

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Tuesday, 5 July 2011

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

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

11 Please be seated.

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

13 in closed session.

14 PRESIDING JUDGE STEINER: Good morning, court officer. Could you please call

15 the case.

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

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

18 PRESIDING JUDGE STEINER: Thank you very much.

19 Good morning. Welcome, the Prosecution team, the legal representatives of victims,

20 the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters,

21 court reporters.

22 We will continue today with the questioning of Witness 169 in closed session, and I

23 ask, please, the court usher to bring the witness in.

24 (The witness enters the courtroom)

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

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 (The witness speaks Sango)
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness. Welcome back to this
- 3 courtroom.
- 4 THE WITNESS: (Interpretation) Good morning, your Honour.
- 5 PRESIDING JUDGE STEINER: Did you have a restful night?
- 6 THE WITNESS: (Interpretation) Yes, madam.
- 7 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 8 THE WITNESS: (Interpretation) I am ready, ma'am.
- 9 PRESIDING JUDGE STEINER: Mr Witness, I have to remind you that you are still
- 10 under oath. Do you understand that?
- 11 THE WITNESS: (Interpretation) Yes, I do.
- 12 PRESIDING JUDGE STEINER: So I give the floor to the Prosecution. Maître
- 13 Badibanga will continue questioning you. Maître Badibanga, you have the floor.
- 14 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 15 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)
- 16 Q. Good morning, (Redacted)
- 17 A. Good morning, Counsel.
- 18 Q. (Redacted) for the past few days I've been asking you to make an effort to share
- 19 with us the events you went through. Together we will strive to move towards the
- 20 end of your testimony. I have a few extra questions, which might take a little time
- 21 this morning, but we should be able to complete your evidence.
- 22 I would like you to engage in a small exercise and it is that you and I should
- 23 concentrate. I will try to put short and precise questions to you and I would like to
- 24 urge you to make the same effort, namely that you should give us answers which are
- 25 precise, and if there are events you have already talked about, please do not repeat

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 them again. Everything you've said so far has been recorded. Could we try to
2 proceed in that manner together?

3 A. Yes.

4 Q. When we closed yesterday, we were talking about rapes committed by MLC
5 soldiers. You have already talked about the rape of an old woman. You have
6 talked about the rape of a young girl aged about 15. Please do not repeat those
7 events again. However, could you tell us about any other cases of rape, the rape of
8 girls younger than 15, younger than the girl who was raped, the 15-year-old girl who
9 was raped?

10 A. Yesterday I remembered something that happened along the road leading to
11 Damara. There was a soldier who went by the name of Ngoundele - some people
12 referred to him as GP, others called him PD - and he only attacked -- or he attacked
13 only children. He targeted only children. He said that he preferred sleeping with
14 little girls only. He wanted to contaminate them or, rather, to sleep with them in
15 order to cure himself, so to speak. The other soldiers did not agree with him. They
16 did not agree with this practice.

17 Q. Was that soldier ever punished for such behaviour, to the best of your
18 knowledge?

19 A. No, he was never punished. However, he ended up dying; he was killed in
20 combat. That is what I know.

21 Q. You said he only targeted children. When you talk of "children," what do you
22 mean? Children of what age, approximately?

23 A. Children under the age of 10. (Redacted)

24 (Redacted)

25 (Redacted) You said he wished to cure himself or to contaminate the children. To

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 cure himself of what disease or to contaminate children with what disease?

2 A. He was HIV-positive, and other soldiers were aware of this. He was suffering
3 from diarrhoea and he was very thin. He used to smoke marijuana. That's what
4 I know.

5 Q. You talked about several occasions on which you saw dead bodies, dead bodies
6 of people killed. You said you saw dead bodies along the road, lying in heaps of five.
7 Were you able to find out whether these were dead bodies of civilians or of soldiers?

8 A. After the archbishop's office, you walk down to the court. The dead bodies
9 were piled up in heaps of five. Some of the dead bodies were dressed in khaki
10 uniforms and they wore a soldier's boots. On the roadside you could see that these
11 were Chadian soldiers.

