indeed clear, but it was for the purposes of the record. Mr Witness, to
18 your knowledge, did Generals Bombayake and Mazi also have Thurayas?

19 A. I do not know. I did not check. I saw Mazi from afar. He was discussing
20 with Mustapha and I was far away from them. That is what I can say.

21 Q. Thank you, Mr Witness. We will come back to that.

22 I will give a reference to the Chamber on this issue: CAR-OTP-0020-0269 and 0270,
23 and that is the English version.

24 Mr Witness, you stated that the MLC troops also had radio communication devices,
25 otherwise known as "phonies." Can you explain to the Chamber how these devices

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1 functioned?

2 A. Thank you, Counsel. The -- with regard to the radio phonies, I own one of
3 them and I know how to operate it. There are many frequencies, and when there are
4 multi frequencies it is necessary to have a new battery.

5 Q. Is it correct that the MLC communications through the phonies were done by
6 code?

7 A. I believe that there is an encryption system, specifically, Morse, and only the
8 operator could decode the messages. That is what I know about the radio
9 communication devices.

10 Q. Is it true that these codes were secret and that the messages were decoded in
11 camera?

12 A. When you talk about coding, what do I know about that? I can hear a Morse
13 message and I will recognise the messages based on the tones, or tonality. I note it
14 down and after that I can reproduce the message. Only myself and the person who
15 sent the message are able to understand, and on the basis of what I decode I can then
16 give the message to the person for whom it was intended.

17 Q. (Redacted)

18 (Redacted)

19 A. Only once; (Redacted)

20 (Redacted) on the phone - that is, on the Thuraya - and then

21 they had a discussion. Shortly afterwards the radio communications operator
22 arrived. He had not yet called Jean-Pierre Bemba. When (Redacted), the operator
23 came and gave it -- gave him a message and he became even angrier. Then he called
24 him, he spoke with Mr Jean-Pierre Bemba and it was after that that he called (Redacted).

25 Q. Mr Witness, can you confirm your statement to the effect that Mustapha never

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1 contacted Bemba through the phonie?

2 A. It is probably the investigator who noted it down in that way. I saw Mustapha
3 with a Thuraya. He has the radio phonie, of course, but to say that I saw him
4 communicating with Jean-Pierre Bemba using the phonie, that I do not know.
5 Maybe in the statement that you have I said something like that. Maybe you can
6 refresh my memory, but I saw him communicating with the Thuraya phone that I
7 saw.

8 Q. That is, indeed, what both of us are saying. The question was, "Was the phonie
9 used to communicate with Bemba?" And you said, "No." That is a confirmation
10 and that is all. I'll give the reference: CAR-OTP-0043-0259.

11 PRESIDING JUDGE STEINER: Maître Liriss, the witness wanted to complete
12 something in his answer and I will authorise.

13 MR LIRISS: (Interpretation) Very well, your Honour. It is not a problem.

14 THE WITNESS: (Interpretation) Thank you, your Honour. This is what I wanted
15 to say. At that time I saw Mustapha with a Thuraya phone, (Redacted)
16 (Redacted)
17 (Redacted).

18 MR LIRISS: (No interpretation)

19 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss.

20 Mr Witness, we'll have a half-an-hour break. You can take a coffee or a tea, if need
21 be some painkiller. VWU will assist you. Let's have a half-an-hour break and then
22 we will continue at 11.30.

23 Court usher, please could you accompany the witness outside the courtroom.

24 THE WITNESS: (Interpretation) Thank you, your Honour. I would like to ask for a
25 meeting with Mr Zarambaud during the break.

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1 (Trial Chamber confers)

2 PRESIDING JUDGE STEINER: Does the Prosecutor have any observation on that?

3 MR BADIBANGA: (Interpretation) Madam President, according to the information
4 that we have in our possession, we are not aware of the fact that the witness has the
5 dual status of victim and witness, at least as far as we know. For the rest, of course,
6 this is up to the Chamber. We have no idea what this is about at this particular stage.
7 Thank you.

8 PRESIDING JUDGE STEINER: Just for the record, the Defence observations?

9 MR LIRISS: (Interpretation) Madam President, as the Prosecutor just pointed out,
10 this witness does not have dual status of victim and witness and so he does not get
11 the assistance of Maître Zarambaud. Nothing in the Statute, or the Rules, allows
12 him to enter into contact with one of the lawyers for the victims under these
13 circumstances.

14 PRESIDING JUDGE STEINER: Mr Witness, I will ask VWU to explain to you under
15 which circumstances a witness can have contact with the legal representatives of
16 victims. I cannot authorise you to meet Maître Zarambaud, but I will ask VWU to
17 explain to you what the rules are in terms of a meeting of Maître Zarambaud with a
18 witness, but just to let you know it's only when the witness at the same time has been
19 granted the status of victim participating in the procedures, which is not apparently
20 your case. The Chamber will check the information, but apparently it's not your
21 case, and if you are not what we call a "dual status witness victim participating" we
22 cannot authorise contact during your testimony. After you give your testimony, of
23 course, you can contact whoever you want.

24 I will ask VWU to sit and talk to you and to clarify any doubts you may have in that
25 respect, and you can communicate to VWU whatever concerns you have and VWU

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1 will bring them to the Chamber. You will be assisted in any case. Is that fine with
2 you, sir?

3 THE WITNESS: (Interpretation) Thank you, Madam President. Yes, I fully
4 understood what you said and I would like to thank you. When I will have finished
5 with my testimony, I will seek a meeting with yourself, too, and the Prosecutor. I
6 know I have that possibility. Thank you.

7 PRESIDING JUDGE STEINER: We will have the opportunity to talk about that,
8 don't worry. We will suspend now the hearing and we will resume at 11.40. Court
9 officer, please.

10 (The witness stands down)

11 THE COURT OFFICER: All rise.

12 (Recess taken at 11.09 a.m.)

13 *(Upon resuming in closed session at 11.47 a.m.) Reclassified as Open session

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

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

17 (The witness enters the courtroom)

18 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

19 THE WITNESS: (Interpretation) Yes, good morning again, Madam President.

20 PRESIDING JUDGE STEINER: Mr Witness, the Chamber was informed that the
21 assistance of VWU, Victims and Witnesses Unit, will get in touch with you during the
22 lunch break. They were not prepared to come to you during this short break, but for
23 sure during the lunch break you will have the assistance of VWU in order to clarify your
24 doubts and for you to state your concerns, if any. Are you ready to continue giving your
25 testimony, sir?

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1 THE WITNESS: (Interpretation) Yes, I am prepared to go on with my testimony.

2 PRESIDING JUDGE STEINER: Thank you very much.

3 Maître Liriss.

4 MR LIRISS: (Interpretation) Good morning again, your Honours.

5 Q. And good morning to you, Witness. So as to understand my line of reasoning,
6 remember we talked about means of communication, means of transport. We shall now
7 go on to a different area and make more progress. I am making every effort to ask you
8 brief questions so that we can speed things up so as to cater for your health needs, so it
9 would be desirable for you also to provide us with brief answers.

