

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Tuesday, 6 September 2011

8 (The hearing starts in open session at 9.40 a.m.)

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

10 Please be seated.

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

12 open session.

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

14 case.

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

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

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

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

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

20 court reporters.

21 Before we bring the witness in I ask please, court officer, to turn into private session.

22 *(Private session at 9.41 a.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Thank you, court officer. The Chamber received this

25 morning a report from VWU related to the -- an updated assessment on the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 situation of Witness 178. The report of course is direct to the Chamber, it's confidential,
2 but the Chamber wants to communicate that for the -- according to the assessment, it's
3 quite clear that the witness is on a very, a very important level of stress, and being affected
4 psychologically by it; and, in addition to that, the Chamber is still waiting for some
5 information or updated information to come from the Prosecution at lunchtime in relation
6 to security issues. And taking all of that, taking the high level of stress of the witness and
7 the peculiar situation in which he finds him right now, the Chamber decided that the first
8 part of today's hearing, the morning sessions, the two morning sessions will be conducted
9 all in closed session.

10 Court officer, please turn into closed session in order for the witness to be brought into the
11 courtroom.

12 *(Closed session at 9.43 a.m.) Reclassified as Open session

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

14 (The witness enters the courtroom)

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

16 (The witness speaks French)

17 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

19 PRESIDING JUDGE STEINER: You are welcome back to this courtroom. We hope you
20 are feeling well and ready to continue giving your testimony. The Chamber wants to
21 inform you that for the time being, at least to the end of this morning's session, your
22 testimony will be given in closed session, in order for you to feel more comfortable; is that
23 fine with you, sir?

24 THE WITNESS: (Interpretation) Yes, thank you, your Honour.

25 PRESIDING JUDGE STEINER: Are you ready to continue with your questioning by the

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 Defence, sir?

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

3 PRESIDING JUDGE STEINER: I need to remind you that you are still under oath; do
4 you understand that, sir?

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

6 PRESIDING JUDGE STEINER: And, Mr Witness, if for any reason you need to have a
7 break, just let us know and we will suspend the hearing in order for you to take some time,
8 to take some rest, to interview with Victims and Witnesses Unit, if you so wish, so just let
9 us know; do you understand that, sir?

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

11 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor, with a very special
12 recommendation that you conduct your questioning in accordance with previous
13 recommendations of VWU; short questions to generate short answers, and without
14 putting the witness under unnecessary stress. You have the floor, Maître.

15 MR KILOLO: (Interpretation) Thank you, your Honour. You can count on me for
16 questioning the witness in accordance with the relevant recommendations.

17 QUESTIONED BY MR KILOLO: (Interpretation)

18 Q. Witness, good morning.

19 A. Good morning, Mr Kilolo.

20 Q. Witness, I'm going to remind you of a statement or, rather, I'm going to ask you a
21 question about a statement that you made to the Office of the Prosecutor. I'm talking
22 here about the eighth document on the Defence list CAR-OTP-0054-0549, page
23 CAR-OTP-0054-0561. This is my question: Witness, how do you know that the MLC
24 soldiers in the Central African Republic also got food, that they were given sacks of rice;
25 how do you know that?

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 A. Thank you, Mr Kilolo. The answer to this question, the deputy, the chief's deputy,
2 would ask for a large vehicle and would go right into the centre of town to buy sacks of
3 rice and supplies of Chinchards and he would come and hand them out to the soldiers;
4 Mr Jean-Pierre Bemba's soldiers.

5 Q. Do you have any information about the quantity, the number of sacks of rice, that
6 were supplied to the MLC soldiers on the ground in the Central African Republic?

7 A. You are talking about individual amounts handed out or what amount that the
8 chief's deputy bought?

9 Q. When the sacks of rice were bought for the purpose of being distributed to the MLC
10 soldiers, generally and roughly, do you know the quantity per day, or per week? Are we
11 talking here about several lorry loads, one lorry load? Do you have any information that
12 you can give the Chamber on this topic?

13 A. I saw him asking for a vehicle from the chief and he would go and buy the rice, I
14 don't know how many times, and then he would hand it out, distribute it to the soldiers,
15 the food to the soldiers. What he bought he handed out to the soldiers (Redacted)
16 (Redacted). All I saw with my own eyes is that the
17 soldiers got their rations and that the food was handed out by the deputy, the chief's
18 deputy to the soldiers.

19 Q. Could you say which areas these food supplies were taken to, to be handed out to
20 the MLC soldiers on the ground?

21 A. Where I was, first of all in Bangui, but in most cases they had their own kitchens;
22 (Redacted) they referred to this as Makusa, Makusa, and
23 they would prepare food, the soldiers would prepare the food, and it would be served to
24 the -- their fellow countrymen, who were also soldiers, to answer your question.
25 Everywhere I went the chief's deputy would hand out the food to the soldiers. If it

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 wasn't the deputy, well, it started from the deputy and would follow the line of hierarchy
2 and they got food everywhere. In Damara I saw this, Bossembélé, too, as well as PK12.
3 THE INTERPRETER: Interpreter's correction: Earlier on Chinchards was actually horse
4 mackerel.

5 MR KILOLO: (Interpretation)

6 Q. Witness, I am going to refer to a statement you made before this Chamber, the
7 transcript in the French version in real-time dated 1 September 2011, page 36, lines 11 to
8 36. Witness, do you remember having said to this Chamber that the soldiers of the MLC
9 arrived in PK12, as far as you knew, on 3 November 2002 and left it on 6 December 2002;
10 do you remember saying that?

11 A. They arrived on 3 November 2002 and they left 6 December 2003. I think I had
12 corrected that during my testimony. I had said that it must have been between 3 and 4
13 December 2002. I had corrected that.

14 Q. Do you also remember having said to this Chamber that the MLC soldiers reached
15 Damara on 7 December 2002; do you remember saying that?

16 A. Yes, I remember quite well. At 6, they arrived at 6.

17 MR KILOLO: (Interpretation) It was actually the same reference as already quoted for
18 PK12.

19 Q. Witness, could you also tell the Chamber when the MLC soldiers left Damara as
20 they advanced?

21 A. Maître, I don't know, but in any case, some time later, they went from Damara to
22 Sibut but then, after that, those who followed what was going on by radio, since there are
23 people here who probably didn't - we are in open session - if those, anybody followed the
24 fall of Sibut on the radio, well, Coup-Pour-Coup was the person interviewed on by radio
25 RFI can confirm that Sibut had fallen and he was with Kamisi. I can give you those

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 details, Mr Kilolo.

2 PRESIDING JUDGE STEINER: Mr Witness, I just wanted to remind you that we are in
3 closed session so you can feel free to speak. We will continue the whole morning in
4 closed session, not open.

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

6 PRESIDING JUDGE STEINER: Mr Badibanga.

7 MR BADIBANGA: (Interpretation) I am sorry, your Honour, I just have a slight problem.
8 I am following the transcript in English and the reference that was given is dated -- well, 3
9 September is mentioned here and that is a Saturday, so I have trouble finding my
10 colleague's reference.

11 MR KILOLO: (Interpretation) Yes, there is a mistake on the English transcript, and this
12 is indeed the transcript of 1 September 2011, in real-time, page 36 lines 11 to 36. Eleven
13 to 12.

14 Q. Witness, basing ourselves on, as you say, the fact that the MLC soldiers arrived in
15 Damara on 7 December 2002, could you perhaps tell the Chamber how long those troops
16 spent in Damara before they advanced? Could one say that they spent about one month
17 or perhaps two months there? Do you have any idea about how long they spent there?

18 A. Yes. Well, I don't know. I have my notes here. I'm trying to write down the
19 calendar for 2003. This was the paper I put down here so that we could make progress.
20 So your question is more or less how long the Banyamulengue troops stayed in Damara?
21 To answer you, well, they spent quite a long time there. When I say "quite a long time,"
22 they arrived on 7 December 2002, certainly, no doubt, because I remember that in
23 December I had gone on two trips to Damara. (Redacted)
24 (Redacted), and in addition to that I made a third trip on (Redacted), once again to
25 Damara. So if they arrived on 7 December 2003, to the 31st, if we can calculate that, it

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 means more or less 24 days. I don't say that they left on 1 January 2003, they spent a little
2 more time there.

3 In other words, (Redacted)

4 (Redacted)

5 (Redacted) so I cannot

6 specify where they had gotten to, or when they had gotten to Bossembélé, but what is sure
7 is that after the new year the commander and his deputy spent a few weeks before leaving
8 to go to what's it called, the other place? Bossembélé.

9 So, if you take it from the 24th, one can assume more or less that that would be 14 days, 24
10 plus 14 days, that's one month and eight days more or less, just to have a rough idea. I'm
11 not saying that that's absolutely exact but it should help with my answer. Thank you.

12 Q. As you stated in the eighth document in the Defence's list CAR-OTP-0054-0549, page
13 CAR-OTP-0054-0561, Witness, how is it that you know that when the MLC troops were at
14 PK12 and in Damara they were paid on a regular basis? How is it that you know this?

15 A. Thank you, Witness. At PK12 there was the support regiment, at PK12, (Redacted)
16 (Redacted). Some time later, when

17 they arrived in Damara, the commander continued to make these orders and this included
18 the soldiers themselves. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) It wasn't as it

23 had been in Damara. In Bossembélé already, there were complaints from soldiers, and
24 this is how I found out that they were no longer being paid properly. Thank you, Maître.

25 Q. Witness, when following your answer, when you answered you answered with

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 regard to PK12. You said how it is that you knew that at PK12 they were paid regularly.

2 Could you tell us how it is that you know that when the MLC soldiers were in Damara

3 they were paid on a regular basis; how is it that you know this?

4 MR BADIBANGA: (Interpretation) I apologise again, your Honour; it's a matter of

5 reference again. I reread three times page 561, and I found it difficult to find a reference

6 that says that the soldiers were regularly paid at PK12 or Damara. On four occasions my

7 learned friend has said that they were paid regularly at PK12 and Damara, but I cannot

8 find this passage on page 561. Thank you.

9 MR KILOLO: (Interpretation) I will perhaps simply put the question to the witness.

10 Q. Witness, do you recall having stated to the OTP that at the beginning of the events

11 the troops received their money when they were at PK12, and when they were in Damara

12 they were paid; things worked well. Do you recall this, Witness?

13 A. Yes, indeed, Maître; I do remember this.

14 MR KILOLO: (Interpretation) I invite my learned friend to reread the eighth

15 document in the Defence's list of documents, the CAR-OTP-0054-0549, page

16 CAR-OTP-0054-0561 to the end.

17 PRESIDING JUDGE STEINER: Mr Kilolo, you quoted the first part of the answer given

18 by the witness, in which he mentions that in the beginning (speaks French) (interpretation)

19 "at the beginning of the events the troops would receive their money." You are saying

20 something about (speaks French) (interpretation) "little soldiers who no longer received

21 their money." So I would like you, please, to quote the whole passage because here we

22 are talking about military and I would like to know from the witness whether the witness

23 is talking about the officials that received regularly their part, as the witness referred to in

24 the Friday's testimony, and the soldiers in the field, whether he knows if the soldiers in

25 the field received any money.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 THE WITNESS: (Interpretation) Your Honour, the last part is one that I didn't fully
2 understand. If you could go over that again, so that I can understand it.

3 PRESIDING JUDGE STEINER: Maître Kilolo, please read the whole answer given.
4 Your French is better than mine, for sure.

5 MR KILOLO: (Interpretation) Your Honour, I note that you are putting another
6 question now but, as you have requested, I will re-read the entire passage: "At the
7 beginning of the events, the soldiers received their money. At the end, towards the end,
8 there were too many complaints from the little soldiers because they no longer received
9 their money and, as a result, looting and theft increased and this intensified amongst the
10 small soldiers." "Do you know when the payments stopped?" "When they were at
11 PK12 and at Damara, things worked well. On my first trip to Bossembélé, before
12 (Redacted) things started deteriorating and the little soldiers were already complaining."
13 Your Honour, may I continue with my cross-examination?

14 PRESIDING JUDGE STEINER: I would like the witness to better explain it's part of his
15 statement in relation to the small soldiers - the petit soldier - when they stopped receiving
16 their money according to your knowledge.

17 THE WITNESS: (Interpretation) Thank you, your Honour. I believe that this answer
18 will be directed to Maître Kilolo. I will repeat what I said: It was at the support
19 regiment in PK12 and there the troops would usually receive their per diems. When they
20 arrived in Damara, there were no problems. They were all properly paid. They
21 received their money. After Damara they advanced. Some advanced to Sibut. I
22 wasn't in Sibut; I don't know what happened up there in Sibut. We have to be clear
23 about this.

24 Some time later, they were on the Cameroon axis. And my first trip from Bossangoa was
25 (Redacted) and from there as of that date there were

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 complaints. That's when the complaints started. From January onwards, that's when
2 the complaints started.

3 The little soldiers -- when I say "the little soldiers," I think I have already explained this to
4 you. I explained how they organised themselves. There were the colonels, the majors,
5 the captains, the lieutenants, the warrant officers, the one I referred to, and then everyone
6 else.