12 Around the mosque on the left, and on the right as well, you have the market in that
13 particular place and there I saw the dead body of an imam. I also saw the dead
14 bodies of civilians. In the market itself, I saw the dead bodies of civilians. Some of
15 these dead bodies were dressed in djellabas, and "djellaba" is a dress usually worn by
16 Muslims.

17 Q. Now, with respect to the bodies of civilians, could you please give us an
18 approximate number of dead bodies you found there?

19 A. There were many, very many. No one was able to collect the dead bodies;
20 even the bodies which were lying in front of the court were in a state of advanced
21 decomposition. I do confirm that there were many dead bodies, more than a
22 hundred. In the market there were many dead bodies.

23 Q. You said that some of these dead bodies were dressed in djellabas and that
24 djellabas are a dress usually worn by Muslims. Do you know whether or not they
25 were targeted because they were dressed in djellabas?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. I don't know how I can describe the events of -- of Bossangoa, if I got the name
2 correctly. I would say that they were the relatives of the current president, the
3 serving president, Mr Bozizé. It was some sort of vengeance against them. Many
4 people were killed, those who wore djellabas. Close to the market you find only the
5 homes of Muslims, and the Muslims did not want to flee; they did not wish to flee.
6 They were all considered to be Bozizé's supporters. That's it.

7 Q. Did you ever get to learn, to know, who killed all these civilians whose dead
8 bodies you saw in the market?

9 A. (Redacted) the Commander Richard - and this was in Bossangoa - was sent
10 very early in the morning. He was sent 45 kilometres away, out of Bossangoa close
11 to the border. He went there to raze down that area. After that, a control group
12 had to be sent to ensure that there was no enemy in that area any more.

13 Q. Are you saying, therefore, that it was the group led by Commander Richard that
14 killed the civilians you saw in the market?

15 A. That's what I believe, because he was sent to raze down the area. What do I
16 mean by that? He finished razing down the area, so to speak, and he had to go
17 further on to control the entire sector.

18 Q. (Redacted) we do understand that you had the opportunity to hear confidences
19 or things said by MLC soldiers about rapes, killing and looting that were committed.
20 Now, were the soldiers punished for these atrocities? Was there a system in place
21 for punishing them for these crimes?

22 A. Thank you. Well, what I saw was that they were punished through whipping.
23 A soldier could be whipped. The term they used was -- the term they used was "100
24 strokes of the cane," or "50 strokes of the cane," or "150 strokes of the cane." They
25 could be detained for about two or three days and after that they would be released.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 And those who were on goods terms with the officers would simply be issued a
2 warning.

3 Q. Apart from flogging, was there any other form of punishment? Were some of
4 them put in prison for a certain amount of time? Were there other forms of
5 punishment?

6 A. Apart from the whipping or the flogging, there was imprisonment. Apart from
7 those two forms of punishment, I didn't notice any other, and the amount of time
8 spent in detention would range from three days to one week.

9 Q. Were all the crimes punished in the same manner? Rape, killing and looting,
10 were these crimes punished in the same manner, with a few strokes of the cane, so to
11 speak?

12 A. When killings were involved, I didn't see any punishment being dealt out. The
13 punishments I was referring to were -- involved rape and looting. In the cases of
14 looting, the perpetrator would be whipped.

15 Q. Concerning this last point, i.e. looting, you also said that Mustapha had asked
16 the soldiers to bring the looted goods to his home so that they could be distributed.
17 Now, the people who brought back the looted goods, were they all whipped?

18 A. No. He himself was the one who had asked them to do that. How could he
19 possibly have punished them? He sent them out himself and these plundered goods
20 were shared out in front of his home at PK12. There was football field there and it
21 was on that field that he would share out the stolen goods.

22 Q. So what should we understand when you say that, as regards looting, the
23 persons would be whipped? In what cases would people who had looted be
24 whipped?