10 Mr Witness, you will remember that you said that the MLC soldiers had a lot of
11 difficulties and problems on the ground, and that very often, even to go about doing their
12 own shopping, (Redacted) sometimes Central African soldiers would help
13 them. Let me give you the reference: Transcript in the English version for 1 July, the
14 edited version in English, it's page 23, lines 14 to 24. You said that there was a lot of
15 danger and that sometimes they came under attack by arrows. Do you remember that,
16 Witness?

17 A. Yes, I remember. During those events, Central African nationals hated the
18 Banyamulengue. For instance, at the marketplace, if the -- well, if the groundnuts were
19 sold at the price of 5 francs, well, the Banyamulengue would be asked for 50 or 100 francs
20 for the same amount. And the same applies in the livestock market - this occurred,
21 too - (Redacted).

22 Q. Thank you, Witness. Now, in view of all those difficulties, in view of the language
23 and the hostility, do you know how they were able to obtain the information they needed
24 to advance and succeed in military terms?

25 A. You already asked me this type of question and I answered that (Redacted)

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1 (Redacted). The decisions sometimes came from Mr Jean-Pierre Bemba. Sometimes
2 Mustapha would take the decision himself, and sometimes in collaboration with some of
3 the members of the Government of the Central African Republic. I don't remember any
4 more. You have the documents before your eyes, so you can refresh my memory. If
5 that is what I said, then I will confirm it.

6 Q. Now, the question I was asking you does not relate to decision-making. I simply
7 want to know whether you yourself know who helped them in respect of the information
8 intelligence that they needed to advance on the ground, if you know that.

9 A. Counsel, a lot was said and I may perhaps have forgotten some details. I have
10 forgotten many details. If I made statements to that effect, that I have now forgotten,
11 please refresh my memory so that I can give you the clarification needed.

12 Q. You just said two important things - page 27, line 8 - you say, "Mustapha sometimes
13 collaborated with some members of the Central African government." Do you know any
14 of these persons and, if so, who are they?

15 A. Thank you. I said to you that, at the time, (Redacted) Mustapha in the company of
16 General Mazi and then some people crossed the river towards Zongo. Mustapha
17 welcomed them in Zongo. (Redacted) I may have forgotten. I don't
18 remember the names of these people, (Redacted)
19 (Redacted)

20 Q. Is it correct to say that they were able to avail themselves for the purposes of making
21 a military advance? Is it correct to say on the basis of your answer that they availed
22 themselves in the area of intelligence on the ground of the cooperation of Central African
23 soldiers, including Bombayake and members of the Central African government? And
24 you spoke about General Mazi in particular. So is it correct to say this?

25 A. Counsel, I cannot accept that. (Redacted) They discussed with each other

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1 far away from where I was. How could it have been possible for me to understand what
2 they were saying to each other? That is my answer to your question. I really do not
3 know what to say.

4 Q. Thank you, Mr Witness. I'm happy with your answer on page 27, line 8. You also
5 stated that he benefited from the support of Mr Jean-Pierre Bemba; is that correct? And
6 in light of that information my question is as follows: Do you remember stating that
7 during that period Mr Bemba came to the Central African Republic only once?

8 A. That is correct. That is what I heard but I was not present there. It appears that he
9 spent one night at the Sofitel. I also heard that he met with a Cameroonian businessman
10 by the name of Mr Mbong Patrick.

11 Q. Very well. You have answered my question now. Now, how did you know that
12 Mr Bemba was so familiar with the area that he was able to give the necessary information
13 to his troops?

14 A. Counsel, kindly rephrase your question, please; I did not quite understand you.

15 Q. I'm sorry, maybe I did not express myself clearly. My question was follows: How
16 was it possible for you to know that Mr Bemba was familiar enough with the difficulties
17 on the field to be able to provide guidance to his troops?

18 A. (Redacted)

19 (Redacted) Sometimes I received

20 the information from some of the soldiers. Let me gave you an example. When he
21 came to Bangui, everybody was aware of it. He was an important personality, and
22 whenever he moves about, everybody is aware.

23 MR LIRISS: (Interpretation) For the record, with regard to the issue of collaboration
24 and knowledge of the field, I would like to refer the Chamber to the following document:

25 CAR-OTP-0027-0311 and 0313; CAR-OTP-0037-0046; CAR-OTP-0027-0653;

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1 CAR-OTP-0040-0480; and lastly, CAR-OTP-0034-1453 and 1454.

2 Q. Mr Witness, can you tell this Court whether, to your knowledge, the MLC soldiers
3 were fed by the Central African authorities?

4 A. Thank you, Counsel. Sometimes I saw chinchards. This is a type of fish which
5 was sold that was sold at the market and this was sometimes distributed to the soldiers.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 If you have other questions for me you can ask them, and if you want to quote other
11 excerpts from my statement then I would be able to confirm or deny them.

12 Q. In reference number 0043-0298 you stated that it was the presidency that provided
13 those supplies; is that correct?

14 A. That's correct. However, who had called on those soldiers? The person who had
15 called them to come there was responsible for feeding them. Mr René, who
16 unfortunately is now deceased, was given money and he was the one who was
17 responsible for buying the fish that was then distributed to the MLC soldiers.

18 JUDGE ALUOCH: Mr Liriss, I'm sorry to interject. I'm looking at the transcript, the
19 English version right in front of me, that's page 28 and the line is -- this is the question you
20 posed to the witness, whether he knows who was feeding the soldiers. I'm looking for
21 the particular line. Yes, sorry.

22 "Mr Witness ... " -- this is the question you posed: "Mr Witness, can you tell this Court
23 whether, to your knowledge, the MLC soldiers were fed by the Central African
24 authorities?" Did you mean the soldiers in one particular place, like Bangui, or did you
25 mean all the soldiers in the different -- led by different leaders and in different places?

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1 I'm not very clear on that, please.

2 MR LIRISS: (Interpretation) You're quite correct, your Honour.

3 Q. Mr Witness, with regard to the feeding of the MLC soldiers, was this inclusive of all
4 the MLC soldiers, including those who were at the front-line, or only those who were in
5 Bangui?

6 A. Thank you. What I was personally able to observe is what I have just told you. I
7 will repeat. René received money from the presidency. He was the one who was
8 responsible for buying the boxes of mackerel that was distributed to the soldiers. I do
9 not know whether some of that fish was sent to the soldiers at the front.

10 (Redacted)

11 (Redacted) The meat was distributed amongst
12 the soldiers. I am not in a position to know whether some of that meat was sent to the
13 soldiers at the front or in the provinces.