7 So complaints started as of Bossembélé. It was the non-commissioned officers -- there
8 weren't any, in fact, but non-commissioned officers -- because, well, in the army a
9 lieutenant is already an officer. Although they were collaborating directly with the
10 leaders, because these lieutenants they were the supporters of the commander, but the
11 complaints started. They started complaining; I remember this.

12 Among these officers, and that included lieutenants, there was (Redacted)
13 (Redacted) and right up to Zongo, after 15 March, up to the time at which I am
14 speaking to you.

15 Some of my money, well, I neglected this, because they complained. I forgot about this
16 because they complained. They no longer had anything. They complained that they
17 would no longer receive the money regularly as was the case in PK12 and Damara. (Redacted)
18 (Redacted) Maître, so that would be my answer to your
19 question. Thank you.

20 MR KILOLO: (Interpretation)

21 Q. One last matter of clarification with regard to the issue, Witness. Now that you
22 have clarified this for us, how is it that you know that the officers - the non-commissioned
23 officers - and the little soldiers in the MLC in the CAR received their money on a regular
24 basis when they were in the support regiment at PK12 and even when they were in
25 Damara? How is it that you know this?

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 A. Thank you, Maître, for that question. I have to add something to what I said. In
2 the support regiment, it is true that the little soldiers were there (Redacted)
3 (Redacted) with the little soldiers in the support regiment. That's the first thing.
4 Nevertheless, the atmosphere was good in the sense that they didn't complain. They
5 didn't complain. You can feel it when someone is well. At PK12 as well, they didn't
6 complain but, Maître, in an army or in a family there are certain recalcitrant elements that
7 you always come across.
8 If I remember this well, at PK12 there was one soldier who had taken by force a cigarette
9 from a civilian. Mustapha intervened, and on that first occasion (Redacted) that he blamed the
10 little soldier. It wasn't that they didn't have money but, as I said, in family you have a
11 black sheep but they were properly paid I would say. (Redacted)
12 (Redacted)
13 In Damara, I had gone to Damara on three occasions. I made three trips there. There it
14 was the best time they had, I won't conceal that, (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 In Damara they were fine. I'll say that once more. And in Bossembélé, that is where I
19 noticed certain things. (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted) Really, things aren't as they were

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 before. So, Maître, I do believe that I have answered your question. Thank you.

2 Q. Witness, (Redacted)

3 A. Thank you, Maître. I think you should read my statement carefully. My first trip

4 to Bossembélé, Bossembélé rather, was (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) about took place nine years ago, you

14 need an elephant's memory to remember this. I do remember certain things, however,

15 but it's not easy. However, I do remember certain things. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted) I think
- 6 you understand me.
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted) I know I have answered your question.
- 15 I'm now adding certain information so that we don't linger on this issue. I'm trying to
- 16 assist you by providing you with more information so you don't have to ask me more
- 17 questions. So with regard to your question, yes, I made two return trips. So the time I
- 18 spent in Bossembélé, well, these were return trips. Thank you, Maître.
- 19 Q. Witness, I would like to ask you once more to make an effort and to provide succinct
- 20 and targeted answers that relate to the questions I put to you, because we have a lot of
- 21 ground to cover together and this will make it possible for us to conclude as soon as
- 22 possible.
- 23 A. Thank you, Maître. I will make this effort.
- 24 Q. I would like to remind you of something you stated to the OTP in the second
- 25 document contained in the Defence's lists, CAR-OTP-0056-0330, page CAR-OTP-0046-0334,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 and this is what you said in relation to the MLC troops: "(Redacted)

2 (Redacted)

3 (Redacted) In the evening they were in the nightclub. There was a

4 party there all the time. They would spend between 500,000 to a million CFA francs a

5 night. There were girls who would leave the town to prostitute themselves. They were

6 called filles ba munzo (phon), in brackets "the white man fuckers," but they went out with

7 the Banyamulengue because they had money and so on and so forth."

8 Witness, can you confirm that statement?

9 A. Yes, Maître, indeed.

10 Q. To the best of your knowledge, how often did they go to the nightclub when the

11 MLC soldiers spent a lot of money every night?

12 A. Maître, when you say "frequent," how frequent, how often? I don't understand you.

13 You have to be more explicit. What do you mean by that? (Speaks French) Attention,

14 c'est ça? (Interpretation) Attention?

15 Q. When you said the soldiers, whenever they went to the nightclub, they would

16 spend a lot of money in Bangui and you are referring to the MLC soldiers. So did they

17 go to the nightclub every day, every two days, once a week? How often - how

18 frequently - did they go to this nightclub?

19 A. Thank you, Maître. That's clear now and I have understood your question. My

20 answer is that when I speak about the nightclub, (Redacted), if you

21 remember. (Redacted) well, it's when they arrived first of all, before they -- and before

22 they left for Damara, (Redacted)

23 (Redacted) They had just arrived. Two, three

24 or four days later, (Redacted). There was a group that was spending

25 the evening there. (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted) and I emphasise the fact
2 that it was at the beginning. It was October/November. This took place in the evening.
3 I think it was between the second – well, some time later (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted) and I believe I have now answered
11 your question, Maître. I apologise, Maître. So during that period they went to the
12 nightclub quite frequently and they would spend between 500 to a million francs CFA.
13 They would settle their bills at this nightclub which belonged to someone from (Redacted)
14 whose name I no longer remember, so they spent a lot of money at that location. There
15 were many of them, very many of them. I cannot put a figure on their number, but
16 maybe we would put it at about 40 to 50 soldiers and they would be inside and outside
17 and they would be drinking quite a lot and then the bartender would keep a bill for the
18 whisky, for the beer and the wine that they were drinking, (Redacted)
19 (Redacted) and then at the end of it all the bill would
20 often be handed to the deputy commander who would then settle it and I told you this
21 (Redacted)
22 Then, when they got to PK12, they also came there as well, but it was not as regularly as
23 before, this is at PK12, and I could give you some further details if you want. Without
24 belabouring the point, all I want to say is they went to the nightclub at PK12 but not as
25 regularly as at the other location.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 There was a second dimension to your question as to the times and the date when they
2 met, (Redacted)
3 (Redacted), well, I see that maybe I should stop here because I have already answered your
4 question.

5 Q. Mr Witness, those girls who were prostitutes but who also went along with the MLC
6 soldiers, do you know the neighbourhood from which they came, or in which they lived?

7 A. I think that those names might be difficult to mention, but for those of you who
8 speak Sango and who are in the courtroom, including Maître Zarambaud and Maître
9 Douzima, your learned colleagues, the name is ba munzu (phon). The name is ba munzu,
10 the name used on those girls whom I referred to as "fuckers" and I meant that these
11 women, they fucked with white men. When I say "whites" they are whites who are in
12 Africa, so when they go out to the nightclubs those women will cling or hang onto them
13 because the white people would pay them well.

14 So, you see, it is hot out there and whites do not often take the risk to go out to the
15 nightclubs, and things were heated up and it was mainly us, the black people, who were
16 able to face the gunfire and all the dangers to go out to the nightclubs in spite of the
17 prevailing danger. So the Banyamulengue would be there and they were willing to pay,
18 so the ba munzu will not remain at home. They came from all neighbourhoods in
19 Bangui, but specifically from Lakouanga, Saidu (phon) and part of Sica (phon). I am not
20 in position to know where they came from specifically, but I know that these are areas in
21 which one would find many ba munzu, that is the prostitutes, (Redacted)

22 (Redacted)

23 (Redacted) That is the answer I can offer.

24 Q. When you say that those girls came from all the neighbourhoods of Bangui, are you
25 in a position to give the names of the other neighbourhoods from which those girls came

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 to link up with the MLC soldiers?

2 A. Counsel, how do you expect me to know the origins or the places from which all
3 those people came? All I can give you is the names of the various neighbourhoods from
4 which they came. I cannot tell you that they came from Lakouanga or Saidu. I can
5 simply point in a certain direction, because you know it is true that the country was really
6 not at war but there was a mutiny, and so people can sneak out. They can come from
7 anywhere and that's the answer. They came from everywhere, as a matter of fact.
8 That's my answer.

9 Q. When you say that those girls linked up with the MLC soldiers, what are the
10 territories or the towns to which those girls went in order to link up with the MLC
11 soldiers?

12 A. I'm not sure that I understood you. The various towns? What I said was that they
13 met at Tropicana and that it was at Tropicana that they met and then they would even
14 have sexual relations. If you want further details, in the small slots set up for the guards,
15 you know, the night guards, because at night some of those night guards would leave
16 their positions and so in those little surroundings, in those shelters, they would have their
17 sexual relations in an upright position, if you wish.

18 Q. Witness, did you see those girls in the other cities as the MLC soldiers moved along
19 in the Central African Republic?

20 A. Thank you, Counsel. Well, I -- you know, I must be clear on this point. I do not
21 want to invite Maître Zarambaud and Douzima to be my -- to bail me out, but they know
22 what used to happen in Bangui. You see, when people gather at any spot, what happens
23 is that Central African women will go to that area and rent facilities in the area.
24 You see, in the Central African Republic there is a place known as quartier Combattant,
25 and the acronym used is FOMAC or FOMIC and if you go to that area in the suburbs of

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 those major agglomerations, girls would have rented houses around the neighbourhood
2 where the military facility is set up and so this gives them easy access to the men. So in
3 Damara, or rather should I talk about the province? Women had also, or girls had also
4 set up in that area and if I were to take the case of Damara, for example, you would notice
5 that girls left Bangui and went after the Banyamulengue, as far as that was possible, and
6 you may want to know that those girls did not speak Lingala. They spoke Sango, but the
7 wives of the Banyamulengue soldiers who came in from the DRC, after contacting their
8 husbands by the phonique, the radio, they would come and you would know them
9 because they spoke Lingala and that was the distinction between the Central African girls
10 and the Congolese girls. The Central African girl would speak Sango, while the
11 Congolese girls would speak Lingala or Sango. I think that's the answer I can provide
12 now, Counsel.

13 Q. Witness, let me refer to another statement of yours to the OTP, and this is document
14 number 8 of the Defence documents list, CAR-OTP-0054-0549, page CAR-OTP-0054-0563.
15 This is what you said in that statement, Mr Witness, and I quote: "When I said that
16 Mustapha received orders from Patassé, these were not orders to stop the crimes but
17 rather to fall back or to withdraw." Witness, do you recall making such a statement to
18 the OTP?

19 A. Counsel, can you read out the full sentence so that we may understand each other
20 very well? Well, pardon me, we are not all Christians in this courtroom, but how is the
21 Bible interpreted? The Bible is interpreted per verse, per context, or per previous usage,
22 so if you are to put a question to me and you only relate to an excerpt which I do not
23 understand, I will ask you therefore to read out my statement and to read it in a manner
24 that I have enough context to understand and answer your question. So please, Counsel,
25 would you kindly do that for me?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. A short while ago, Mr Witness, or rather, Mr Witness, how would you know, how
2 do you know that President Patassé ordered Mustapha Mukiza to fall back or to withdraw
3 after the attack on Bossangoa, Bossemptélé and Bozoum? How did you become aware of
4 this?

5 A. Thank you, Counsel. The answer -- your question is very clear and my answer will
6 be clear, because these are not things that I fabricated. You see, when your question is
7 clear, that is very good and very useful.

8 After the entire territory had been captured, that is after the Banyamulengue had driven
9 away the enemy from the entire country, President Patassé acted rather hastily. (Redacted)
10 (Redacted)

11 (Redacted) I know this question. I see where you are headed and I will give you all
12 the details to enable us to move forward.

13 Now, after the entire territory had been captured, Sibut had fallen, Damara was still in the
14 hands of the Banyamulengue, PK12 still had some troops, there were people in
15 Bossembélé, Commander Mustapha himself was there. In Bozoum, Seguin was
16 there -- or, rather, Bossangoa. Seguin was in Bossangoa. And Yves Ibiza was in
17 Bossembélé. And the entire territory that had been attacked by rebels had come under
18 the control of the Banyamulengue at that time.

19 Then what happened? Patassé acted somewhat hastily. He wanted the
20 Banyamulengue to fall back, or to withdraw, so that the Central African soldiers would
21 take over the territory that the Banyamulengue had captured. (Redacted)
22 (Redacted) and he said that Patassé was not acting as an intelligent
23 man.

24 He said that the strategy should have been the following: Since we have captured all the
25 cities, he should now ask his soldiers - and please listen carefully - this means that Central

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 African soldiers were not positioned across that territory. And you have put this
2 question to me over and over and over again.
3 So the point is that the Central African soldiers were not in that part of the country. So
4 Mustapha said that if Patassé were to have acted wisely what he should have done would
5 have been to send some of his troops to link up with us and stay with us for a while, then
6 we would gradually phase out of the territory. But what did he do? He rather asked us
7 suddenly to withdraw so that his own soldiers can take over.
8 So what happened was that Patassé then went to look for his own soldiers, who had
9 deserted him, to bring them to replace -- Counsel, I would like you to pay attention, please.
10 Can I proceed? Okay.
11 So Patassé -- or, rather, Mustapha -- now I am lost. Now I am lost. You see, those
12 soldiers were -- well, Patassé was going to bring his own soldiers to replace the
13 Banyamulengue who then would have to withdraw gradually, according to that strategy.
14 But what happened? After the victory, Patassé told Mustapha to withdraw; and when he
15 withdrew, the Central African soldiers who were there -- you know, after the
16 Banyamulengue had left the city, the soldiers came in and they were attacked by the
17 enemy and the soldiers abandoned the weapons, and that is how the Banyamulengue
18 ended up at PK26.
19 Now, maybe I should not go into further details, but I hope - I hope - I have answered
20 your question.
21 Q. Witness, in your answer you explained that when Patassé asked the Central -- the
22 soldiers to withdraw, you said that Patassé said the Central African soldiers would
23 replace them in those areas which they had captured. What does that mean? When the
24 order comes from President Patassé for them to fall back, or to withdraw, what do you
25 mean?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. After having captured the territory and driven out the enemy, so to speak, Patassé
2 felt that he had won, that victory was on his side, and that he had overcome the mutiny.
3 I don't know how he managed to gather the soldiers who had deserted the army. They
4 are called deserters, those who had left the army. I don't know how he brought them
5 together, to take them to replace the Banyamulengue in those areas which -- or from
6 which the Banyamulengue had driven out the enemy; that is, the territory which they had
7 captured.