25 A. When the person who stole something was punished, well, it tended to be far

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 more when the thefts hadn't been declared and the perpetrator of such a theft would
2 in that case have to be -- go to prison for a few days.

3 Q. When you said "declared," if the theft was not declared to who? What do you
4 mean? Who do you mean?

5 A. To the officers.

6 Q. (Redacted) what language did you use to speak with the MLC soldiers?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. To be absolutely sure that I understood you properly (Redacted)

12 (Redacted)

13 (Redacted)

14 A. When certain things were purchased in town, in the stores, since the traders
15 couldn't speak French, and there were quite a few of them who didn't speak French
16 and they didn't know Sango, (Redacted)

17 (Redacted)

18 Q. (Redacted) let me just remind you about what we spoke yesterday. What you
19 say has to be translated, so instead of saying "they" or "those people" perhaps you
20 could specify who you are talking about specifically. So let me go back to what you
21 just said in this respect. You said, "They didn't know Sango." Who were these
22 people? Who were the "they" that you are referring to here that didn't speak Sango?

23 A. Thank you. At that time during those events (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted) Those are the

2 people I'm referring to.

3 Q. (Redacted) and

4 although you have already said this I'm going to ask this question again so that there
5 is no misunderstanding. The MLC soldiers, did they speak Sango?

6 A. None of those soldiers spoke Sango. Personally, I never met a single one. The
7 only one who spoke Sango was Atandele, but he wasn't a soldier. (Redacted)

8 (Redacted) I never came across a MLC soldier who
9 spoke Sango.

10 Q. You already gave an example concerning the 15-year old girl. You said that
11 she was -- said she was told "yaka awa." Every time that you were there as a witness
12 and that you saw MLC soldiers speaking to Central African nationals, did they speak
13 the same language as that soldier did to that young girl?

14 A. If somebody wants you to understand something, you will generally make
15 gestures, and even if you don't understand the language from the gestures you
16 understand that that person is beckoning you. He beckons you and asks you to
17 come over.

18 Q. And just to be sure, the person will beckon but what is the language that the
19 person used to utter those words?

20 A. From what I saw the soldier said "yaka awa" and beckoned with his hand so
21 that the girl would come over. Some people would use a little French, but they
22 didn't speak very well. All they would say was "Ça va?" "Are you okay?" "Ça
23 va," those short French sentences that they might be able to utter.

24 Q. So from what you say, I understand that the MLC soldiers did not speak French
25 well either; is that correct?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. Exactly.

2 Q. (Redacted) I am going to quote to you a French expression that I would like you
3 to tell me the meaning of.

4 Madam President, the reference for this is transcript 82, page 34, lines 9 to 14 in the
5 French version, and this was when we heard Witness 119. This is an expression that
6 we were told was typically Congolese. It's a French expression and I want to see
7 whether the witness can understand it. The sentence was this: "Papa Bemba came
8 and asked us to apply Article 15." Do you know what "to apply Article 15" means?

9 A. Well, you know, day-to-day routine -- expressions used by Congolese people,
10 well, "Article 15" means to get on with things, to manage things, get on with things.
11 These are expressions that we often use. "Article 15" means that the person has to
12 deal with the situation on his own. That's what I understand, at least.

13 Q. (Redacted) You said that you speak both Lingala
14 (Redacted) Do
15 you yourself have any doubts about the fact that these soldiers (Redacted)
16 came from the Democratic Republic of the Congo and that they were Congolese?
17 Are you certain that that is where they came from and that they are - or that they
18 were - Congolese?

19 A. That is true. Many of them were Congolese, with the exception of Yves and a
20 few others who did not speak Lingala and did not speak French and spoke only
21 Swahili. The people who did not speak Lingala were very few and far between, but I
22 didn't count their numbers. Well, these few people did not speak Lingala. They
23 were the ones who were referred to as the Banyamulengue.