14 Q. You were in Bossangoa. Do you know whether the soldiers who were there were
15 fed?

16 A. Counsel, I really do not have anything to say about that. I can tell you that I no
17 longer remember this detail. Did I ever say such a thing? I do not know. I can simply
18 tell you that I have forgotten that detail. As you know, I did not spend much time at
19 Bossangoa. This is what I can tell you.

20 Q. You were in Damara, weren't you?

21 A. Three times. I went to Damara on three occasions.

22 Q. Were you able to observe that the soldiers there were being fed?

23 A. Counsel, I really do not know what to tell you. (Redacted)

24 (Redacted) I cannot tell you how they

25 procured their food rations. I do not have any information about how they fed the men.

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1 Q. Very well. When you say that to your knowledge in the specific case of Bangui the
2 soldiers were fed by the presidency, would you say this was during the entire period of
3 the operations; that is, from October to 2003?

4 A. Counsel, with regard to that question that you've just put to me, I would like to tell
5 you that I never worked for those people. (Redacted)

6 (Redacted) You are asking me questions for

7 which I do not have any answers. If you believe that there is something that I said, and

8 which was written down, I would simply like to ask you to read it out to me. That

9 would refresh my memory and I would be able to tell you whether this statement was

10 really made by me. These events took place a long time ago.

11 Q. In CAR-OTP-0043-0298, you stated as follows: "The Presidency of the Central

12 African Republic gave Mustapha money." That was in answer to the question: "How

13 did Mustapha obtain the money?" "The Presidency of the CAR gave him money to buy

14 food rations. He often sent René, or Brown, to fetch the money. He bought the food:

15 Cassava, boxes of sardines." In any case, with regard to the food items I will stop there.

16 The rest refers to finances and we are going to talk about that. Do you stand by that

17 statement, Mr Witness?

18 A. Yes.

19 Q. In that case our concern is as follows: If the food rations were intended -- my

20 question is whether the food rations were intended for all the MLC soldiers who were in

21 the Central African Republic? Please answer if you know.

22 A. Counsel, that is why I gave you my answer a short while ago. What did I tell you?

23 I told you that (Redacted). When their food rations were distributed to them, they

24 didn't tell me about it. What I've told you is what I was able to observe, and that is what

25 you yourself have just summarised.

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1 Q. Mr Witness, do you know whether in addition to the food items the MLC soldiers
2 received money from the Central African Republic government?

3 A. Yes, Counsel. I was given that information by (Redacted). In fact, he told me that
4 indirectly. He told me that each soldier was supposed to be paid 300,000 CFA francs, but
5 the officers had embezzled the money and were paying them only 21,000 francs and that
6 they did so only once. I do not know whether that money was meant to be their salaries.
7 I do not know. (Redacted)
8 (Redacted) 150,000, 50,000.

9 In any case, (Redacted). I cannot give you any further information. I have just
10 told you everything that I know. If you saw anything in my statement that I might have
11 forgotten you can please tell me, but I would like to point out that the way you are
12 proceeding today seems to me to be quite appropriate because it enables us to move
13 forward.

14 PRESIDING JUDGE STEINER: Maître Liriss, I am sorry to interrupt you, but I want a
15 clarification here.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 THE WITNESS: (Interpretation) Thank you, Madam President. It is true that these
22 were personalities. It is possible for me to have forgotten their names. I know that I
23 forgot those names. (Redacted)

24 Their names were on that list.

25 PRESIDING JUDGE STEINER: I understand that of course you cannot remember the

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1 names, and I'm not asking you about names. It's just if you have an idea on how many
2 people - how many names - were in that list? Just an estimation, 10, 20, 50, 100, 200?
3 Just an estimation, if you are able to of course?

4 THE WITNESS: (Interpretation) It could have been more than ten names. These
5 were the names of officers. The list started with the names of officers, before continuing
6 with the foot soldiers. If I remember the number of names that were on the list, I will be
7 able to give that information to you, Madam President.

8 PRESIDING JUDGE STEINER: I'm sure you would, Mr Witness, but I fully understand
9 that this is not possible.

10 My -- the second clarification I would like to ask you: (Redacted)
11 (Redacted) is that correct?

12 THE WITNESS: (Interpretation) That is correct.

13 PRESIDING JUDGE STEINER: Do you remember just an estimation on the quantities of
14 meat? (Redacted) 10 kilos, 100 kilos, one tonne? Just an estimation, of course.

15 THE WITNESS: (Interpretation) Thank you. (Redacted) an entire cow. (Redacted)
16 (Redacted) the cow, (Redacted)
17 (Redacted) two cows, or one according to the needs.

18 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Maître Liriss.

19 MR LIRISS: (Interpretation)

20 Q. Witness, you just said that that money, you spoke about 21,000, was paid only once
21 when they arrived. That's what you said, wasn't it?

22 A. The amount of 21,000 francs was given to them only once, but then later the chiefs
23 continued to receive money but they didn't share it out with the troops because at the
24 time -- and when I talk about "them," I'm referring to Mustapha. Well, at the time, there
25 were things that he would hide from Jean-Pierre Bemba because he prevented the

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1 children from disclosing certain things. I think I had that recorded in my statement. He
2 was scared of the punishment or imprisonment for the troops.

3 Q. This is what you said to the investigators, 0043-0298, more or less the middle:

4 "When the MLC troops arrived in the Central African Republic they had uniforms and
5 boots and, in addition, each of them was entitled to 300,000 francs CFA per week.

6 Mustapha only gave them 21,000 CFA and at the end of the month, rather than every
7 week." And then on page CAR-OTP-0043-0369, the investigator asked you a question, he

8 says: "How frequently was it planned that the troops were going to be given 300,000

9 francs CFA?" And you answered: "At the end of every month." "Who gave you that

10 information?" You answered: (Redacted)

11 Now, could you enlighten us, once and for all, whether or not that amount was

12 embezzled? Was that amount intended to be paid every month or every week?

13 A. Thank you, Counsel. I was not in charge of giving the soldiers their pay. All I can

14 do is tell you what I was told. (Redacted), but I don't want to insist. I

15 couldn't insist to get details. What I know is what (Redacted) told me, and this is what I in

16 turn reported. He would receive money. The chiefs would embezzle that money and

17 only gave them 21,000 francs and only once. That's all.

18 Q. Please, why then did you say on two separate occasions sometimes every week and

19 sometimes every month?

20 A. These soldiers would regularly go and get money. René would be sent over to get

21 money. (Redacted) (Redacted) every month they should have

22 been given 300,000 francs, but their chief would only give them 21,000 francs and in fact

23 only did so one time. Now you are talking to me about weeks and months, but I'm

24 somewhat confused.

25 Q. (Redacted) Could you tell the

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1 Chamber, please, what the exchange rate is between the CFA franc and the American
2 dollar, or perhaps euros, so that we have a better idea of the amounts involved, so that the
3 Chamber can realise this?