8 Now, this is what Mustapha then would do. And shortly thereafter all the territory that
9 had been captured by the Banyamulengue and handed over to the Central African
10 soldiers will be promptly retaken. And I saw with my own eyes at PK26, I saw
11 Mustapha sending children to recapture or take back again that same area.
12 And I see again with my eyes how those children were seated, with their hands on their
13 heads, because they did not want to go to war. And then later on it is those children who
14 would be sacrificed, because Mustapha would have them cross to Zongo and then they
15 would end up dying in great numbers. That's my testimony.

16 Q. Witness, you say that President Patassé gave orders to the MLC soldiers to
17 withdraw, that is to fall back from their positions, so that they would be replaced by
18 Central African soldiers. Which soldiers are you referring to? Are you talking about
19 the Presidential Guard, the FACA, the private militia of President Patassé, or which troops
20 are you talking about?

21 A. What soldiers? Presidential Guard are soldiers. FACA, they are soldiers. And
22 who else? What do you want me to say, Counsel? A soldier is a soldier. Let's move
23 forward.

24 Q. Would these be -- would these have been soldiers of the Central African forces?

25 A. Yes, I think so, because if they were policemen or gendarmes then Mustapha would

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 have talked of them in terms of policemen. And so he talked about soldiers, and soldiers
2 are soldiers. And when you say "soldiers," you don't have to wonder or be bothered
3 about what unit they came from. Just soldiers, Counsel, and that's it. Soldiers.

4 Q. Mr Witness, when you say that according to Patassé that was the end of the war,
5 because to his mind he had won the war, do you know whether the order issued by
6 President Patassé to the MLC soldiers to retreat meant that the MLC soldiers also had to
7 leave or withdraw from the Central African territory?

8 A. Counsel, you must know and I believe that this is contained in my statement. You
9 see -- you see, there is a problem. When funny stuff is going on -- it is true that in these
10 matters of justice one has taken the oath to speak the truth and nothing but the truth, and
11 so one has to be careful not to speak in a way that can ultimately be used against one.
12 So what I can say is that as far as I know, and I believe that this is also common
13 knowledge, as far as I know at the end of it all Chairman -- and when I talk about
14 "Chairman," I'm referring to our brother, well, Jean-Pierre Gombo Bemba, that's the
15 person I'm talking about, it is as if he too had been corrupted by the current president so
16 that they may make a sacrifice of those children or so that the current Central African
17 Republic soldiers, who were rebels at the time, may have access to return and occupy the
18 country or the territory.

19 Why do I say this? You see, Mr Gombo Jean-Pierre had also given orders to his troops.
20 From a remote location, he had asked his troops to pull out of the Central African
21 Republic for a very simple reason: So that Bozizé should freely re-enter the country, and
22 I say "freely."

23 That is why on 15 March, in fact before 15 March, or around that period of the 15th,
24 Mustapha kept carting vehicles and property across. And I don't know the exact number,
25 but he carted a lot of property across; and not only him, but all the others, they would cart

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 property across on rafts. And it is around 15 March that he himself crossed over freely
2 with that child, the child whom he had in Damara, carrying him on his shoulders, and
3 that is how he left.
4 (Redacted)
5 (Redacted). He said that he had received an order from their chief Mr Jean-Pierre Bemba to
6 retreat, to fall back, and that is it.
7 How can I put it to you? The children whom I just referred to at PK6 were simply
8 sacrificed as a strategy to confuse President Patassé to think that they were still
9 supporting him by sending in troops to fight, but these were sacrifices. The small little
10 soldiers were given up at the battle-front while the soldiers withdrew, and what
11 happened is that it freed up the corridor for Bozizé to march back into power and become
12 the Head of State. So that is it.
13 (Redacted) based on orders that were
14 given from -- given by Jean-Pierre Bemba. And the way I became aware of this is
15 because these people did not keep any secrets from anyone. I hope that I have answered
16 your question, Counsel.
17 MR KILOLO: (Interpretation) Madam President, can I put one more question to the
18 witness before the break.
19 THE INTERPRETER: The President nods.
20 MR KILOLO: (Interpretation)
21 Q. Mr Witness, the OTP interviewed you eight times between 27 July, 27, 28, 29 and
22 30 July, and then again from 3 November, on 4 November 2009, and in all those
23 interviews you never alluded to this information. You never made this information
24 available to the OTP, namely, that it was Mr Bemba who gave the MLC soldiers orders to
25 retreat, but whenever a question -- or, the only time a question was put to you and you

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 answered without any hesitation in saying that Mustapha received orders from Patassé
2 not to stop the crimes but to withdraw appears in document number 8 of the Defence list
3 of documents, reference CAR-OTP-0054-0549, at page CAR-OTP-0054-0563.
4 Mr Witness, is it you yourself who made the statement to the OTP that is contained in this
5 statement; namely, that Mustapha received an order from Patassé to retreat? Are you the
6 one who made the statement yourself to the OTP?

7 A. Yes, I believe it was me, because -- well, that's justice. Well, we are now in 2011
8 and you have just asked me a question that refreshed my memory. At the time I made
9 the statement, it was seven years afterwards. So now my memory has been refreshed, in
10 fact, this has happened throughout my whole testimony and, in fact, I want to thank you
11 for that because this has really refreshed my memory. Seven years afterwards, when the
12 investigators asked questions, perhaps they hadn't expressed themselves properly, but
13 now that you are questioning me, well, it really refreshes my memory and makes it clear
14 in my mind what had happened, so it cannot be excluded. It has been written into my
15 mind somewhere, but it had been forgotten and it's thanks to you that it has come up
16 again.

17 Q. Do you -- well, it's 11 o'clock now. Perhaps we should continue after the break.

18 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Mr Witness, we'll have a
19 half-an-hour break. You can take some coffee, some tea, and maybe to rest a little bit.
20 It's a few minutes past 11. We will resume at 11.35.

21 Court usher, please accompany the witness outside the courtroom.

22 (The witness stands down)

23 PRESIDING JUDGE STEINER: We will resume at 11.35. Court officer.

24 THE COURT OFFICER: All rise.

25 (Recess taken at 11.04 a.m.)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

- 1 *(Upon resuming in closed session at 11.38 a.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher bring the
- 4 witness in.
- 5 (The witness enters the courtroom)
- 6 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 7 THE WITNESS: (Interpretation) Thank you.
- 8 PRESIDING JUDGE STEINER: Is there anything you're missing?
- 9 THE WITNESS: (Interpretation) Thank you.
- 10 PRESIDING JUDGE STEINER: Did you manage to take some rest during the break?
- 11 THE WITNESS: (Interpretation) Yes.
- 12 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with your
- 13 testimony?
- 14 THE WITNESS: (Interpretation) Of course.
- 15 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I give back the floor to Maître
- 16 Kilolo.
- 17 MR KILOLO: (Interpretation) Thank you, your Honour, for having allowed me to
- 18 proceed.
- 19 Q. Witness, you said earlier on that, as far as you know, Mr Jean-Pierre Bemba was
- 20 corrupted by Mr Bozizé so as to facilitate the arrival of Bozizé's rebel troops into the
- 21 Central African Republic. Can you tell us what the source of your information was?
- 22 A. Yes, I think I have said to you that this information was given to me. Are we in
- 23 closed session? Yes, we are. Good. (Redacted)
- 24 (Redacted)
- 25 (Redacted) So that's it.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Witness, concerning the order given by President Mustapha -- given by President
2 Patassé to Mustapha to withdraw, do you know what means of communication the
3 president used to give this order to Mustapha?

4 A. Well, was I even there when President Patassé told Mustapha to withdraw? No, I
5 wasn't, but what is sure is that he said so (Redacted)

6 (Redacted). As for the actual means of communication, the device, I think I've already said
7 to you that they communicated using a Thuraya, (Redacted)

8 (Redacted), well, if it was done by telephone, it must

9 have been done by Thuraya because at the time the cell phone network was not installed

10 in the provinces. On the other hand, Socatel did have its antennae, but not in Bossembélé

11 and not in Damara, only in Mbaiki. (Redacted)

12 Q. Witness, as you stated to the Office of the Prosecutor in the eighth document on the
13 Defence list, CAR-OTP-0054-04 -- 0549, page CAR-OTP-0054-0562, how do you know that
14 once President Patassé had given Mustapha the order to withdraw that the MLC soldiers
15 did actually retreat to PK26 in the Chinese neighbourhood? How do you know that?

16 A. Thank you, Maître. I think that at PK26 in the Chinese neighbourhood, as it were,
17 well, that was their last headquarters. When I say "headquarters," this was the last place
18 where they tried to get out of the Central African Republic. I would go to PK26 myself,
19 because it's a suburb, a suburb of Bangui, the capital, so it wasn't very far. The numbers
20 of times I don't remember, but this happened several times - I have went there
21 several times - and that is how -- your question was how --

22 Q. How do you know that when the MLC soldiers received the order from President
23 Patassé to withdraw that they actually did withdraw to PK26 into the Chinese
24 neighbourhood? How do you know?

25 A. Thank you. Because that is where they once again, once again "assembled." And

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 when I say "assembled," apart from René, he was already dead, the deputy had died in
2 February, but it was at PK26 that they assembled. And when I say "they," I am talking
3 about the commander, his majors, his captains, his lieutenants.
4 In other words, his officers -- more or less all of them were there, and they were waiting
5 either to regain control and fight again or else to actually leave. It was at PK26. And
6 that is how I realised -- well, your question is how is it that I know that President Patassé?
7 Well, that might be a bit of a trick but, in any case, they assembled there at PK26.

8 Q. In the eighth document on the Defence list, CAR-OTP-0054-0549, on page
9 CAR-OTP-0054-0562, you say this in relation to the Central African soldiers that replaced
10 the soldiers of the MLC in their previous positions as a result of the withdrawal, and you
11 say "Yes, indeed, the Central African soldiers were unable to resist the attack from the
12 rebels. They abandoned their positions and the enemy advanced unimpeded.
13 However, Mustapha and the other Banyamulengue had withdrawn to PK26 in the
14 Chinese neighbourhood, and that is how Patassé once again called Mustapha and told
15 him to go and regain control of the cities that had been taken over by the rebels."

16 Witness, can you confirm that you said this?

17 A. Can you read it again? I would like to -- I want -- well, I followed you but I would
18 like you to read it once again to be sure I can answer you correctly.

19 Q. "Yes, indeed, the Central African soldiers were unable to resist the attack by the
20 rebels. They abandoned their positions and the enemy advanced unimpeded.
21 However, Mustapha and the other Banyamulengue had withdrawn to PK26 in the
22 Chinese neighbourhood, and that is how Patassé once again called Mustapha to tell him to
23 regain control of the cities taken over by the rebels."

24 Witness, do those words reflect what you said to the Office of the Prosecutor?

25 A. Yes, they do, Maître Kilolo.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. When you talk about the Central African soldiers after the withdrawal of the MLC
2 soldiers who abandoned their positions, which positions are you talking about?

3 A. Thank you, Maître. When I talk about the Central African soldiers who abandoned
4 their positions, I am referring to the positions that were first taken over by the
5 Banyamulengue. And then the Central African soldiers came simply to replace them;
6 and after that, those soldiers were unable to resist the attack. Can you follow me?
7 So they were unable to resist the attack of Bozizé's soldiers - you see what I mean by
8 Bozizé's soldiers - and as a result the Central African soldiers abandoned their positions
9 and fled. They didn't withdraw, because you withdraw to assemble and fight again, but
10 here they fled. They abandoned their positions.

11 Q. Witness, could you specify, when you talk about the positions occupied by the
12 Central African soldiers, which towns these positions were located in?

13 A. Yes, thank you. It's quite easy to understand, because earlier on I spoke to you
14 about the route taken by the Banyamulengue soldiers and I said earlier on that on the road
15 to Chad they reached Sibut. And on the road to Bossangoa, or rather the road to
16 Cameroon, they -- well, Mustapha had stayed in Bossembélé; but otherwise Yves, Major
17 Yves, was the one who was in Bozoum and François Seguin was in Bossangoa.
18 So when I talk about the positions, I am referring to all those particular locations that I
19 have just quoted; Bossangoa, Bozoum, Damara, on the road to Chad, and Sibut, Damara
20 on the road to Cameroon. No, that was the previous, but Sibut, Damara on the road to
21 Chad. When I talk about positions, that's what I'm talking about. (Redacted)
22 (Redacted) and sometimes it might not be very well pronounced, but when I talk
23 about positions what I am meaning are all those cities. Thank you.