24 Q. There are other countries in Africa where Lingala is spoken. This is the case,
25 for instance, in the other Congo, Congo-Brazzaville, and sometimes there are people

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 in Angola who speak Lingala. The soldiers that you yourself saw, that you dealt
2 with, did they come from any of those countries?

3 A. No. Congo-Brazzaville or any other country, no. I would say the answer is
4 "No." What I do know is that Mr Jean-Pierre Bemba had recruited Banyamulengue
5 soldiers that came from Rwanda. I don't know exactly how many of them there
6 were, but all this was told to me by his soldiers. But to say that soldiers came from
7 Angola or Congo-Brazzaville who might have been involved in these events, well, I'm
8 not a soldier myself, but personally I didn't see any of those among the members of
9 the MLC, to tell the truth.

10 Q. And to end on that particular point, could you state to us that the crimes and
11 excesses that you yourself saw, or that you heard about, were committed by those
12 soldiers that we are speaking about now; the MLC soldiers we are speaking about
13 here?

14 A. That is true. It is true. I cannot lie. I told you what I myself experienced,
15 what I saw with my own eyes, (Redacted)
16 (Redacted) there were also soldiers from the Central African Republic
17 that had crossed the river. (Redacted)
18 (Redacted)

19 Q. (Redacted) do you know whether the MLC soldiers were paid during the time
20 that they were in the Central African Republic?

21 A. I heard that Ifa (phon) did give them money, he shelled out 300,000 francs CFA,
22 but the chiefs, the leaders, would receive 21,000 and the leaders would share out only
23 21,000. That is what one person told me (Redacted) All he
24 received was 21,000 francs CFA. And, indeed, they only received that amount once.
25 They didn't get any additional money. All they got was their food ration.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. You just said that Ifa would share out the money. Who was Ifa?

2 A. I didn't say "Ifa." I said in French "qu'il fallait," in other words that they should
3 be given 300,000 francs CFA, but what they actually got was only 21,000 francs CFA?

4 Q. The 300,000 francs that they were entitled to, was that a single payment for the
5 whole operation, or was it their monthly pay?

6 A. I don't have any detailed information about that. All I know is that the leaders,
7 the chiefs, had manipulated -- had taken some of the money that was owed to the
8 ordinary soldiers and there were complaints about that.

9 Q. Do you know what the leaders did with the money that they embezzled and
10 that was supposed to go to the soldiers?

11 A. No, I don't know what they did with that money. Well, they would buy
12 clothes. (Redacted)

13 (Redacted) As for the others, I don't know what they did
14 with their money.

15 Q. Who did this money come from? Who handed over those 300,000 francs per
16 soldier?

17 A. They should have received that money from the presidency. René was the one
18 in charge of going to collect the money and he would do that before he died.

19 Sometimes Mustapha too would go and collect the money. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 That's all I know.

5 Q. You said to us that the presidency was the party to hand over this money.

6 Could you tell us which presidency you are talking about? The presidency of which
7 country?

8 A. The residence of President Patassé, Villa Adrienne. (Redacted)

9 Q. Do you know how this money was handed out? You said to us there was an
10 amount of 300,000 per soldier, but that the soldiers only received 21,000, but the
11 soldiers and the officers did they -- were they all entitled to the same amount, or was
12 the money shared out differently according to their military rank?

13 A. I don't know. (Redacted)

14 (Redacted) There were high-ranking

15 soldiers that got a hundred, or 150,000. (Redacted)

16 (Redacted)

17 Q. You said that before he died René would go and collect the money from the
18 presidency, (Redacted) Do

19 you know more or less how frequently this money was received, or the presidency
20 handed over this money to the MLC soldiers?

21 A. I have no idea of the amount. What I know is that the soldiers would say that
22 when René went there he would be given 150, and when he came -- when René came
23 back he would say that he'd only got ten and that is how the supreme commander
24 became annoyed and sent him out there to be killed.