4 A. Thank you, Counsel. (Redacted) Now, there are variations.
5 Sometimes those currencies increase in value, sometimes they are depreciated, and it's
6 been a while. All I can tell you is what I've already said. For instance today, what is the
7 exchange rate for the dollar? Well, I don't know what the exchange rate for the dollar is,
8 and so I can't compare it with the rate at the time. What could I tell you today? Well,
9 this happened during the war, so I have no accurate knowledge about exchange rates.

10 Q. Mr Witness, when you left your country to come here, how much were \$100 or €100
11 worth in CFA francs?

12 A. I'm afraid I don't know, Counsel. Only you can say. When did I begin my
13 testimony here before the Chamber? You must work that out. You're asking me to
14 make those calculations. (Redacted)
15 (Redacted)

16 THE INTERPRETER: Interpreter's correction, (Redacted)

17 MR LIRISS: (Interpretation)

18 Q. Mr Witness, how much does a cow cost or, in any case, how much did a cow cost at
19 the time (Redacted)?

20 A. There you are, Counsel. Yes, please do ask me direct questions of that type. Why
21 do you go round in circles? The prices would vary, depending on the size of the cow.
22 (Redacted)
23 (Redacted)

24 Q. So the highest price you would pay for a cow is 250,000 francs CFA; is that right?

25 A. No. A cow, a very large cow, would cost more than a small cow. (Redacted)

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- 1 (Redacted) buy a cow for 100,000 francs, (Redacted)
- 2 (Redacted) declare it to have cost 250,000. (Redacted)
- 3 (Redacted) but the prices of cows depend on their size.
- 4 To tell the truth there were ones that cost 400,000 francs, but there were also ones that cost
- 5 300,000. It really depended on the size of the cow. There were also ones that cost
- 6 100,000 or 125,000, depending on their size, (Redacted) double the figure for the
- 7 cows (Redacted).
- 8 Q. Let's try and make headway, Witness. Is it correct to say that this money came
- 9 from the Central African Republic treasury, from the Government of the Central African
- 10 Republic, as you stated?
- 11 A. Counsel, you must - you, yourself - think this over. Who invited the MLC soldiers
- 12 to come? I believe it was President Patassé. Now, was he not in a position to feed them?
- 13 What had they come to do? Had they just come over to fight without eating?
- 14 Q. Witness, well, you could have simply said "Yes" if you wanted to speed things up.
- 15 All right then, did you ever get any information coming from a soldier, or from (Redacted),
- 16 or from (Redacted), according to which the MLC were given, by somebody who works for the
- 17 Central African treasury, every single day received 7 million francs CFA?
- 18 MR LIRISS: (Interpretation) Madam President, I'm referring here in this respect to
- 19 transcript of 7 April; 6 and 7 April. Here is the reference: In the French version, page 21,
- 20 lines 21 to 23, that was the transcript for the 6th, and for the transcript for 7 April, page 52,
- 21 lines 24 to 28, and page 53, lines -- line 1.
- 22 JUDGE ALUOCH: Mr Liriss, I just think your question is so long. Can you break it
- 23 down? It's such a long question. It could be confusing to the witness, please.
- 24 MR LIRISS: (Interpretation) You're quite right, your Honour.
- 25 Q. Mr Witness, we learned that the MLC soldiers every day were given 7 million francs

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1 CFA. Did you ever get this information?

2 A. Which 7 million are we talking about? All I know is that -- well, you know,
3 soldiers tend to speak a lot; (Redacted).

4 For instance, he would (Redacted) when Brown -- when he went over there and got
5 50,000 francs, he would declare he'd only received 10,000. If he received 20 million, then
6 he'd say he'd only received 5 million. So, to speak about the money they got over there
7 in very specific terms is very difficult for me. That's what I can say on that topic.

8 Q. My question was simply whether you were ever told that; that's all. If that had
9 been true, 7 million per day for one month would have come to 210 million francs CFA; in
10 other words, 462,000 US dollars. Are you aware of that, or not?

11 A. Well, I wasn't with them. What I learned was that when René received 50 million
12 from the presidency, he would declare he had received only 10 million to Mustapha.
13 And when he received 50 or 20 million, he would only declare a very much smaller figure.
14 Now, for what reason would I start making those calculations on these huge amounts?

15 Q. So, I take note that you don't know. These are just possibilities. I'm not asking
16 you to assert that they are true. So I take note that you don't know and you also
17 presumably don't know that if there was -- there had been no embezzlement, the 1,500
18 soldiers would in that case have received a monthly pay of 140,000 francs CFA - sorry,
19 every day, 140,000 every day - in other words, 300 US dollars per day, and that means that
20 for a whole month, that would come to 9,000 US dollars. You didn't know that either,
21 did you?

22 A. Counsel, I'm not their accountant. I'm not the soldiers' -- the MLC soldiers'
23 accountant. (Redacted) That's what I
24 heard. (Redacted)

25 MR LIRISS: (Interpretation) For the record, I earlier gave references for the transcripts

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1 of 6 and 7 April in French. Now, in English, the same references are, for 6 April, page 17,
2 lines 15 to 17, and for the transcript dated 7 April, we are talking about page 55, line 23
3 and the following, and the page 56, line 2.

4 PRESIDING JUDGE STEINER: Maître Liriss, sorry to interrupt you. I want some
5 clarification from the witness and this time coming back to his statement, not to third
6 person's statements. Mr Witness, in your statement to the investigators you said -- and
7 I'm talking about CAR-OTP-0054-0374, English version, and 0043-0298, French version. I
8 will read what is in your statement and then I will ask you to confirm and to clarify some
9 points.

10 "The CAR President's office used to give him money ...", "him" here is Mustapha, "... to
11 pay for the soldiers' rations. Mustapha gave 21,000 Central African francs to the soldiers.
12 He often sent René or Brown to collect money. He bought the rations, cassava and packs
13 of sardines. When the MLC soldiers arrived in the CAR, they were wearing military
14 clothing and boots. In addition, everyone was entitled to 300,000 francs per week, but
15 Mustapha only gave them 21,000 francs and that was at the end of the month instead of
16 every week. Every week either he, René or Brown, come to the CAR President's office to
17 collect the money. A helicopter ..." -- sorry, "Mustapha used to send part of the money to
18 Bemba. A helicopter came here every week to fetch the money. The rest of the money
19 went into Mustapha's pocket."

20 My first question: Do you confirm that this was your statement to the investigators?

21 THE WITNESS: (Interpretation) Thank you, Madam President. Yes, that's the truth.
22 That's the truth. That is what I say. I can confirm that.

23 PRESIDING JUDGE STEINER: And then the clarification I would like to have, because
24 in the statements it's not very clear, how do you know that Mustapha used to send part of
25 the money to Bemba and that a helicopter came every week to fetch the money? Could

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1 you explain to the Chamber, please.

2 THE WITNESS: (Interpretation) Thank you, Madam President. At the time (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) It was on that occasion that I heard

8 about that information. So this is the truth, Madam President.