24 Q. Witness, could you tell the Chamber when the Central African soldiers who were
25 pro-Patassé occupied the five towns that you just quoted - Sibut, Bossembélé, Bozoum,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Bossangoa and Damara - what period of time are we talking about, when we -- when you
2 say that those soldiers occupied these five towns?

3 A. Yes. To answer that question I need to refer to the death of the late deputy René.

4 The commander's deputy died, I can't remember the exact date, it was in February,

5 and -- well, February 2003. (Redacted)

6 (Redacted)

7 So it was some time around then up to the 10th, one week more or less, between the 5th

8 and the 10th, something like that, roughly then. That was when Mustapha, or rather

9 Patassé needed to place - position - his troops. During that period, roughly. Have you

10 taken note? I was saying from the 5th to -- 5 March to 10 March, something around there.

11 5 to 10 March 2003.

12 Q. Witness, could you enlighten the Chamber by going through the various towns that

13 were gone through by the Central African soldiers that were -- that supported President

14 Patassé before they went to the most remote city of the five different ones you've quoted?

15 A. Well, I -- to do that I would need to ask the Chamber to provide me with a map, and

16 I could use a pen to trace their route. (Redacted) was that Patassé

17 was wrong and should have let the soldiers to get used to us and gradually they would

18 have withdrawn, but that were compelled to leave, and they replaced us all of a sudden

19 and the cities were taken over immediately.

20 Well, if I had been with them, I could have given you the exact route, like I had been with

21 the Banyamulengue. (Redacted)

22 (Redacted) we're talking about the front. You see Sibut, Bossangoa, Bozoum, so

23 there were three fronts. If those Central African soldiers were at the front, they would

24 have been on all three fronts. (Redacted) Mustapha was the

25 one who said that Patassé was wrong.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Witness, do you know whether these Central African soldiers sent out by Patassé
2 came from Bangui?

3 A. I don't know.

4 Q. Witness, in the eighth document in the Defence list of documents,
5 CAR-OTP-0053-0549, page CAR-OTP-0054-0562, this is what you stated: "I remember
6 that there was a discussion between Patassé and Mustapha. It's as if Mustapha was
7 requesting a sum of money from Patassé. Patassé had certainly given him money and
8 this is how Mustapha sacrificed child soldiers to deceive Patassé and Patassé would cross
9 over to (indiscernible)."

10 A. (No interpretation).

11 Q. Witness, when you spoke about a discussion between Patassé and Mustapha, what
12 is it that you meant exactly?

13 A. Yes, Maître. When I speak about a discussion, well, they were discussing a
14 problem. What is one to do, because the fronts - the front lines - had been taken over by
15 Bozizé's soldiers, so -- well, that's an example. The troops had abandoned their posts and
16 what is one to do? The children can't leave again to take that over. I said "Let's take the
17 children and go together with the troops." Well, that was the discussion they had. I
18 need to provide you with this kind of an example. I can't tell you about it in any other
19 way, so this would be a clear answer to your question.

20 Q. Witness, do you know whether this discussion between President Patassé and
21 Mustapha had to do with the military operations conducted along the three main front
22 lines: Sibut, Bozoum and Bossangoa? Is that what you are trying to say?

23 A. Maître, after 5 March I believe, between the 5th and -- no, my last trip wasn't on the
24 5th because on the 5th, if my memory doesn't fail me, it was 5 March 2003, that is the date
25 when Mongoumba fell. (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted) I'll answer your question.

2 I do remember these vehicles. After having given a statement a few days later, two or
3 three days later, Mongoumba was left. Yes, well, I am trying to recall the past and to
4 understand the question. Could you put it to me again? That would help me, Maître.
5 Could you put the question to me again, please?

6 Q. Witness, I would once more like to ask you to make an effort to be succinct when
7 answering questions, provide brief answers in order to allow us to make headway. If we
8 continue following this rhythm I believe that we will continue until the end of next week.
9 Can you try just to answer the precise questions I put to you. At the end of the
10 cross-examination, the Presiding Judge will ask you whether there are any other subjects
11 you would like to address, and you will no doubt have an opportunity to express yourself
12 in detail and provide information that goes beyond the information that I ask for in my
13 questions. Do you understand me?

14 A. Yes, Maître, I apologise. I don't want being inconvenient, but it's necessary to
15 understand things. This is something that took place a long time ago and sometimes it's
16 necessary to go over the history to remember certain things, so it's not a matter of two or
17 three months, things that happened two or three months ago, these things happened over
18 nine years ago and sometimes when you ask me a question, in order to find my bearings, I
19 have to go back to the events that followed each other in order to provide you with the
20 answer.

21 It's not that easy, Maître. These are things that happened a long time ago. I would like
22 to have this done with and to leave the courtroom, but if you see that sometimes I go into
23 details it is in order to remember things, and then answer your questions.

24 Now, I do want to be succinct, but I have understood you, Maître. If it's necessary to be
25 brief, as you say, I'll try and do so. This is the umpteenth time you have asked me the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 same question and I think that I will continue providing you with the same answer.

2 Thank you. If you could put that question to me again, because I haven't answered it,

3 I think?

4 Q. Witness, you spoke about a discussion between President Patassé and Mustapha.

5 Did you want to say that this discussion had to do with the military operations that were

6 to be conducted at the request of President Patassé along the main front lines, namely,

7 Sibut, Bozoum and Bossangoa?

8 A. I think I have answered that question. You asked me about the discussion and I

9 said -- I gave you an answer, but I also said that (Redacted)

10 (Redacted) That was the situation. I can't go into further

11 details. (Redacted) but in fact we

12 weren't really there in Bossangoa and in other places and so on and so forth, so that would

13 be it.

14 Q. Witness, could you provide us with the names of the towns - the different

15 towns - that Patassé asked Mustapha Mukiza to take back?

16 A. I do not know. I can't provide you with a precise answer, but I'm telling you about

17 what I saw when Mustapha told the children to go and take these places over, it was at

18 PK26. They were sitting there. Then there was a large vehicle that was there; that was

19 at PK26. But to say that it was such-and-such a town, well, if it was necessary to

20 reconquer these places, well, the towns would fall, but I do remember (Redacted).

21 They were there sitting down, the children were there. (Redacted)

22 (Redacted) Mustapha is asking them to take the towns. They refused to do so.

23 They're on the ground, and they are waiting now, and then they are going to go and fight

24 again, so that's what I understood.

25 (Redacted) and it was the same story and I don't know the other details.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 I know they went to take over the towns, and when I say "towns" this was from the very
2 beginning. I didn't mention any other towns from the very beginning. I didn't mention
3 any other towns apart from the ones that I mentioned, so I didn't mention Bouar, Mbaiki.
4 It's the same towns I have been referring to.

5 Q. One last issue I'd like to clarify: Do you want to say that when Patassé called
6 Mustapha again to ask him to go and reconquer the towns that had been seized by
7 Bozizé's rebels, well, did Mustapha in fact then get soldiers to move and to reconquer
8 these towns?

9 A. A minute ago I said those who were sitting down there, with their hands on their
10 heads, well, these soldiers were supposed to go and reconquer the towns. The soldiers
11 who had conquered, well, now they were asked to go and reconquer the towns again. So
12 it was Mustapha who was there and the vehicle came to pick them up so that they could
13 go and engage in combat.

14 Q. Witness, the information that the Defence has, or according to the information that
15 the Defence has, during the events in the CAR there was an operations centre from which
16 all the operations were in fact directed, the operations carried out by MLC troops, and this
17 was in Camp Béal. It was under the command of General Mazi. I am referring to the
18 revised French transcript of 11 April 2011, page 9, lines 21 to 28. Does this corroborate
19 the information you may have obtained with regard to this subject?

20 A. Yes, thank you, Maître. Witnesses are like evangelists. Depending on the person,
21 the same events are spoken of in different ways. Some speak of the same events, but of
22 certain places, but when one has a look at the document, things tally. So if, according to
23 your information, if you received information from certain sources according to which
24 there were operations that were conducted from Camp Béal by General Mazi - well, in my
25 statement it doesn't say "Mazi -- in fact, you will see the name "Mazi" in my statement. I

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 saw him once at PK12. (Redacted)

2 (Redacted)

3 (Redacted)

4 I didn't see much there. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) He came just like any other visitor. He stayed there for a while and then he left,

8 (Redacted) He said it was the Chief of operations.

9 I think that in my statement you have also seen that I referred to the Chief of operations,

10 but I never saw him leading operations. I don't know how he led these operations.

11 Perhaps you have more information. I'm telling you about what I -- I'm telling you about

12 what I know and what I understood. I can't add anything else to that, Maître.

13 Q. Witness, on the basis of other information that we have at our disposal, it appears

14 that, having arrived in the Central African Republic, Mustapha was under four Central

15 African authorities: The Central African Minister of Defence, the Chief of Staff of the

16 CAR, the Chief of the naval force in the Central African Republic and the Chief of

17 Presidential Security in the CAR.

18 For the benefit of the Chamber, I am referring to the following document,

19 CAR-OTP-0020-0191_R01, page CAR-OTP-0020-0205_R01. Witness, does this

20 information confirm the information you may have obtained with regard to the matter?

21 A. I have just learned this from you right now, (Redacted)

22 (Redacted) and the others you have mentioned, no, never, apart from Bombayake perhaps, who

23 gave money. When I say "gave money," well, on two occasions (Redacted)

24 (Redacted) but as for everything else, I know nothing about that, Maître. I cannot lie.

25 Information - that information - has to be thoroughly checked, because at a time of

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 war -- well, things aren't as developed there as in Europe and in the US, so war can't be
2 waged from a distance, or led from a distance. I believe that in the field, well, the
3 commander could act, but in -- at PK12 or the front, no, I never saw them there, apart
4 from Mazi perhaps, General Mazi, who came as I said; (Redacted)
5 (Redacted). I would say it was a courtesy visit, perhaps. But the
6 others you have mentioned, the Chief of Staff, the chief of this, the chief of blah, blah, blah,
7 no, I never saw them there. (Redacted)

8 Q. Witness, according to other information we have obtained from the OTP, it appears
9 that General Bombayake played two roles, two main roles, in military terms that we are
10 concerned with. He would convey orders that came from President Patassé to Mustapha
11 on the one hand, and on the other hand, he also played the role of Liaison Officer and
12 co-ordinated actions between MLC soldiers and the CAR soldiers.

13 I am now referring, for the benefit of the Chamber, to the following document:

14 CAR-OTP-0020-0191_R01, page CAR-OTP-0020-0207_R01, and I'm also referring to the
15 following page, CAR-OTP-0020-0208_R01.

16 Witness, this information that we have obtained from the OTP, does this information
17 confirm, entirely or partially, the information you have?

18 A. Maître, I don't know. I said it wasn't me. It was the information you obtained
19 from CAR-OTP, and so on and so on. That's information from those sources. I
20 provided you with my information. If you want to put a question to me that concerns
21 the information I have, put that question to me. If I know the answer, I'll provide the
22 answer. If not, I'll say I know nothing about that.

23 Q. Witness, it is correct that when the MLC troops arrived in Bangui for the first time in
24 2001 at Ouango, you did not see them and you weren't known at that point in time, in
25 2001?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Yes, Maître. I did say with regard to what happened in 2001 that I was in Bangui in
2 2001 and the Congolese troops commonly known as the Banyamulengue had crossed over,
3 and this information, as I said, I obtained this information from a gentleman who lived in
4 Ouango. His property had been looted. He left with what he had on him, together with
5 his wife and his entire family, and went to the area (Redacted). Among his
6 children (Redacted). He spent a lot,
7 because he had been injured in the head. That's how I understood there were Zairoises,
8 soldiers from Zaire or Banyamulengue.
9 Our area wasn't really affected, but it was in Ouango where they looted property, killed,
10 raped. They did all sorts of things, because Ouango is also a part of Bangui, so what
11 happens in Ouango, it can affect the population and we who are a bit further away from
12 Ouango would be informed of everything that happened in Ouango in relation to the
13 soldiers, in relation to the Banyamulengue. That's it, Maître.

14 Q. Witness, is Auguste Boukanga a former notable prominent person from Patassé's
15 regime? Was he a former minister of President Patassé's; is that correct?

16 A. No, Auguste Boukanga was the Minister of Health at the time, if I'm not mistaken, at
17 the time of Dacko, I believe. At the time I wasn't in Bangui, but he was the Minister of
18 Health. He was a colonel who worked for the customs as well, a retired colonel. That's
19 it.

20 Q. Witness, were you yourself able to verify cases of rape and looting of which the
21 former minister, Auguste Boukanga, was a victim, according to what you say, in 2001?