25 Q. Perhaps I haven't formulated my question properly. My question related to

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 the frequency with which the presidency handed over the money. Did René, or
2 anybody else from the MLC, go to the presidency say every week, every fortnight,
3 perhaps every month, or every three months? So my question is with what
4 frequency the presidency handed over money to the MLC?

5 A. René would go there when the need arose. When they needed money, they
6 would go over there. One day (Redacted) and I saw
7 Luvunangiza. I saw Lolo. This was an eminent personality and I saw Mundonga
8 (phon). (Redacted) they had come from Gbadolite to get money and
9 they had come by aeroplane. That's what I know.

10 Q. I am waiting for the transcription of your answer on the screen. The three
11 people that you've just mentioned, Luvunangiza, Lolo and Mundonga (phon), they
12 came from Gbadolite according to you to get the money. Now, was this in the
13 framework of an assignment? Had they been tasked to do this or had they come at
14 their own initiative?

15 A. Well, they were sent. Luvunangiza, (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted) That is what I know.

19 Q. You say that they came on a mission or assignment. Who had sent them on
20 mission? They came to take this -- they went to take this money for -- on whose
21 behalf?

22 A. Certainly it was Jean-Pierre Bemba who had sent them.

23 Q. You said that they came by plane. Do you know what that plane was, what
24 company that plane belonged to by which they came?

25 A. It was a helicopter.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. And it was a helicopter which belonged to what company?

2 A. I don't know. I don't know what company this helicopter belonged to, but the
3 helicopter came from Zaire, Gbadolite. Certainly it was a helicopter that belonged to
4 the MLC.

5 Q. A moment ago we were going a bit quick with the translation of what you said.

6 What you said -- well, could you repeat what you said, (Redacted)

7 (Redacted) with regards to this visit and the money that had to be taken?

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. And when you said, (Redacted)

12 (Redacted)

13 A. (Redacted) but certainly it was the chief

14 who had sent them. (Redacted) you could deduce from that

15 (Redacted)

16 Q. Luvunangiza, Lolo or Mundonga, did they come on this one occasion to Bangui
17 to carry out this mission, or did they carry out others with the same objective?

18 A. (Redacted)

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Do you know how this happened at a practical level? They would come to the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 airport and then what would they do to take this money? How would they go to
2 this place where the money had to be provided?

3 A. I wasn't present when they went to take this money. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Another last question on this subject, or a couple of questions. You told us that
7 René, when he was alive, he regularly went to get money from the presidency. Now,
8 my question is: Luvunangiza, Lolo and Mundonga, did they come to take the
9 money that René had already received or were they meant to take additional money?
10 And if that's the case, where?

11 A. On that day I said that René had been chosen by Mustapha to go and take
12 money, but I don't know. Was he chosen by Mr Jean-Pierre Bemba? I don't know.
13 I do know one thing: René -- it was René who went regularly to go and get the
14 money and after having received the money, how they organised things in order to
15 divide it up, that's something that I didn't know.

16 Q. Did you have the opportunity to find out if this money which Luvunangiza,
17 Lolo and Mundonga took was in fact a payment or a present or some kind of
18 exchange between the Central African Republic and Jean-Pierre Bemba?

19 A. Through the comments of the soldiers - soldiers in particular - (Redacted)
20 (Redacted) they said that the money was given as a recompense for the services which
21 had been provided by the MLC, and this money was recovered, but I didn't have the
22 opportunity to check what had been said.

23 Q. And who told you that?

24 A. It was the soldiers (Redacted)

25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. (Redacted) have you yourself been a victim of the MLC, or not?

2 (Pause in proceedings)

3 (Redacted) if you don't feel at ease with the question, we can speak with the Chamber
4 and see what the best solution would be. In principle, we still have about 20 minutes
5 ahead of us. Perhaps if the President considers it useful, we could make the break
6 somewhat sooner. And I guarantee, your Honour, that I don't have many more
7 questions and I'll be able to finish within the deadline that was set for me. But
8 I don't know if, (Redacted) you feel able to continue with regards to this question
9 now.