9 PRESIDING JUDGE STEINER: (Redacted)

10 (Redacted)

11 THE WITNESS: (Interpretation) That's right. When he said that they were sent there

12 every week, (Redacted)

13 (Redacted). I couldn't -- I wouldn't want to say any mistruth. This is the truth.

14 PRESIDING JUDGE STEINER: I'm sure that you're telling what you know. When in

15 the -- on page 39, starting from line 15 of today's transcript, you say, "What I learnt was

16 that when René received 50 million from the presidency he would declare that he had

17 received only 10 million to Mustapha, and when he received 50 or 20 million he would

18 only declare a very much smaller figure." Do you know what René did with the

19 difference of the money; with the rest of the money?

20 THE WITNESS: (Interpretation) Thank you, Madam President. At that time, the

21 soldiers themselves spoke about this. They would say that René was bringing over a lot

22 of money, (Redacted)

23 (Redacted). What they were saying was that he was sent to fetch the money, but

24 that he would take a lot away but only declared a very small amount. At the time, he

25 used cosmetics to lighten his skin. A little later he was sent out to the province, and at

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1 the time Brown was in Bangui, and somewhat later, I don't know what had happened in
2 the meantime, but in any case René had died and the ordinary soldiers talked about this a
3 lot. They would say, for instance, that Mustapha might have been behind that death.
4 He had also understood that the person who had died bought a lot of goods and had them
5 cross the river at Zongo. Probably it is for that reason that he might have been invented,
6 or he might have invented a scenario that cost René his life. Later on, Brown or
7 Mustapha himself went over to collect the money. That's what I can say.

8 PRESIDING JUDGE STEINER: I'm just waiting for the end of the transcript, or the end
9 of the answer. And later on, when Brown or Mustapha himself went over to collect the
10 money, what they did with the money; do you know? Do you have any information
11 about that?

12 THE WITNESS: (Interpretation) They bought food for themselves. Brown took over
13 the job that René had been doing. I believe that is how it happened. There are those
14 who came from Gbadolite and (Redacted).

15 PRESIDING JUDGE STEINER: Thank you very much for the clarification, Mr Witness.
16 Maître, we still have five minutes. You wish to proceed?

17 MR LIRISS: (Interpretation)

18 Q. Mr Witness, on page 329 you stated as follows: "Now I remember the name of the
19 person who came to fetch the money by helicopter. It was Colonel Lolo." Do you
20 remember that?

21 A. Counsel, I cannot deny what has been written down. I do confirm that this is my
22 statement. If it happens that I forget someone's name while giving a statement to the
23 investigators and then I remember that name here in the courtroom and mention it here,
24 then where is the problem? If during the investigations I had forgotten the name of that
25 person and then I remembered later, where is the problem? (Redacted)

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1 (Redacted)

2 Q. You answered my question. I'm sorry for interrupting you, but we do not have
3 time. Do you know whether Colonel Lolo is indeed Colonel Laurent Mongapa, or rather
4 Leonard Mongapa? Is this one and the same person?

5 A. I do not remember that name. The only name I know is Lolo. I'm not familiar
6 with the other names that you have mentioned. (Redacted), but
7 to say that that person is called Leonard Mongapa, well, I have never heard that name. I
8 heard it from you now for the first time.

9 MR LIRISS: (Interpretation) I would like to refer the Chamber to document number 13
10 on the Defence list of materials.

11 Q. Mr Witness, did you never receive any information to the effect that Colonel Lolo,
12 Leonard Mongapa, who is currently a general, never went -- or rather went to the Central
13 African Republic only once and that for the sole purpose of assisting in the repatriation of
14 the MLC soldiers? Did you ever receive any such information?

15 A. Counsel, I am not a soldier. I have also told you that I did not control the soldiers.
16 If he went there on a single occasion, well, listen, I do not even have any problem with
17 him. All I told you is what I heard. When I mentioned the name Mundonga and
18 Luvunangiza, was I telling a lie? Are these lies? Counsel, I'm asking you to go slowly.
19 I believe that you are provoking me, or trying to trap me, and if that is the case please
20 remember that (Redacted).

21 MR LIRISS: (Interpretation) Your Honour, I believe time is up.

22 PRESIDING JUDGE STEINER: You are right, Maître Liriss. Thank you very much.

23 Mr Witness, we are suspending now. We are having our lunch break. You will have
24 time to have lunch, to take some rest and to talk with representatives of VWU. We will
25 resume this afternoon at 40-past-2, 20-to-3.

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1 I ask, please, court officer to take the witness outside the courtroom.

2 THE WITNESS: (Interpretation) Thank you, Madam President.

3 (The witness stands down)

4 THE COURT OFFICER: All rise.

5 (Recess taken at 1.13 p.m.)

6 *(Upon resuming in closed session at 2.51 p.m.) Reclassified as Open session

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

8 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
9 court usher bring the witness in.

10 (The witness enters the courtroom)

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

12 THE WITNESS: (Interpretation) Good afternoon, your Honour.

13 PRESIDING JUDGE STEINER: We will continue this afternoon with your
14 questioning, in the hope that Defence questioning will come to an end, at the latest
15 tomorrow morning as mentioned by Maître Liriss.

16 MR LIRISS: (Interpretation) Your Honour, maybe, if possible, could you kindly
17 remind the witness that he needs to be brief and concise? I have said it to him
18 several times, but maybe he needs to be reminded of that.

19 PRESIDING JUDGE STEINER: Yes, Maître Liriss. The same way I many times
20 asked the Prosecution and the Defence as well to try not to be repetitive, or not to
21 focus too much on questions that are prima facie not so relevant, I will also
22 recommend, Mr Witness, to do your best to be very objective and concise in your
23 answers.

24 We are really, really thinking about your well-being, and it's important for us that we
25 finish with your testimony as quickly as possible in order for you to be able to go back

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1 to your home country to stay with your family, and that's why, Mr Witness, we ask
2 you to try to give to the Defence short and concise answers and the Defence maybe is
3 able to finish with your questioning sooner than expected.

4 Do you understand that, sir?

5 THE WITNESS: (Interpretation) Yes, I understand you very well, Madam
6 President, but, as you know, it is counsel who is asking me questions about things
7 that I do not understand, instead of simply focussing on my statement. He goes
8 outside of that statement and, when he does that, I really do not know what answers
9 to give him.

10 PRESIDING JUDGE STEINER: Then I suggest, Mr Witness, if you don't know the
11 answers, you just say that you don't know the answer. We will find a way. You've
12 been cooperating with the Court, and we are very thankful to you for that, and I'm
13 sure that you will find a way. Whenever you don't understand a question, or
14 whenever you don't know the answer, you just say that you don't know the answer
15 and there is no problem at all. You promised to tell the truth, so you have to tell the
16 truth on things that you know. Things that you don't know, you cannot answer.
17 Can we proceed?