22 A. As we are in closed session, Maître, if you want to understand this more fully,
23 (Redacted)

24 He's an opponent, he's in the opposition in Bangui right now. He's an economic agent.
25 When I say that, I mean that he distributes drinks, or, rather, beer throughout the territory,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 throughout almost all the territory of the CAR. He has very large vehicles that obtain
2 supplies from breweries and they sometimes go to his place in Ouango to make deliveries.
3 On this occasion when the Banyamulengue crossed over, well, I'm telling you that they
4 looted everything. When I say "everything," nothing was left, even the vehicles were
5 broken down, and the house, everything that was in the house included the bed and pots.
6 It was thanks to Damangwe (phon), who is a commander in the gendarmerie to this very
7 day - those in the courtroom who are from Bangui know Mr Damangwe - Damangwe
8 took this risk and went to evacuate Mr Boukanga. He did this with a pick-up, and when
9 they started up, the young people I mentioned missed -- he fell down, he had a shock, a
10 blow to the head. I know the name of the young person, (Redacted). He fell
11 down. They put him in the vehicle to save his life and they took him directly to a
12 hospital. This young person was taken directly to a hospital and then later they went to
13 Kilometre 5, and they only had the clothes they were wearing with them, because he has a
14 house at Kilometre 5 and they remained there until 2001, or, rather, from 2001. We are
15 now 2011, and since they went back to Ouango, that's three years. So they stayed there
16 up until 2009 or 2008. That's when they were in Ouango and they spent all again and
17 that's -- they spent all their time at Kilometre 5, as I said.
18 So, Maître, I didn't really want to provide further information about these events that took
19 place in 2001. Why? Because I did not really -- I was not really present, (Redacted)
20 (Redacted). If you want to know more about this, well, perhaps during the
21 break perhaps amongst my personal items I can find some more information, or where
22 I'm staying (Redacted) but Maître, I'll take this opportunity to ask you for
23 some time. I will also answer things about -- I will also answer the question put by
24 Maître Boukanga, because I didn't mention the name of the owner of the house in Damara
25 that was looted. May I continue?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Witness, my question was just to know whether you were an eyewitness of the
2 looting and the rape in Mr Boukanga's house, that's all.

3 A. Maître, Mr Boukanga was looted and raped -- not raped, I have to be precise - I don't
4 want to provide you with false information - but the inhabitants of Ouango were raped
5 because Ouango is a part of Bangui, a neighbourhood there. It's not a secret; everyone
6 was familiar with that. Everyone knew that the Banyamulengue had raped, stolen things
7 and looted property in Ouango. There you have it.

8 Q. Witness, based on information available to us, two investigations were conducted in
9 relation to the events that unfolded in the Central African Republic: One in Zongo by the
10 Congolese Justice Department with a view to cross-checking on pillaging or looting - and
11 I'm referring here to CAR-DEF-0002-0001 - and then the second investigation was
12 conducted by Central African Republic authorities which involved some MLC troops. I
13 am referring here to document CAR-OTP-0020-0283, page CAR-OTP-0020-0297 to page
14 CAR-OTP-0020-0299.

15 Did you hear mention of these investigations?

16 A. No. However, if what you intend to say is that they did not find anything then I
17 simply want to tell you that these investigations were not properly conducted. I can
18 provide you with (Redacted)
19 (Redacted) and to the Court that he had actually been looted, that material was stolen
20 from his house.

21 PRESIDING JUDGE STEINER: Sorry, Maître Kilolo, I just want to call to attention for
22 the English transcript on page 49, line 14, when it says "Maître, Mr Boukanga was looted
23 and raped -- not raped," I think the witness said "was robbed," not raped. Is that correct,
24 sir?

25 THE WITNESS: (Interpretation) Yes.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Thank you.

2 MR KILOLO: (Interpretation)

3 Q. Witness, did you hear mention of the national gendarmerie of the Central African
4 Republic setting up a control unit at Port Beach to stop the looting of property from
5 Bangui to Zongo? I'm referring here to the French version of the edited transcripts of
6 23 March 2011, page 33, line 2, up to page 34, line 28. Did you hear any mention of that?

7 A. Well, that puts a smile on my face, Counsel, and, yes, you see, the job -- your job
8 actually is one in which people give you written statements and reports, and then you
9 read them up, and -- well, but for us our job -- or when I talk about "job," I'm really talking
10 about what I am doing in relation to my experienced, to what I heard and to what I saw,
11 and that is how things are.

12 Now, Counsel, at the Port Beach, next to the gendarmerie, there was an area where from
13 time to time people would be drinking but I didn't go there regularly. Now, if you went
14 to that spot, you would see Zongo opposite on the other side and you would see people
15 crossing, you would see soldiers carting their property. What I can tell you is that, well,
16 Central African Republic -- and, of course, I probably would not disagree entirely with
17 you, but the point is that the Central African soldiers at the time did not have any power
18 whatsoever, no power whatsoever, over Banyamulengue soldiers, even an 11-year-old.
19 They couldn't shout at one of them, at any of them, and say "Oh, where are you taking
20 that needle to?" They had no authority over the Banyamulengue whatsoever.

21 Now, so maybe what you are referring to is something that was there just nominally or by
22 name. As far as I know, I did not see any Central African Republic soldier take anything
23 away from a Banyamulengue. It is in fact the contrary that happened, because every
24 now and then - maybe once or twice - I saw a Central African soldier and a
25 Banyamulengue involved in some kind of a quarrel. And it happened that the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Banyamulengue soldier would call a Central African soldier a woman, and refer to them
2 "Look, woman, you are a so-called soldier relaxing in the city and in your country;
3 whereas, we are here fighting on your behalf."

4 So the Central African soldiers were afraid of the Banyamulengue and they would dare
5 them to attempt anything and they would finish them off. That is it.

6 Q. Witness, you do remember that you mentioned several names of several MLC
7 officers who were present during the events in the Central African Republic. Now, as far
8 as you know, can you tell the Court which of these soldiers, or these officers - whose
9 names you mentioned - belonged to the regular armed forces of a given country; namely,
10 the Democratic Republic of the Congo, ex-FARC or of the Republic of Zaire referred to as
11 the ex-FAZ, Armed Forces of Zaire?

12 Can you go through these names, the names of the officers you mentioned, and tell us
13 which armed forces of which country they belonged to at any particular time?

14 A. Your Honour, Madam President, I jotted down those names on a piece of paper here
15 and I do not know whether that paper is available in Court. Can the court officer make
16 that list available to me? It will help me to provide an answer to Maître Kilolo's question,
17 and that will help us to move forward too. Thank you.

18 PRESIDING JUDGE STEINER: Where is such list?

19 MR KILOLO: (Interpretation) In any event, Madam President, the transcript, the
20 French version of the transcript, would be the real-time transcript of 2 September 2011,
21 page 17, line 22, up to page 19.

22 PRESIDING JUDGE STEINER: Mr Witness, you've been taking notes while you are
23 answering to the parties and participants' questions and the Registrar by the end of the
24 day is taking the papers in order for the papers not to be exposed. So the Registrar has a
25 paper here. I need you to confirm whether this is a paper that you've been just drafting

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 during your testimony. Can, please, the court usher show it to the --

2 THE WITNESS: (Interpretation) Yes, this is correct.

3 PRESIDING JUDGE STEINER: You wrote it down during your questioning in the
4 courtroom; is that correct?

5 THE WITNESS: (Interpretation) Yes, I wrote down these names here in the courtroom.
6 Yes, I wrote down these names in the courtroom so as to provide quick answers to the
7 questions.

8 PRESIDING JUDGE STEINER: So the court usher can give the paper back to the witness.
9 So you can answer to the Defence question.

10 THE WITNESS: (Interpretation) Yes. Maître Kilolo, let me start with Mustapha.

11 Mustapha, as I stated in my testimony, is of unknown origins. Lolo -- Maître, General
12 Lolo, well, he was a colonel before, Colonel Lolo. Well, I don't know whether he became
13 a general, but let's take it that he was Colonel Lolo.

14 Colonel Lolo must have belonged to the FAZ, Forces Armées Zairoises; that is, during the
15 Mobutu era. Luvunangiza. Luvunangiza, well, I don't know. And I know that you
16 will put a number of questions to me as to how, how and how? Well, I don't know.

17 Now, as for Yves, he was of -- he was a Rwandan national, junior brother to Mustapha,
18 and I do not know whether he ever belonged to the Zairean armed forces.

19 According to the information that I am providing to you, these people -- I got to
20 understand these things when these people were in Zaire. So he was FAZ. FAZ, which
21 is the Rwandan Armed Forces. At the time, they boasted of having received very good
22 training and that's how I found out. Then there is Seguin, Seguin who was FAZ. FAZ.
23 Yes, FAZ.

24 MR KILOLO: (Interpretation)

25 Q. Mr Witness, instead of staying "FAZ," could you be more specific? Could you just

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 go on and say clearly "Forces Armées Zairoises," and then that will be easier? We will
2 avoid those acronyms that might lead to some confusion.
- 3 A. Kamisi, René, Ndongala, Whisky, Mozart. Yes. Now, let me take that over again.
4 Lolo, Kamisi, René, Ndongala, Whisky, the (indiscernible), Mozart the warrant officer.
5 So according to rank there was one colonel, yes. Senge François, as well, should be
6 included. There was one colonel; two majors, Senge François and Kamisi Kamis; and
7 then two captains, René, Ndongala; and then one lieutenant. And there was also
8 Coup-Par-Coup; he too was FAZ. Two lieutenants and one warrant officer. That is all.
9 You know, these people boasted or prided themselves of being FAZ soldiers who had
10 been very well trained from what I understood. Counsel, have I answered your
11 question?
- 12 Q. For purposes of greater clarity, are you saying that the names that you have just
13 mentioned, all those officers belonged to the regular army of the Zairean armed forces, or
14 referred to as the ex or the former FAZ under President Mobutu's regime? Is that your
15 testimony?
- 16 A. Yes, obviously, Counsel, that is what I mean. Well, Counsel, Dragula as well, the
17 driver.
- 18 Q. Witness, did you ever complain of or inform any figure of authority during the
19 events of any of the excesses or acts of violence that you allege to have been committed by
20 the MLC soldiers?
- 21 A. Are you asking whether I ever complained about the MLC soldiers' acts of violence,
22 murder, rapes and looting by the MLC, here in the Central African Republic? Is that
23 your question; whether I ever complained about these things?
- 24 Q. Mr Witness, you claim to have been aware of those abuses and excesses committed
25 by the MLC soldiers during the events. Did you ever complain about them, or at least

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 inform any figure of authority of those abuses and acts of violence allegedly committed
2 during the time of the events?

3 A. My intention had been to write and publish a book on the excesses committed by the
4 MLC soldiers in the CAR, but I was afraid because I felt that they were going to track me
5 down. My idea was actually to flee and then publish a book on these events. So when
6 the investigators came I actually told them of these things, but that unfortunately
7 happened during the break, and it was verbal information that I provided to them and
8 maybe they were not able to take it into account, and they said that, if they had come six
9 months later I would have done more and provided more and given them maybe three
10 times the volume of material in the book, but I think that I was wondering whether seven
11 years after -- they were wondering whether seven years after I would still be able to keep
12 those things in my head and I told them that I had intended to write a book on those
13 events, on the rapes, the killings and the rapes but that, unfortunately, an investigation
14 has been opened into these matters and that even if I did not have the opportunity
15 ultimately to write a book the mere fact of testifying about the truth on these events was
16 already something quite significant.

17 Q. Witness, when you say "seven years later," was it seven years later that you started
18 talking about the acts of violence that you were aware of during the events?

19 A. A short while ago, since everything is open in Court between the Prosecutor and the
20 Defence, there is no secret here in the Court, you mentioned a short while ago some dates,
21 the dates on which I met the investigators so, if I am not mistaken, it must have been
22 two-and-a-half years. It is possible to start putting ideas together for writing a book at
23 any time and then writing the book when the time comes, so I had always had it in my
24 mind to write a book and it was present on my mind. That is it. I used to write a lot - a
25 lot - and it's all written down and that helped me, because whenever something came to

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 my mind I would write it down and that is it.

2 Q. Witness, why did you wait until 2009 before beginning to provide information on
3 the acts of violence that you had become aware of, whereas in 2003 the judicial officials in
4 the Central African Republic had started proceedings in a matter, in the case of Patassé et
5 al?

6 A. The answer is very simple: I wasn't contacted quickly and I did not know how to
7 contact them. I am here talking to you now before this Court, and I think the
8 investigators did a very good and careful job in determining that I was one of those who
9 could provide them with good information. I do not know how they came to know
10 about me or to contact me. I was in a bar when I received a phone call and that is how I
11 was contacted. I can't provide any further details and, although the contact came late, I
12 was all the same happy that it happened at all.

13 Q. Witness, I want to refer to another statement given to the OTP, and which appears in
14 the third document of the list of Defence documents, CAR-OTP-0046-0351, page
15 CAR-OTP-0046-0358, and that is what you say: "The inhabitants or the members of the
16 population came to ask for their property from the chief or leader in relation to some
17 private operations that Mustapha conducted." Now, what do you mean by "private
18 operations"?

19 A. Counsel, you have to be very careful. You know, I said that the investigator was
20 not a French-speaking person, the person who drafted the report, so there are some
21 sentences which do not capture the full idea that was being conveyed. But to answer
22 your question, I would like to ask you to look at the context, and if you read back or
23 forward two or three sentences, then you will give us the context which will then help me
24 to be in a position to answer your question. Can you do that?

25 Q. Witness, what to you mean by private operations carried out by some low-ranking

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 soldiers of the MLC which Mustapha did not pay attention to, or was not aware of?