10 PRESIDING JUDGE STEINER: Mr Witness. Mr Witness, would you like to have a
11 break?

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

13 PRESIDING JUDGE STEINER: We will suspend the hearing now. We will resume
14 at a quarter-past-11. I ask, please, court usher to accompany the witness outside the
15 courtroom. And please, court officer, get in touch with VWU immediately.

16 (The witness stands down)

17 PRESIDING JUDGE STEINER: I ask, please, court officer to ask VWU to send a
18 report to the Chamber before we resume at a quarter-past-11. This hearing is
19 suspended.

20 (Recess taken at 10.44 a.m.)

21 *(Upon resuming in closed session at 11.20 a.m.) Reclassified as Open session

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

23 PRESIDING JUDGE STEINER: Welcome back. The Chamber just received a report
24 from VWU saying that the witness became too emotional, but now is feeling better
25 and is ready to talk about the topic mentioned by the Prosecution in his last question

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 in case he is asked to do so. He thinks that he will be fine and is ready to continue
2 his testimony.

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

4 (The witness enters the courtroom)

5 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

6 THE WITNESS: (Interpretation) Thank you.

7 PRESIDING JUDGE STEINER: Are you feeling better and ready to continue with
8 your testimony?

9 THE WITNESS: (Interpretation) I am ready to continue, your Honour.

10 PRESIDING JUDGE STEINER: In case you need any kind of assistance, just let us
11 know. Do you understand that, sir?

12 THE WITNESS: (Interpretation) I understand. We can go back to the question
13 that was asked of me a moment ago. I'm a man. It does nothing to me.

14 PRESIDING JUDGE STEINER: Thank you very much, but in any case you feel free
15 to ask for a break if you feel like.

16 Maître Badibanga, you have the floor.

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

18 Q. (Redacted) we're going to go back to where we were. Now, this is a subject
19 which we're not going to spend a long time on. I just have two or three questions to
20 ask you on this subject. I asked you before the break if you yourself had been a
21 victim of the MLC and, if you had, to tell us about that.

22 A. Thank you. What made me so sad in the Prosecutor's question was that when I
23 met the investigators they asked me the same question, and I told them that
24 effectively I was a victim of the MLC. I have suffered from the other side of the river,
25 when Jean-Pierre Bemba launched his activities in Orientale province, but when they

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 bought gold, or two sisters who bought gold in order to sell it in Kisangani and
2 Kinshasa, both of them they died, and it was under what circumstances? They also
3 bought diamonds, but what circumstances was it under? My younger sister was
4 raped by five men; five members of his army. They entered into the forest and spent
5 three months in the bush. They managed to get out into another town. She had
6 lost a lot of weight. She was very sick. She had AIDS and she died thereof. You
7 know, things happen. Two days after she was raped, her older sister had left for
8 (Redacted) which is a village, in order to get some raw materials, and when she
9 returned -- when they returned they were in a vehicle and they shot at the vehicle and
10 the Jean-Pierre Bemba's men shot at the vehicle. The driver was killed and the
11 passengers fled, but the passengers were searched and they had a lot of money taken
12 off them and these events took place in '98 and a priest was a witness of all these
13 atrocities. She was buried in a small hole next to the road and she was buried by the
14 priest in question. My mother called me in order to inform me of the situation, and
15 my small brother, (Redacted) he went to that place
16 and he left to see where things had happened. Who could you complain to? And
17 after that it was during the battalion in Équateur province. It was in the battle. It
18 was in Équateur province. I heard them speak about him (Redacted)
19 (Redacted)
20 (Redacted)
21 Q. Who are you speaking about (Redacted)
22 A. I was talking about my sisters and my brother. The second point I talked about
23 related to Mr Jean-Pierre Bemba. (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)
2 (Redacted)
3 (Redacted) He went away again. After that his soldiers
4 arrived. The soldiers of FARC - that is the F-A-R-C - arrived (Redacted). He sent his
5 soldiers to fight and push back the FARC soldiers and occupy (Redacted) locality
6 with the support of the Ugandans. And they stole my vehicle. (Redacted)
7 (Redacted) They took my vehicle apart and (Redacted)
8 (Redacted) All I could do was smile, I couldn't do anything else.
9 They took (Redacted) They took away
10 everything and I had nothing left.
11 When the fighting grew more intense, I fled towards Bangui, and that is how my
12 problems started. My sister who died left three children motherless, or orphans.
13 The second one also died, leaving three children without parents. I also had
14 brothers who were studying in the university, and all these people were under my
15 responsibility.
16 The soldiers looted my shop. I asked my brother, (Redacted) what I could
17 do. I asked him what attitude to adopt after that, but at that point in time he was
18 already (Redacted) Kinshasa within the framework of the One Plus Four programme.
19 There was nothing I could do. The government in Kinshasa sent a commission to
20 count the victims. (Redacted) Lutundula was the person who
21 chaired that commission. (Redacted)
22 (Redacted)
23 Now, who could I complain to? Well, thank God I was able to buy another (Redacted)
24 again. I continued with my (Redacted) and it is only now that I am talking
25 about all this. I don't think I can have any compensation back home any more