18 THE WITNESS: (Interpretation) Yes, Madam President, we can proceed. There
19 are certain facts that I no longer remember. That is why it took us time. I had been
20 asking for certain excerpts to be re-read to me; that's why it took us so much time.

21 PRESIDING JUDGE STEINER: If you want the parts of your statement to be read,
22 you just ask. If there are facts that you don't remember, you just say you don't
23 remember. Feel completely free to give the correct answer. Is that fine with you,
24 sir?

25 THE WITNESS: (Interpretation) Thank you, Madam President, I have fully

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1 understood you.

2 PRESIDING JUDGE STEINER: Thank you very much, sir. Maître Liriss.

3 MR LIRISS: (Interpretation) Good afternoon, your Honours.

4 Q. Good afternoon, Mr Witness. I would like to come back to a question, to an
5 issue that seems important to me. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 Q. In your statement, page 0043-0368, you nonetheless stated, (Redacted)

15 (Redacted) But that's not important. We can go on to the

16 next question.

17 (Redacted)

18 A. (Redacted)

19 Q. In your statement 0043-0367 you stated, nonetheless, that you knew that

20 Captain Luvunangiza came at least every Saturday, but that's not important. We can

21 go on to the next question. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 Q. Who else might have been present, do you remember?

25 A. Mondunga and Mustapha.

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1 Q. Did you have the opportunity -- well, this might be a superfluous question, but
2 did you even once attend when the money was being handed over to these men for
3 the soldiers?

4 A. I cannot lie. No, I never had any opportunity of that type, but who am I, in any
5 case, to be present on such an occasion? What I am telling you is what the soldiers
6 told me. I was with them and they said all these things to me.

7 Q. Let me read out a statement that you made, starting on page 0043-0289 -- oh,
8 0299. "How frequently did the Colonel Luvunangiza come to pick up the money?"

9 Answer: "Every week." Question: "Did you know how much they fetched?"

10 Your answer was: "No." The question is: "Who did they go and collect the money
11 from?" Your answer was: "They fetched the money directly from Patassé through
12 Mustapha. He went to the airport to pick them up when they arrived and then
13 together they would go over to Patassé's place. Mustapha personally went to
14 Patassé's place." (Redacted)

15 (Redacted)

16 (Redacted) Sometimes

17 Patassé would directly hand over the money to Colonel Luvunangiza."

18 So what is your reaction to that?

19 A. I understand your point, Counsel. What you have just said, well, it is true, (Redacted)
20 (Redacted). The first time you said that they

21 themselves would go directly and I have said that they went there with Mustapha.

22 As I just had said, when they were going to collect money, well, I don't know, they
23 would go there with Mustapha and all this information was given to me. I cannot lie
24 to you. That is what you have just read.

25 Q. "Occasionally Patassé would hand the money over directly to Colonel

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1 Luvunangiza." Are you talking about that money that was handed over by Patassé,
2 allegedly handed over by Patassé for -- to allegedly then forward on to Bemba; is that
3 right?

4 A. Counsel, you have asked me that question as if I was there, present, when they
5 were being given the money. This is what you would like me to say? You asked
6 me the question as if I was there, in attendance, but all of this information was relayed
7 to me. (Redacted) and I have testified about that here, but
8 what you seem to want to have me say is that I was present when they got the money.
9 The answer is no, I was not there; I was not present.

10 Q. Please don't be offended. I just want to understand because what is stated is
11 that, (Redacted) That's why I am asking you this question. In
12 any case, when you say that "Patassé occasionally directly handed over money to
13 Luvunangiza," who was it that told you that this was the case?

14 A. Counsel, I have given the name (Redacted). All this information and all these facts,
15 well, I wasn't present. All this was relayed to me (Redacted). You
16 asked me this question. I said -- I told you the truth and I don't know what you
17 expected from me.

18 Q. One last question on this topic. (Redacted), I hope my learned friend or
19 yourself, or in any case my learned friend, could read it out for you or perhaps you
20 could read it to yourself and then give us explanations about this. Perhaps the court
21 usher or the registrar, rather, would give me some assistance? Either, to go more
22 quickly, I can hand you a hard copy or else we can display this on the screen,
23 CAR-OTP-0043-0369.

24 THE COURT OFFICER: The document is available on the screens. The document
25 is CAR-OTP-0043-0346 at page 0369. This document is marked as confidential.

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1 MR LIRISS: (Interpretation)

2 Q. If you will allow, I will read it out up to the point where we have a (Redacted)
3 sentence and then you can take over from me. Will you do that?

4 A. Well, I've read this. I've read it. Now, I've read what is said in (Redacted).

5 (Redacted) That's it. Now, what that means

6 (Redacted) I have

7 already said this here. (Redacted) He said (Redacted)

8 (Redacted)

9 (Redacted)

10 THE INTERPRETER: The witness, speaking French, says that, "I understood
11 somewhere there was embezzlement," reading out the French portion.

12 THE WITNESS: (Interpretation) (Redacted)

13 MR LIRISS: (Interpretation)

14 Q. So what is written (Redacted) is that, "I give them 300,000 francs CFA per month,
15 and you say that that was per month, 300,000, and that's where he stopped." That's
16 what you say. I understood that the money for them was 300,000 CFA per month, so
17 somewhere there must have been an embezzlement. So I'm asking you why you
18 think that, since he himself says that he receives 300,000 CFA per month? Why do
19 you think there was embezzlement? Unless you have no answer, then we can go on.

20 A. Counsel, you yourself are very explicit. Now I get the impression that things
21 are beginning to be confused. 300,000 were handed over to Mustapha, but
22 Mustapha gave them 21,000. I think that here you would have one believe that I'm
23 lying.

24 Q. Well, I think we have dealt with this question sufficiently at length so that we
25 can go on to another one. Witness, you stated that there were three routes: Damara

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1 to Sibut, Bossangoa and Bozoum; the three routes or roads. Can you tell the
2 Chamber which troops occupied the Bossangoa road, apart from the MLC?

3 A. Counsel, when these combats were taking place, I was not there. I went there
4 afterwards, and this gave me an opportunity to see that the MLC troops had killed
5 people who were considered to be part of FACA. Now here you would have us
6 believe that I was with the people from FACA and that I took part in the battles.

7 Q. I prefer to read out your statement and see whether you can confirm and then
8 go on to something else. You stated, page 0043-0362, that you saw FACA troops at
9 Bossangoa. Is that exact?

10 A. That's what I just stated.

11 Q. In your testimony yesterday, you said that you also saw FACA soldiers at
12 Bossembélé; is that correct?

13 A. In Bossembélé there were policemen, gendarmes. They came from the market
14 and they were walking around in the city. I saw them. That's what I said
15 yesterday.