2 What does that mean?

3 A. Well, Counsel, the answer is very simple, but you are not helping me. I am the one
4 who wrote what you have before you and I have asked you to please kindly read what is
5 before you to provide me with the context that can now enable me to give you a clear and
6 comprehensive answer. That will help me to move forward, but you have refused to
7 provide that answer.

8 In any event, the private operations that the Banyamulengue carried out was that after the
9 mopping up the soldiers would go on their own in their private capacity from house to
10 house to carry out their own operations. That is what I am referring to as "private
11 operations," so Counsel, I hope we can understand ourselves.

12 Now, if you are going down that road, I think that we will not be able to understand each
13 other, and we are not here in those archaic or ancient courtrooms where things happened
14 in a different manner, so if I put a question to you, please be kind enough to answer it so
15 that I can be able to move forward too. I hope that I have answered your questions.

16 Q. Witness, during a number of telephone conversations that you claim to have heard
17 take place between Jean-Pierre Bemba and Mustapha, did you hear Mustapha talk about
18 abuses or excesses committed by the MLC soldiers? Did you hear Mustapha talk about
19 those things to Mr Jean-Pierre Bemba?

20 A. Yes, Counsel. Let me tell you something. Mr Jean-Pierre Bemba would call.
21 Mustapha would answer. Sometimes he would panic and sometimes I spent the night
22 here and there with Mr Mustapha always and now, I am referring mainly to Zongo.
23 Sometimes in the night they would have a conversation, that is Mustapha and Jean-Pierre
24 Bemba. These amounted to reports, a reporting system, that happened, and they had
25 appointed times at which to talk to each other and to report to the leader.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 So it might not have been possible for answers to be given on the road, but he knew that
2 at a given and appointed time he would go and call the leader to report to him. So it is
3 true that he reported to him and then after they finished their conversation he would tell
4 me, "Oh, I have just been talking with Chairman, or I have just been talking to Patassé"
5 and so on and so forth.

6 Q. Mr Witness, I want to remind you of your statement to the OPT, document number
7 8, reference CAR-OTP-0054-0549, page CAR-OTP-0054-0563. This is the question that
8 was put to you: "Did you hear Mustapha talk to Bemba about the acts of violence?"
9 Your answer: "No." Can you confirm that to be your statement?

10 A. Were you talking about acts of violence, or reports? Well, when you talk about acts
11 of violence and reports, I think that they are all encompassing. If X, a soldier, committed
12 an act of violence, the verbal report that would be given to the chief will include that kind
13 of act. I think that it is clear and I am sure that he made such reports because the chief
14 has to be fully aware of everything that has happened to the very last detail. Now, if
15 during the investigations I said "No" in relation to the acts of violence and I said "Yes"
16 about reporting, then we must take it that the reports have a content and the content is all
17 encompassing. Isn't that the case, Counsel?

18 Q. Witness, can you confirm your statement to the OTP before this Court today that
19 you yourself never heard Mustapha talk to Bemba about the acts of violence allegedly
20 committed by the MLC soldiers in the Central African Republic? Can you confirm
21 before this Court today that you never heard Mustapha say anything to Bemba about acts
22 of violence?

23 A. Acts of violence or abuses, Counsel, talk about those. You are insisting on that
24 point, but what I am telling you is that Mustapha was the Chief of operations and that
25 when he provided his report, it will not be an incomplete report. It will be a complete

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 report, and if anything happened, he would talk about it. So I may have said that he
2 didn't talk about acts of violence, but he submitted his reports or he reported to his leader.

3 So can you tell me what a report is?

4 Q. We will deal with the issue of reports later on, but going by the question that was
5 put to you as I read it, Question: "Did you hear Mustapha talk to Bemba about the acts
6 of violence?" And your answer in the statement is: "No." My question to you then is
7 does this reflect the answer that you gave to the OTP on this specific answer? Is the
8 statement correct?

9 JUDGE ALUOCH: Mr Kilolo, may I intervene just for a minute. I'm reading the
10 witness's statement - this is English version, CAR-OTP-0057-0033 - and the question that is
11 in the English transcript reads as follows: "Did you hear Mustapha talking to Bemba about
12 the abuses?", and that's when the witness gave the answer "No," but you are now asking
13 the witness about not abuses, but about violence, and I think that's where the witness is
14 asking you for -- to read -- I don't know whether the two versions are the same, but the
15 English version talks about "abuses."

16 MR KILOLO: (Interpretation) Madam President, it is 1 p.m. Maybe we can resume
17 our questioning after the break.

18 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. I was looking for the
19 reference and I didn't pay attention to our time. It is time to go into the lunch break.

20 Mr Witness, we will suspend now for a lunch break. You can have lunch, take some rest.
21 It's 1 o'clock. We'll be back at 2.30.

22 Court usher, please accompany the witness outside the courtroom.

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 1.04 p.m.)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 *(Upon resuming in closed session at 2.39 p.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Before the
4 witness is brought into the courtroom to continue giving his testimony, the Chamber
5 wants to inform the parties that tomorrow at 9 o'clock the Chamber will hold a status
6 conference, ex parte Prosecution and VWU only, from 9 to 10. The normal hearing,
7 the continuation of the questioning of Witness 178, will start therefore at 10.30 in the
8 morning. I ask, please, the court officer to inform VWU that the presence of VWU is
9 requested for the status conference tomorrow at 9 o'clock.

10 Please, court usher, bring the witness in.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.

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

14 PRESIDING JUDGE STEINER: I hope you had the opportunity to take some rest
15 during the lunch break?

16 THE WITNESS: (Interpretation) Yes, your Honour, I did.

17 PRESIDING JUDGE STEINER: We will continue now this afternoon with your
18 testimony in closed session.

19 Maître Kilolo, you have the floor.

20 MR KILOLO: (Interpretation) Thank you, your Honour.

21 Q. Good afternoon, Witness.

22 A. Thank you, the same to you.

23 Q. Thank you. Let me refer to the first document on the Defence list,

24 CAR-OTP-0046-0314, page CAR-OTP-0046-0318. I can read out the question that the
25 investigators asked you: "Would it be suitable for you to communicate with us in

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 French?" And you answered: "No problem at all." My question is, do you
2 remember that?

3 A. Since you've read out an excerpt, I spoke, and perhaps you could go on so that I
4 can understand what the contents were.

5 Q. Do you confirm that the various interviews you had with the Office of the
6 Prosecutor in Bangui starting on 27 July 2009 were conducted in the French language
7 and not English, for instance?

8 A. Yes, Counsel, they were in French.

9 MR KILOLO: (Interpretation) I'd like to take this opportunity for the purposes
10 of the record to answer Mrs Aluoch's -- Judge Aluoch's question about the difference
11 in terminology relating to the statement made by the witness in English. So I'm
12 referring to document 8 on the Defence list, CAR-OTP-0054-0549, page
13 CAR-OTP-0054-0563.

14 Now, the question was, and it was in French: "Did you hear Mustapha speaking to
15 Bemba about the abuses?" Now, in French, when you talk about abuses "exaction,"
16 are you actually talking about crimes? At least that's the way we've always heard
17 from the start of this trial, this -- the term "exaction" being used. Now, in English, in
18 English the word was "abuses." It seems to me that the two things are not quite the
19 same. In French we talk about "crime exaction." So I will ask the witness the same
20 question on the basis of the French version which I think is the authentic one, as far as
21 his statement is concerned.

22 Q. Now, Witness, you were asked this question: "Did you hear Mustapha talk to
23 Bemba about the abuses, exactions, crimes?" And you answered: "No."
24 My question is this: We'll talk about reports later on but, for the time being, we're
25 talking about what you personally heard of the conversation between Mustapha and

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 Mr Bemba. Did you -- can you confirm that, according to what you already said to
2 the investigators, that you never heard Mustapha speaking to Bemba about the crimes
3 committed by the soldiers of the MLC in the Central African Republic? Do you
4 confirm that you never heard Mustapha saying that to Bemba?

5 A. Thank you, Counsel. I think there was a misunderstanding with the
6 investigators. Perhaps you could read the rest of my answer. When I said "No,"
7 what did I say? I said that I didn't -- I hadn't ever heard. But I think you should go
8 on because I might have said "yes," and instead the investigator would have taken
9 down and reported "no." So please give me the rest of my answer so that I can help
10 you to answer the question about whether or not I had said "no."

11 Q. I shall continue, Witness, because then another different question is asked, quite
12 different to the first one. To the first question, you answered: "No." Do you
13 confirm that that actually reflects the answer that you had given to that specific
14 question to the Office of the Prosecutor?

15 A. Counsel, let me say this once again. We need to agree on something. Why do
16 you want to spend so much time on an error made by the investigators, a typing error?
17 They took down notes very quickly. And then the investigators, if I say "no," it
18 would have said how is it this, how is it that? So I do believe this was a mistake
19 made by the investigators. As for your second question, if you can elucidate that a
20 little bit more for me, I can answer you. Until now, it seems to me that we are not
21 understanding one another.

22 Q. Witness, do you remember that on the first day that you came to testify before
23 this Court you were asked whether you had the opportunity to read over the
24 statements you had made to the Office of the Prosecutor and whether or not those
25 statements actually reflected, as far as you know, what had happened? And you

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 answered, saying "Yes." Do you remember that?

2 A. Yes, Counsel. That was during closed session. I had said that I had
3 discovered a number of typing errors in the statement, because the person who had
4 taken note of this was not a native French speaker. She -- I think she was of (Redacted)
5 origin, or something like that. I mentioned that. So there were several mistakes.
6 And the technician, since we are in closed session, could have you listen to the tape.
7 There was not just that, there were several mistakes in the statement, and I couldn't
8 correct them while I was re-reading the statements because it would have taken me
9 several additional days to actually make the corrections and perhaps we wouldn't
10 have reached the stage we have reached today, if that had been the case.
11 So perhaps you were not aware of this, but perhaps the technicians could let you hear
12 the tape. It is closed session, after all.

13 Q. Now, something else in the statement you made on this particular point, and
14 I'm referring here to the eighth document on the Defence list, CAR-OTP-0054-0549,
15 page CAR-OTP-0054-0563. This is the question you were asked: "Why do you
16 believe that Mustapha also talked about the detail of the crimes to Bemba?" Your
17 answer was this: "If you're sent out on an assignment, you have to report to your
18 chief in minute detail. So, by inference, Mustapha should have -- must have
19 reported to Bemba." That is your statement of 4 November 2009.
20 Let me go to another reference, and here I'm talking about the seventh document on
21 the Defence list, CAR-OTP-0054-0531, page CAR-OTP-0054-0545. This is the
22 question you were asked -- this is what you say: "I was never with Jean-Pierre
23 Bemba around the same table but, by inference, I could understand several things and
24 that Bemba as a leader has to be aware of certain things."

25 Witness, do you confirm to this Chamber, as you have already done on two separate

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 occasions vis-à-vis the Office of the Prosecutor, that it was by inference or by
2 deduction that you thought that Mustapha informed Mr Jean-Pierre Bemba of the
3 crimes attributed to the MLC soldiers in the Central African Republic?

4 A. Counsel, when we talk about "deduction" or "inference," yes, well, I did that, a
5 syllogism. When you do a deduction, you can see that that is what happens. The
6 facts are fairly straightforward, Counsel. It's not a matter of philosophy.

7 When you send someone out on an assignment, at the end of the assignment what
8 happens? The person must draw up a report and in that report he must explain in
9 minute detail.

10 Mr Jean-Pierre Bemba, I have always said this, is an intelligent man, an intellectual,
11 someone who is very familiar with papers and works with donkeys -- well, I
12 shouldn't say that, but with people who are not of the same educational level as him,
13 and he no doubt tried to organise his movement.

14 People reported to him, saying "This is what you could do so that I, Bemba, can be
15 aware of what is going on. You're going over to Central Africa for such-and-such an
16 assignment." And Mr Bemba, no doubt, tried to explain to the operations
17 commander what he should do, what he should be doing. But the person you send
18 out on assignment has to report - I'm repeating this - a report has to be sent.

19 When you establish a report, you go into the minute details, and Mustapha surely
20 wrote a detailed report about what had happened, the abuses, the plundering, the
21 rapes, the robbery, the theft, the war crimes. He should have normally written that
22 and send it to his chief. So the reason I deduce -- well, and I understand this is
23 because it's a natural thing for him to report to his chief, Counsel.

24 Q. Witness, I am now going to refer to another statement you made to the Office of
25 the Prosecutor. This is document 7 on the Defence list and it bears the reference

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 CAR-OTP-0054-0531, page CAR-OTP-0054-0545. This is what you say, once again,
2 and I quote you: "I believe that Bemba was aware of everything that was going on in
3 Bangui. He knew about everything. There was nothing he didn't know, but did
4 Mustapha put all that into his report?" Witness, what do you mean exactly by this
5 exclamation when you say, "But" - talking about the reports - "But did Mustapha
6 include all that detail in his report?" What does that mean?