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 because the area where I used to live is his territory. It is a territory over which he
2 has absolute control. Thank you, your Honour.

3 PRESIDING JUDGE STEINER: Mr Badibanga, if you will allow me just for a
4 clarification of the transcript.

5 Mr Witness, on page 23, line 14, it is stated that the FARC - the F-A-R-C - wanted to
6 push back the FARC soldiers, which of course is not correct. Which soldiers the
7 FARC were fighting with?

8 THE WITNESS: (Interpretation) I was talking about the MLC soldiers who were
9 fighting against the soldiers of the FARC.

10 PRESIDING JUDGE STEINER: Thank you very much. Mr Badibanga.

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

12 Q. I wish to get a clarification, (Redacted) On page 23, lines 8 to 11 of the French
13 transcript, you concluded by saying, "I don't think I will have entitlement to any
14 entitlement back home, because the area where I was living was his territory. It is a
15 territory over which he has absolute control." Who are you talking about when you
16 say "He has absolute control" and you talk of "his territory"?

17 A. What did I just tell you? I know -- I told you that I know that one day what I'm
18 saying will come to their hearing. I no longer operate there. And I'm telling you
19 the truth. The little that God has given me, well, I cannot leave it. I cannot allow
20 somebody to take it away from me. It is his territory.

21 Q. I apologise, I did not wait for the transcript -- translation to finish. My
22 question was probably not clear to you. I simply wanted to know the person you
23 were referring to as "he." You said, "his territory." What is the name of this person
24 who has absolute control over the territory you are talking about?

25 A. It is the stronghold of Mr Jean-Pierre Bemba. That is the place (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted) was in Gemena, Karawa, Bado, Bozene, Dongo. All those

2 localities, the towns I just cited, are his stronghold. (Redacted)

3 (Redacted)

4 Q. These questions I'm putting to you, (Redacted) is simply to get clarification

5 from you. A little earlier you also said, "He was no longer there. He had gone to

6 Kinshasa for the One Plus Four programme." So who is "he"? Who are you talking

7 about, this person who went to Kinshasa under the One Plus Four programme?

8 A. I was talking about Mr Jean-Pierre Bemba. When I put the question to my

9 brother, I asked him what I could do, what I could do to carry on with life. "Should I

10 prepare all the paperwork and send it to you and you'll take care of the problem?"

11 He answered me, saying, "Are you not aware of what's happening? Don't you know

12 that he has become a president?

13 One Plus Four, that is the programme One Plus Four, was also there, so who will

14 address your complaint? You are a finished man," he said.

15 Q. (Redacted)

16 (Redacted) Were you

17 present when the incidents you described happened to your sister, and if you were

18 not present, who told you about this?