16 Q. We shall come back to this when I find the appropriate reference, but in any
17 case for the time being let's go on. Transcript 138. It is indeed transcript 138, in
18 English, page 47, lines 1 to 5, in the edited version of the transcript where you say that
19 you met policemen, gendarmes and soldiers. The Bossembélé road - Bossembélé - is
20 it on the road to Bossangoa? On the same road to Bossangoa?

21 A. Bossembélé is an intersection. Mustapha set up a base there. (Redacted)
22 (Redacted) If you like, I can show them to you. When you leave
23 Bangui and reach a crossroads, on the right there is the road that goes to Bossangoa,
24 and if you go straight on you go towards Yaloke, Bossemptelé and from Bossemptelé
25 you can go to Bozoum. If you like, we can check all this on a map.

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1 Q. Thank you, Witness. No, I don't dispute that. I just wanted to know whether
2 there were any FACA soldiers on that road. As far as you know, what is a Chief of
3 Operations during armed conflict? (Redacted), but you spoke about
4 this and so that's why I ask this question. What is a Chief of Operations, as far as
5 you know?

6 A. He is the person who commands his soldiers. He is the senior leader. He is
7 the one that gives instructions in terms of strategy and on the theatre of operations.
8 He is the one in command, and that was Mustapha and Mustapha was the Chief of
9 Operations.

10 Q. Thank you, Witness. You stated - and you repeated this this morning - that on
11 several occasions (Redacted)
12 (Redacted); is that correct?

13 A. That's right.

14 Q. I'm going to read out a statement that you made so as to speed up the process,
15 CAR-OTP-0043-0353. The question was: "Who gave the uniforms to the MLC
16 troops?" "It was General Bombayake .he gave them the uniforms at the airport.
17 These were new uniforms, because at the time Bombayake was the Chief of General
18 Staff and General Mazi was the Chief of Operations." Do you remember having said
19 that and do you confirm it?

20 A. Yes, I can confirm that. Mustapha (Redacted)
21 (Redacted) cooperated for the purposes of operations was
22 General Mazi. That's what I say.

23 Q. Thank you very much. General Mazi was a general. Mustapha was a colonel.
24 From the little knowledge that you have, who was the senior officer of whom?

25 A. Counsel, when all of this was happening I wasn't there, so I didn't know who

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1 commanded the other. You spoke to me -- well, I spoke about Mustapha, but as far
2 as I know, on the basis of my knowledge, some officers, i.e. for instance colonels that
3 have very senior duties in the hierarchy, in the police, for instance, you have colonels,
4 but it could be that those colonels are under the orders of commanders, (Redacted)
5 (Redacted)

6 Q. The investigator asked you this question: "Who gave Mazi the orders to be in
7 contact with Mustapha?" And you answered "Patassé." CAR-OTP-0043-0363. Is
8 that correct?

9 A. Counsel, I think that even though I have said that (Redacted), I am quite
10 able to answer that question in a simple way. It was Patassé who invited the MLC
11 soldiers. I think he had his own soldiers who could fight alongside the MLC troops.
12 They arrived but did not know the situation. That is just some imagery. I believe
13 that you are an intelligent person, but I can nevertheless give you a few lessons. But
14 if you ask me that question in that way, I would not know how to answer.

15 Q. You have given the correct answer, Mr Witness, and I'm satisfied with it. You
16 were also asked the following question: "For what reason was General Bombayake
17 in contact with Mustapha?" And that is CAR-OTP-0043-0363. And your answer
18 was: "Because he was the Chief of General Staff." Can you confirm that?

19 A. Counsel, I have told you everything that I heard being said. (Redacted)
20 (Redacted) I do not see any reason for denying it today.

21 Q. Mr Witness, since Mustapha was in practically permanent contact with Mazi,
22 Chief of Operations, and Bombayake, whom you referred to as the Chief of General
23 Staff, what was the means of communication that they used, as far as you know?

24 A. Counsel, I do not know how to answer some of your questions. You know that
25 there were cell phones in Bangui. There were cell phones there, so that is certainly

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1 what happened. I did not come close to them. They spoke with each other; they
2 were discussing. I was not there; I was far away. If he called him on the telephone,
3 it is because he would have heard the phone number, and if they communicated it is
4 because they knew each other. So, Counsel, I'm just an ordinary man. I knew
5 (Redacted). You have already created problems for me.

6 Q. Do not be afraid, Mr Witness. Nothing that has been said here can be accessed
7 by anyone outside. You have said that they would have been using cell phones, but
8 if one of them was more than 25 kilometres away then how would they
9 communicate?

10 A. You know, you have just asked me that question. They were in Bangui, and
11 now you're telling me that they were so many kilometres away from each other.
12 They were in the town of Bangui. If Bombayake and Mustapha were in Bossembélé
13 or in Bozoum, I could not have known that. The Judge is listening to me now.
14 There is a risk that I may stop testifying because you are using all means possible to
15 have me say what I did not say.

16 Q. Maybe I didn't phrase my question correctly so, please, I am not trying to
17 unsettle you. You have said that Mustapha and Mazi were in contact with each
18 other, and I asked you the question "How did they communicate?" And you started
19 by saying that there were cell phones. Correction, you had said it was Mustapha
20 and Bombayake who were in contact.

21 Now, my follow-up question to you was as follows: Since the network of cell
22 phones was limited to 25 kilometres, if Mustapha was further away than 25
23 kilometres then what means would he use to contact Patassé or Bombayake who were
24 in Bangui?

25 A. (No interpretation)

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1 THE INTERPRETER: From the Sango booth, can the witness be requested to repeat
2 the beginning of his answer? The Sango interpreters did not hear him.

3 MR LIRISS: (Interpretation)

4 Q. Mr Witness, I'm sorry, I'm interrupting you because our interpreter did not
5 understand the beginning of your answer. So please, kindly repeat slowly so that
6 the interpreter can follow you properly. And, for the record, if you would like me to
7 repeat the question, then I can do so.

8 Now, the question was: If Mazi or Bombayake was more than 25 kilometres away
9 from Mustapha, then what means of communication did they use?

10 A. It is possible that I might have forgotten certain details. You have the
11 document with you so, please, kindly read the excerpt in question. And if it is true, I
12 will tell you that it is true; and if it is not true, I will say so also because there are
13 many things that happened.

14 Q. The question that I'm putting to you was not put to you by the investigators.
15 All I wanted to know was what means of communication these people used to stay in
16 contact when they were more than 25 kilometres away from each other.

17 A. Counsel, I'm asking you to be clear and direct with me because you are beating
18 about the bush and I am no longer able to follow you. If you say that is not in my
19 statement, then I do not know. But if it is something that is in my statement, then
20 please read it out to me and I would be able to confirm it for you.