7 A. I think that Bemba was aware of everything that was going on in Bangui. Was
8 Mustapha familiar with all of that? Was Mustapha familiar -- I apologise. Did
9 Mustapha put all of that in a report, in his report? In your opinion, if I put this
10 question, what do you think? It was just to explain to the investigator certain things.
11 When I said that I believed that Bemba knew about everything that was going on,
12 well, everything that was going on, that refers to the acts of violence, the looting, the
13 killing, the war crimes. Bemba was aware of all that. Was Mustapha aware -- I
14 apologise. Did Mustapha put everything in his report? Well, it was just to make it
15 clear to the investigators that Bemba knew about things, whether there was a report
16 or not, that he could have put an end to this bloodshed, but he didn't do that. That
17 would be it.

18 Q. Witness, in another statement that you gave to the Office of the Prosecutor, and
19 it's the fourth document on the Defence's list of documents, CAR-OTP-0046-0368,
20 page CAR-OTP-0046-0375, the following question was put to you: "Were the
21 superiors aware of cases of rape?" And here is your answer: "I am certain of that fact.
22 How? (Redacted) with everything
23 that was going on at PK12, PK13 and PK14, then how would it be possible for the
24 troops, and above all the leaders, not to be aware of that? They were familiar with
25 all the cases." Witness, do you remember having stated this to the Office of the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Prosecutor?

2 A. Yes, Maître.

3 Q. In the very same document, which is the fourth document in the list, the
4 Defence's list, page CAR-OTP-0046-0376, the following question was put to you there:
5 "That means that MLC troops would tell their leaders about cases of rape that they
6 had committed?" And you answered: "I believe so because they would say all sorts
7 of things." Do you remember having provided that answer to the OTP?

8 A. Yes, Maître.

9 Q. Witness, I would like to cover the facts that relate to the report, it's document 6
10 in the Defence's list, CAR-OTP-0054-0503, page CAR-OTP-0054-0506 in fine. And
11 also the following page CAR-OTP-0054-0507 in limine. And this is what you stated
12 to the OTP: "I also remembered that René had a log book, a large black notebook.
13 As of -- from PK12 he would go and visit the troops, positioned to several places, and
14 amongst other places he visited PK12, PK13 and PK14, and he would make entries in
15 that notebook. He certainly also drafted reports in that notebook which were to be
16 included as part of the typewritten pages that were signed by Mustapha." The
17 Prosecutor then asked: "Did you have the opportunity to have a look at this
18 notebook, to have access to the notebook?" And you answered: "No." Witness,
19 does this correctly reflect what you stated to the OTP?

20 A. Yes, Maître.

21 Q. I am going to refer to document number 6 in the Defence's list, page
22 CAR-OTP-0054-0507, and here is the question that you were put: "Were you familiar
23 with the information that René wrote down in the notebook?" And you answered:
24 "No, in Damara and in Bossembélé, he had this same log book." Witness, does this
25 reflect the words that you used when speaking to the Office of the Prosecutor?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Yes, Maître.

2 Q. Witness, I am now going to refer to another statement that you gave to the OTP.

3 It's the fifth document in the Defence's list of documents, CAR-OTP-0054-0481, page

4 CAR-OTP-0054-0497, and here is the question that was put to you with regard to the

5 reports: "What did these reports consist of?" And your answer was: "They were

6 documents. So if René reported to Bemba, in fact, as I have said, Jean-Pierre Bemba

7 was then familiar with everything that was going on in Bangui. He could not deny

8 in The Hague the facts that happened here." The following question: "Did you

9 have the opportunity to read the contents of this -- of these reports or of one of the

10 reports?" And your answer was: "I could not read them."

11 Witness, does this correctly reflect the statement that you gave to the OTP?

12 A. Yes, Maître.

13 Q. Witness, I'm now referring to another statement that you gave to the OTP. It's

14 the third document in the Defence's list of documents, number CAR-OTP-0056-0351,

15 page CAR-OTP-0046-0356. Witness, you stated the following: "Bemba could say

16 certain things from a distance, if the troops were lingering, procrastinating, but

17 Mustapha could take the decisions because he was the one in the field. Bemba was

18 in Gbadolite." Do you remember stating that?

19 A. Indeed, Maître.

20 Q. What did you mean, Witness, when you said, "Mustapha could decide on the

21 ground. Bemba was in Gbadolite"? What does this mean, exactly?

22 A. Yes, Maître. From a distance Bemba could issue orders because he was, in

23 principle, the real chief in charge of the operations. He had the opportunity, the

24 possibility, to say yes, continue, or no, stop. Mustapha was in the field. He had to

25 deal with the reality on the ground. He could also take decisions and say, "Well,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 look, chief, fine. You told me to stop but if I stop," well, this is just an example, "I'll
2 be attacked" or "No, chief, we can't stop, we have to continue for such-and-such
3 reasons," and he could go into the details.

4 So he was in the field, although -- well, he was the chief of operations in the field, but
5 the real chief was Mr Jean-Pierre Gombo Bemba. He is the one who was in charge
6 from a distance, if you like.

7 Q. Witness, when you say it was Mustapha who was in fact the master on the
8 ground - and we're talking about the theatre of operations - what did you mean when
9 you said that?

10 A. When I said "the master," well, that was with reference to the troops. He was
11 in face of those troops, in face of the officers and the little soldiers, but the real master
12 was Jean-Pierre Bemba. The real master could say, "No." Mustapha could not say,
13 "No," and then say, "Well, look, we've killed too many people. That's enough.
14 We're going back." He would have had a problem with Bemba. He would have
15 been replaced. So it was Bemba who was capable of acting in this way, of putting an
16 end to certain things. So there was one master, one supreme master. Mustapha
17 was a master, but he had a leader - his direct leader - who issued orders to him.

18 Q. Witness, can you confirm before the Chamber that you yourself told the OTP it
19 was Mustapha in fact who was the master on the ground? Do you remember having
20 used those words when you spoke to the Office of the Prosecutor?

21 A. Maître Kilolo, I'll repeat this once again. Do not dwell on this issue.
22 Mustapha didn't go to Bangui of his own free will, through his own means. He was
23 sent there by Mr Jean-Pierre Bemba Gombo, who was the head of the rebels at that
24 time in Équateur Province. So he was in the field, he was on the ground and acted
25 there as a master, but he had a leader, someone who led him. So how should I put

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 this? As he was the master, he had a monopoly over the power. He had the power
2 to stop things. Mustapha couldn't put an end to anything. This word is one that I
3 used to make you understand that he was on the ground, but the real leader was
4 Mr Jean-Pierre Bemba who commanded the operations from a distance because he
5 was the one who had the power to put an end to this mutiny, if you like.

6 Q. In that very same document - and it's the third one in the Defence's list - page
7 CAR-OTP-0046-0356, you said the following: "With regard to Mustapha, he could
8 carry out Jean-Pierre Bemba's orders, but when it came to moving troops, no."

9 Witness, can you confirm before the Chamber that you told the Office of the
10 Prosecutor that Mustapha, when it came to troop movement on the ground, could not
11 carry out Jean-Pierre Bemba's orders? Is this what you said?

12 A. Maître Kilolo, I would like us to reach an agreement, you and I. You send me
13 on a mission. I'm in the field. You are far away. You can't see the reality on the
14 ground. We just have a means of communication and we use these means. Well,
15 first you sent me there and you can say, "No, advance," or you can say, "Stop."
16 When I'm in the field, I'm the person who was sent into the field, then you can say,
17 "Look, Witness, advance." That's an example. There's a hole in front of me and if I
18 fall into the hole -- well, if I advance I'll fall into the hole. What will I do? I'll try
19 and go round the hole. I'll stop. So I am in charge of the troops on the ground, it's
20 true. I can advance, but if I fall that will be a failure for me and for you because you
21 sent me there to carry out a mission. So if you tell me to advance I'll say, "Well, look,
22 I know what I'm doing. I'm in the field. There's a hole in front of me. I have to go
23 round it to advance."

24 So Mustapha was in the field. Mr Jean-Pierre Bemba could say, "Well, look,
25 Mustapha, advance," but if the position was not a good one, or if the terrain hadn't

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 been reconnoitred properly, how could they advance? So if the chief says,

2 "Advance," are we to advance and die? No, it's quite clear.

3 Q. Witness, is it true that you had no link with Mr Jean-Pierre Bemba during the
4 period of events we're interested in between October 2002 and March 2003?

5 A. He is here. He and I have never eaten together at a table, but he is here. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 THE INTERPRETER: (Redacted) interpreter's correction.

11 THE WITNESS: (Interpretation) (Redacted) This

12 is a sort of game. Everyone does his own work. You are doing your work as

13 counsel. You are Counsel Kilolo. (Redacted)

14 (Redacted)

15 PRESIDING JUDGE STEINER: Mr Witness, let me just explain something to you,

16 that it's not usual that the witness puts questions to Defence counsel, or to any other

17 counsel in the hearing. So you are free to say what you think, or what you want, but

18 I would ask you, please, to avoid directing questions to counsel. Thank you.

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

20 MR KILOLO: (Interpretation)

21 Q. Witness, I am now referring to another statement that you gave to the OTP. It's

22 the third document in the Defence's list, CAR-OTP-0046-0351, page

23 CAR-OTP-0046-0361, and here is the question: "How many times did Bemba go to

24 Bangui during the operations in the CAR, the Central African Republic?" And you

25 answered as follows: "As far as I know, once." Witness, does this correctly reflect

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 the words you used when speaking to the OTP?

2 A. Yes, Maître.

3 Q. In the very same document, the following question was put to you in relation to
4 Mr Bemba: "Do you know what he spoke about with Patassé?" And your answer
5 was: "No, I don't." Witness, does this correctly reflect what you actually said to the
6 Office of the Prosecutor?

7 A. Yes, Maître.

8 Q. My following question: "For how long did he stay in the CAR?", and you said:
9 "I think it was a return trip. He arrived during the day and he returned at night."
10 "Apart from the visit to Patassé, Bemba did other things during his visit in the CAR?",
11 that was in fact the question, and your answer was: "I don't believe so." Witness,
12 can you confirm that this correctly reflects what you stated with regard to this subject
13 to the OTP?

14 A. Yes, Maître.

15 Q. I'm now referring to another statement that you made to the OTP. It's the third
16 document in the Defence's list, CAR-OTP-0046-0351, page CAR-OTP-0046-0362, and
17 my question is as follows: Given what you yourself stated to the OTP, how is it that
18 you know that when he went to the CAR on one sole occasion Mr Bemba didn't go
19 into the field to see what was happening there? How do you know this?

20 A. That's a question you are putting to me? Should I answer that?

21 Q. Witness, this is what you stated and we're dealing with the same document:
22 "Bemba did not go into the field to see what was happening there." My question is
23 whether this correctly reflects the words you used when speaking to the Office of the
24 Prosecutor?

25 A. Yes, Maître.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Witness, on the only occasion that you met, or rather on the only occasion that
2 Jean-Pierre Bemba and President Patassé met, as you said, did you personally hear
3 about what President Patassé may have said to Jean-Pierre Bemba at that meeting?

4 Witness, on that one occasion when Mr Jean-Pierre Bemba went to Bangui, which you
5 have referred to, on that one occasion did you personally hear about what President
6 Patassé may have said to Mr Jean-Pierre Bemba during the meeting; during the
7 meeting that you have referred to?

8 A. I would say that it was a private visit. From the airport -- well, first the troops
9 went to receive him and then went to Villa Adrienne, to 36 Villas, and they spoke to
10 each other. How am I to understand this? This wasn't something that was
11 broadcast on television.

12 When I went to PK12, soldiers said that they had received a visit from the chairman in
13 Bangui. So how can I know what he spoke about with Patassé, because this was in
14 the palace or, rather, in Mr Ange-Félix Patassé's villa. So I don't know what they
15 spoke about, but they certainly spoke about war, about things, about mutinies,
16 because it was when the troops were in the field. So it's clear.

17 Q. Witness, I'm putting questions to you exclusively on the things that you know,
18 and I'm not interested at all in your personal opinion in this questioning. Now,
19 Witness, did Bemba go to any place other than Patassé's presidential palace when he
20 visited Bangui on that occasion?

21 A. The person who informed me did not mention any place other than the palace,
22 but others said that he had been to PK12. I did not take that into account. I was
23 simply relying on what the person who told me, (Redacted)
24 said. He did not provide much detail, such as saying that he was at PK12. He
25 simply said "Yesterday, or the day before, we went to meet Chairman. It was really

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 very interesting." And he provided me with that kind of information, and that is the
2 information that I passed on to the investigators.

3 That person who informed me did not provide any details as to whether they went to
4 PK12 or to PK whatever, so I limited my testimony to the truth as I knew it - and that
5 is what I have spoken about - but again I must say that subsequently people told me
6 that later on he went to PK12 to visit a number of people but I cannot talk about that
7 because that is not what was contained in my statement. So that's it.

8 Q. Let me refer to another statement you gave to the OTP, which is the first
9 document on the list of Defence documents, document CAR-OTP-0056-0314, page
10 CAR-OTP-0046-0316, bottom of page and top of next page, namely
11 CAR-OTP-0046-0317, top of the page.

12 And this is the question that was put to you on those pages: (Redacted), did the MLC
13 commanders share with you the purpose of their military operations in the Central
14 African Republic?" Your answer: "No, not at all. (Redacted)
15 (Redacted). They had no idea what I was doing, they were not afraid of me,
16 so they did not share that with me."