21 Q. Thank you, Mr Witness. Now, beyond 25 kilometres, did Mustapha use the
22 Thuraya to contact Mazi and Bombayake?

23 A. Counsel, I just gave you an answer.

24 Q. I'm sorry, maybe I was not paying attention. Can you kindly repeat your
25 answer, please?

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1 A. I have told you that if you ask me a question on something that is not in my
2 statement, then I cannot answer you. But if it is something that is in the statement,
3 then read it out to me and I can confirm to you. If it is not in the statement, then it
4 means I do not have an answer for you. It is possible that it is written in my
5 statement, but please understand that I am beginning to be tired.

6 Q. I have understood you but, Mr Witness, you have to understand that I am not
7 limited only to your statement. But let us move on to something else. Based on
8 your knowledge of what was happening, even though your knowledge might be
9 limited, but since you have mentioned this what is the role of the Chief of Staff during
10 a period of fighting?

11 A. Thank you, Counsel. What is indicated in the statement?

12 Q. Mr Witness, it is stated that Bombayake was the Chief of General Staff. My
13 question is as follows: What is the role of the Chief of General Staff during military
14 operations?

15 A. Yes, that is why I'm asking you: What was my answer to that question? I'm
16 sorry, Counsel, I'm beginning to feel ill-at-ease.

17 Q. Mr Witness, we have just 15 minutes left, and I will conclude with this line of
18 questioning so please be patient. This is what you said, and I read it out to you a
19 short while ago, "Mazi was the Chief of Operations and Bombayake was the Chief of
20 General Staff." You have confirmed having said that.

21 Now my question to you is as follows: What is the role of the Chief of General Staff
22 during military operations? You talked about the role of Chief of Operations and
23 now I would like to know what is the role of the Chief of General Staff during
24 operations.

25 A. But, Counsel, are we going to dwell on this issue? If it is written in my

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1 statement, then tell me what the role of the Chief of Staff is. If I'm the one who said
2 something about it, then I will confirm it.

3 PRESIDING JUDGE STEINER: Witness. Maître Liriss.

4 Mr Witness, we understand that you are tired. We have just ten more minutes. It
5 would be very good if you could at least finish for today. We have only ten minutes.
6 But in this case, the Defence mentioned that you said that Bombayake was the Chief
7 of General Staff. This is what you said. What the Defence is asking is whether you
8 know what a chief of general staff is. If you know, you can answer. If you don't
9 know what a chief of general staff means, you just say you don't know. This is not
10 an inappropriate question and you could answer, if you know the answer. If you
11 don't know, just say you don't know.

12 THE WITNESS: (Interpretation) Thank you, Madam President. In French, that
13 means the supreme commander of the soldiers, that is the Chief of Staff.

14 PRESIDING JUDGE STEINER: Is this the answer you wanted, Maître Liriss?

15 MR LIRISS: (Interpretation) Your Honour, the answer that I wanted was the role
16 that such a person plays during combat. I was not asking for his position because
17 we know it. So, what is the role that he plays during combat? If he doesn't know,
18 he can simply tell me that he does not know.

19 PRESIDING JUDGE STEINER: Mr Witness, did you understand the answer? The
20 Defence is just asking whether you know what a chief of command -- or chief of staff
21 does, in general. What are the functions of a chief of staff? If you know, you just
22 tell the Defence. If you don't know, just say you don't know.

23 THE WITNESS: (Interpretation) Thank you, Madam President. When I listen to
24 counsel's questions, I think he -- I have the impression that he is trying to trap me. I
25 have a written statement, but he is saying certain things that may entrap me because

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1 he is saying, "Last time you said this and today you are saying this." So, in order not
2 to fall into that trap, I asked him the question: What is stated in the statement? If
3 that is what I said, then I would confirm it. But if I am not the one who said it, then I
4 will tell him also. That is why I asked him to read out what is written in my
5 statement. But if I simply rush to confirm that I said this and I said that, then I
6 would later be considered as a liar, and that is not a good thing. That is my concern,
7 Madam President.

8 PRESIDING JUDGE STEINER: I fully understand your concern, Mr Witness, and
9 you are right and the Chamber is vigilant; nobody wants you to be trapped. The fact
10 is that now the Defence is asking if you know what a Chief of Staff does. It's your
11 knowledge only. If you know, you can answer. If you don't know you just say
12 "no." This is not a tricky question and it was a question not put by the investigator,
13 so it's not in your statement, but it's only about your knowledge on what a Chief of
14 Staff does, in general. So you just answer if you know the answer.

15 THE WITNESS: (Interpretation) Thank you, Madam President. I have understood
16 you. I've told you that he is the supreme commander of the army, the person who
17 commands all the soldiers.

18 PRESIDING JUDGE STEINER: Maître Liriss, if you want to insist on this point, I'll
19 be under the obligation to ask you for the relevance.

20 MR LIRISS: (Interpretation) No, your Honour, that is enough for me.

21 Q. Mr Witness, please simply answer whether you know or not. (Redacted)

22 (Redacted) you that in the Central African Republic they were

23 relying -- or under President Patassé and the military hierarchy of that country?

24 A. Thank you. I would like to apologise but I would like to tell you for the third

25 time that I have a migraine. It is true, it is a good thing to tell the truth. If you have

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1 the statements, please read them out for me and in that way I would be able to
2 confirm, or not, the information contained in those statements.

3 Q. Mr Witness, this is not in the statement. It's simply a question that I'm asking
4 you: If Mustapha or one of his officers told you that, then say "yes." If they didn't
5 say that to you then say "no."

6 PRESIDING JUDGE STEINER: Maître Liriss, I'm sorry, the witness is saying that he
7 has a migraine. He is showing visible signs of tiredness. I think it's time for us to
8 adjourn, and we will continue tomorrow morning, in the hope that in the morning
9 session we will be able to -- the Defence will be able to obtain the information Defence
10 is seeking.

11 Mr Witness, we are going to suspend. We don't want you to feel tired or distressed.
12 We know that you have migraine. We are going to adjourn for today. We want
13 you to take some rest. VWU will be with you to assist you, and we hope that
14 tomorrow morning you are feeling better and that we can conclude with your
15 testimony. Whatever you need, please inform the representatives of VWU that will
16 be in touch with you right now when you leave the courtroom.

17 I thank very much the Prosecution team, the legal representatives of victims, Maître
18 Liriss, the Defence team, Mr Jean-Pierre Bemba Gombo. Thanks very much for our
19 interpreters, court reporters.

20 I ask, please, the court usher to accompany the witness outside the courtroom. In the
21 meantime, we are going to adjourn and resume tomorrow morning at 9.30 in this
22 Courtroom 2.

23 Mr Witness, have a restful night.

24 THE WITNESS: (Interpretation) Thank you very much, Madam President.

25 (The witness stands down)

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- 1 THE COURT OFFICER: All rise.
- 2 (The hearing ends in closed session at 3.59 p.m.) Reclassified as Open session
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to Trial Chamber III's Orders, ICC-01/05-01/08-2223 and
- 5 ICC-01/05-01/08-3038 and its instructions in the email dated 9 May 2014, the version
- 6 of the transcript with its redactions becomes Public