17 Can you confirm that to be your statement, Witness?

18 A. I told you a short while ago that that report contains a number of mistakes, yes.
19 Well, what you have read is true, they took me for (Redacted) yes, that is me; yes, I accept
20 that; yes, that is correct. Let's move forward, Counsel.

21 PRESIDING JUDGE STEINER: Could you please repeat the reference number of
22 this, referring to this last question of yours?

23 MR KILOLO: (Interpretation) Yes, Madam President. First document on the
24 Defence list CAR-OTP-0046-0314, page CAR-OTP-0046-0336, bottom of page,
25 continuing to the next page that is CAR-OTP-0046-0337.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 PRESIDING JUDGE STEINER: Maître Kilolo, if I may, apparently you gave the
2 wrong number of the first page. So, just for the sake of the record, it's
3 CAR-OTP-0046-0330. You can proceed, please.

4 MR KILOLO: (Interpretation) That is correct, Madam President. That would be
5 the second document of the Defence bundle of documents, and I thank you.

6 Q. Witness, did you ever attend a meeting between Mr Jean-Pierre Bemba and
7 Colonel Lolo, if ever such a meeting took place?

8 A. How would I have attended such a meeting? It is Jean-Pierre Bemba who sent
9 Lolo from Gbadolite to come to Bangui to collect reports and gather materials. And
10 when I say that, I am talking about everything, including finances and what have you.
11 How then would I have attended a meeting between Lolo and Mr Jean-Pierre Bemba?
12 How would Bemba, Lolo and myself have met? Where would we have met? So
13 please, Counsel, do not put any words into my mouth. I never attended any such
14 meeting.

15 Q. Witness, did you ever (Redacted) in Bangui?

16 A. (Redacted) He used to come to Bangui.

17 Q. Witness, (Redacted)

18 (Redacted)

19 A. I have told you that (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 And whenever there were any advances at PK12, at Damara, he would come from
24 time to time to PK12, and what have you. (Redacted)

25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted) So he came to Bangui on several occasions in Mr Bangui's

2 (sic) blue helicopter; and there were two colonels, Vuminiza (phon) and Lolo.

3 Q. Witness, did you see -- (Redacted) in

4 Bangui?

5 A. If there were ten (Redacted) in Bemba's army, maybe we would have a problem; but

6 since there was only one (Redacted) who used to come to Bangui, then it must

7 be the same person (Redacted) when he came to Bangui.

8 Q. Did you ever talk to (Redacted) in Bangui in person? Did you ever talk to

9 (Redacted) yourself?

10 A. (Redacted)

11 (Redacted)

12 (Redacted). So do you think we would not have said "Good

13 morning," or "How are you?" to each other?

14 Q. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. How many times did you (Redacted) in Bangui?

24 A. Counsel, if we had ten (Redacted), well, then we may have had a problem; but if

25 there was only this one (Redacted) whose name you have mentioned, who used to come to

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Bangui, well, yes, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) when he would come and leave again.

5 Q. Can you tell the Court how many times you saw him on the territory of the
6 Central African Republic between October 2002 and March 2003? How many times?

7 A. I'm sorry, Counsel, but I did not count. How do you expect me to count the
8 number of times I saw him? He came in the helicopter. He would come and go in
9 the morning, in the afternoon, in the evening; he would come and go as he wanted.

10 (Redacted)

11 (Redacted) he made to Bangui but he came to

12 Bangui on assignment, on mission every now and then. (Redacted) too,

13 to attend to and it was not for me to just stay there counting that he had come one,

14 two, three, four, five, six, seven times. So he came many times, he came several

15 times, and that was it.

16 Q. Witness, information available to us from the OTP, I'm referring to document
17 CAR-OTP-0046-0308, for the first page, and specifically to page CAR-OTP-0048-0309,
18 information available to us therefore is to the effect that during the events in the
19 Central African Republic in 2002, in 2003, (Redacted) was basically
20 operating from Gbadolite and went to Bangui only on one occasion, on one trip. (Redacted)
21 you continue to testify that you saw him on several occasions on the Central African
22 territory during that period?

23 A. Counsel, let me repeat: (Redacted)

24 (Redacted)

25 (Redacted) He would come from time to

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 time, along with Luvunangiza, something like that - a name along those lines. They
2 would come to Bangui.

3 Q. Witness, you say that (Redacted)

4 (Redacted) in the Central
5 African Republic?

6 A. (Redacted)

7 (Redacted) the Central African Republic, and I do remember that sometimes (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) So when I told you that he used to come or that they used to
11 come, Luvunangiza and Lolo, that they used to come to Bangui on several occasions,
12 why do you want to keep asking me that very question over and over again? They
13 used to come. They used to come.

14 Q. I want to refer to another statement to the OTP that you made, third document
15 on the Defence list, page CAR-OTP-0046-0351, being the first page, and here I want to
16 refer specifically to page CAR-OTP-0046-0359. And here is the question: "How did
17 you become aware that the MLC soldiers in the Central African Republic used coded
18 military language which could not be understood by people who were not soldiers?"

19 A. Can I answer? Well, I do remember that in relation to the radio phonic, they
20 used to use code, coded language, and if you were a soldier, you would not
21 understand what was going on. But in ordinary conversations, how would they
22 have used any codes? They had ordinary, simple discussions. So maybe the
23 information wasn't recorded properly, so maybe you want to read that statement
24 again. It is when they were using their alpha, beta and so on and so forth, on their
25 radio phonic transmitters that the language was somewhat coded, but in ordinary

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 conversations, no. Well, I'm sorry, no particular coded language was used in
2 ordinary conversation, so I do not know how you came by that kind of information,
3 Counsel.

4 Q. Can you clarify this matter for the Court by telling the Court the circumstances,
5 all the circumstances in which they used coded language? You have mentioned one,
6 namely, the phonic communications. In what other circumstances did they use
7 coded language or codes?

8 A. When they used their walkie-talkie, they would use code-names, November,
9 Oscar, and what have you, and all of that to me is coded language. But again, I don't
10 know, maybe they had agreed that Jean-Pierre Bemba would no longer be called
11 "Jean-Pierre Bemba" but "Chairman," and so I don't know whether that was a
12 code-name or not, but in any event, in their circles they referred to Mr Jean-Pierre
13 Bemba as "Chairman" so an outsider would have trouble understanding what
14 "Chairman" meant, and by the way, I knew "Chairman" when I was in Kinshasa. He
15 was a musician, he was a rock musician, and he had a dance group, and I don't know
16 why they decided to give Mr Jean-Pierre Bemba the name "Chairman". Maybe there
17 was some resemblance between the two, I don't know. Now, when you asked about
18 coded language, coded language, I really do not know how to answer you, Counsel,
19 but what I have provided is to my mind what is relevant, namely, that they used such
20 language in their radio phonic communication and on their walkie-talkies.

21 Q. Witness, as far as you know, when they talked about military operations on the
22 ground and used the Thuraya or other channels of communication, do you know
23 whether they also used coded military language for those communication purposes?

24 A. Counsel, that question is a little bit difficult for me, so I don't know whether by
25 military operations you are talking about the operations proper at the battle-front or

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 whether you are talking about discussions between him and some other leader who is
2 in Gbadolite or elsewhere. So I don't, I really don't understand. But in any event,
3 what I can say is that I have not understood your question and I cannot answer it. I
4 don't want to attempt to provide an answer to something I have not -- an answer to a
5 question which I have not understood just for the fun of it. I might be tempted to
6 say something wrong.

7 Q. Do you know whether the MLC soldiers also used coded military language on
8 their Thuraya?

9 A. Well, you see, I told you a short while ago that only one person had a Thuraya
10 at PK12; that is from the support regiment to PK12, it is only Mustapha who had a
11 Thuraya. Then after PK12 there was Damara and Mustapha had a Thuraya, but after
12 Damara, when the fronts spread out, there were several Thurayas which were used
13 for communication between the officers at the battle-front. So, yeah, the Thuraya,
14 well, they spoke in Lingala, yeah, Lingala, and then Swahili, because Mustapha used
15 to speak Swahili as well, so the officers from time to time would speak in Swahili and
16 in Lingala, and that's my answer. Well, if we talk about coded language, it was used
17 mainly in their walkie-talkies and they used names. For example, if I were Kilolo,
18 my name would be changed to Kinendere (phon) or what have you, something along
19 those lines. And the transmission, or the radio transmitters, were also used in a
20 manner that would be incomprehensible to an outsider. So these things were
21 actually coded, so to speak.

22 Q. Mr Witness, did you personally see Mr Jean-Pierre Bemba take vehicles in
23 Zongo, vehicles that Mustapha had looted, according to your testimony?

24 A. Thank you, Counsel, for the question. I believe that Mr Jean-Pierre Bemba was
25 heading a rebellion in the Équateur Province. His stronghold was in Gbadolite and

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 everything that Mustapha had looted - I mean all the vehicles that Mustapha had
2 looted - would be taken to Zongo and then taken away one-by-one or two-by-two and
3 this finally left Mustapha with one of the -- two or three vehicles, the Galloper, an
4 PG53 and a Sovamag. No, was it the Kega vehicles? No, Sovamag. Kega's vehicle
5 was the red Suzuki. (Redacted)
6 (Redacted) "Mustapha, pe azali moto," that's
7 what was said. And I wondered, what does that mean? And all the vehicles that
8 Mustapha had brought back from Bangui had been taken, all of them had been taken
9 to Gbadolite. So he was angry and put that, those words on the vehicles, to show
10 Bemba that he was not satisfied or happy about those vehicles having been taken
11 away from him. (Redacted)
12 (Redacted) and the source of information is sure, it is certain. Now, Mr Kilolo, even
13 today, if you were to go to Zongo or if that person were to come here, if you ask
14 anybody what does "Mustapha, pe azali moto" mean, the person or anyone would tell
15 you that it is in reference to the time when Bemba took away all the vehicles that
16 Mustapha had looted in Bangui. So, Counsel, I don't think we want to belabour this
17 point because it is common knowledge. "Mustapha pe moto" was an expression
18 used to talk about the fact that Bemba recovered or took away all the vehicles from
19 Mustapha which had been looted in Bangui.
20 PRESIDING JUDGE STEINER: Maître Kilolo, if you allow me, I have a short oral
21 decision to be issued before we adjourn. Would you mind if we continue tomorrow?
22 Thank you very much.
23 MR KILOLO: (Interpretation) I have no problem with that, Madam president.
24 PRESIDING JUDGE STEINER: Mr Witness, first, because the Chamber received an
25 information from VWU that you have some issues that you would like to address to

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

- 1 the Chamber, the Chamber decided to hold a status conference tomorrow morning at
2 9 in the morning with you, the Prosecution and the representatives of Victims and
3 Witnesses Unit. So just be aware that we will have, in closed session, this status
4 conference in which you can feel free to speak to address the Chamber.
- 5 The second point. Mr Witness, the first day you came to the Court you mentioned
6 that you had (Redacted) that you would like to deliver to the Chamber, and the
7 Chamber said that it's not usual that the Chamber receives evidence from the hands
8 of a witness. The question of the Bench is are you still willing to deliver (Redacted)
9 (Redacted) that you have in your possession?
- 10 THE WITNESS: (Interpretation) Yes, Madam President. This is material that
11 comes after the investigations and it is (Redacted) that can be used in support of
12 my testimony which can be useful to the Court. It might not be my testimony in
13 particular, but there might be other witnesses who might show up with (Redacted) and
14 material that can be very useful in your work.
- 15 PRESIDING JUDGE STEINER: Are you aware that, if you deliver (Redacted)
16 to the Chamber, the Chamber will provide Prosecution and Defence with copies of
17 (Redacted)
- 18 THE WITNESS: (Interpretation) If that would not raise any security issues for me,
19 because will the Defence keep it to themselves? I say so, because I appear on
20 that -- on (Redacted).
- 21 PRESIDING JUDGE STEINER: If the Chamber admits this video, this video will be
22 uploaded in the case file and therefore Prosecution and Defence will have access to it.
23 That's why the Chamber wants to hear from you before the Chamber makes any
24 determination in relation to (Redacted).
- 25 THE WITNESS: (Interpretation) Your Honour, now I understand, but I have

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 concerns about my security and safety and so I have a difficulty with that. I know
2 that you and the Prosecutor, you might keep this material safe, but the Defence might
3 publish it. It is true that the law might issue orders, but in these circumstances I
4 would rather keep my (Redacted).

5 PRESIDING JUDGE STEINER: The Chamber will take your concerns into
6 consideration and we'll decide, therefore, in due time in relation to (Redacted)
7 that you mentioned.

8 I would like to thank very much the Prosecution team, the legal representatives of
9 victims, the Defence team, Mr Jean-Pierre Bemba Gombo, and to thank very much our
10 interpreters and court reporters.

11 We will adjourn for today. Tomorrow, from 9 to 10 in the morning, the Chamber
12 will hold a status conference, ex parte in closed session Prosecution and VWU only,
13 so the hearing in the case of The Prosecutor versus Mr Jean-Pierre Bemba Gombo will
14 start - will resume, better saying - at 10.30.

15 Court usher, please could you accompany the witness outside the courtroom, and we
16 wish you have a very restful night.

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

19 *(The hearing ends in closed session at 4.05 p.m.) Reclassified as open session

20 RECLASSIFICATION REPORT

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