19 A. Thank you. I have just said that my younger sister went to the forest, where

20 she spent a month. Afterwards, she came out of the forest into a village. She was

21 transported on a bicycle right up to (Redacted) because she was ill. She suffered from

22 this for a long time and she told all of this to my mother. She talked about all of

23 what she went through, all of what she suffered. She gave the full account of it to

24 my mother, and this was reported to me through the radio phonie before she died.

25 My brother went to where my elder sister was buried. She was buried by the priest,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted) who is still alive.

2 Q. You did explain to us that you have not yet been compensated for the property
3 you lost, right up to today. Now, do you know whether or not the MLC soldiers
4 were arrested and sentenced for what happened to your two sisters?

5 A. The two -- I never saw anything like that happen at any moment whatsoever.

6 Q. (Redacted) from what you just told us, what is your motive for collaborating
7 with the International Criminal Court in this case?

8 A. I am doing this voluntarily. My concern here is to help in the establishment of
9 the truth about what happened, about the events I witnessed.

10 Q. Well, unless you have something else to say on this point, I would like to move
11 on to a last subject matter which is different from this one. Shall we?

12 A. I said earlier that I lost property, my sisters died. And I asked the investigator,
13 who informed me that he was there to investigate into the events that occurred in the
14 Central African Republic in general, "However, as concerns the things you lost and
15 the other concerns you have, I have no answer to give you."

16 Q. Very well. Of course, it was only about getting your testimony. I will now
17 like to return to a point you mentioned some time back. This has to do with contacts
18 between Mustapha, who was in the Central African Republic, and Jean-Pierre Bemba.
19 During that entire period, during these events, do you know where Jean-Pierre
20 Bemba was? Do you know where he was residing?

21 A. Thank you. He was in Gbadolite. He went to Bangui only once. That is
22 what I was told, but I did not have the opportunity to see him.

23 Q. Who told you about this visit, the visit made by Jean-Pierre Bemba to the
24 Central African Republic?

25 A. (Redacted) From time to time certain events would occur and I was

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 informed. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Do you remember the period when this visit took place, approximately?

5 A. I no longer remember.

6 Q. Now, those who told you about the trip, did they tell you how he arrived?

7 What means of transport did he use?

8 A. On that day he came by helicopter, I believe, if my memory serves me right.

9 He went to PK12. He was accommodated at the Sofitel, I was told. He met a
10 Cameroonian businessman by the name of Mbong Patrice Yabe (phon), and he was
11 buying gold. (Redacted)

12 (Redacted) I cannot confirm them, but -- (Redacted)

13 (Redacted) but Mr Patrice Mbong, the Cameroonian I am talking about, is quite a
14 prominent figure.

15 Q. Do you know how long Jean-Pierre Bemba's visit lasted? How many days,
16 how many hours did he spend in the Central African Republic?

17 A. He spent one night, after which he returned home. He spent the night in the
18 Sofitel.

19 Q. You said you no longer remember the date of that visit, but did that visit take
20 place during the events we are discussing here; that is, between the month of
21 October 2002 and March 2003? Did that visit occur within that time-frame?

22 A. That's right. That's right. On that particular day, I did not go to PK12. (Redacted)
23 (Redacted)

24 Q. Did anyone tell you what Jean-Pierre Bemba did at PK12, or why indeed he was
25 going to PK12?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. He made a speech whilst he was there. However, since I was not present, I
2 cannot give you any precise information. I won't lie to you.

3 Q. However, do you know to whom he was making this speech? You said he
4 made a speech. Was he talking to the entire population of PK12?

5 A. The speeches he made was intended for his men because, apart from them,
6 whom -- who else would he be making a speech to?

7 Q. In the course of your testimony, you talked about certain phone conversations.
8 You talked about communication between Mustapha and Jean-Pierre Bemba. Now,
9 how frequently did Mustapha communicate or talk with Jean-Pierre Bemba?

10 A. How could I know that he was talking to Jean-Pierre Bemba? I think he was
11 talking to him because all the time he was referring him as "Your Excellency," and so
12 we understood that he was talking to Jean-Pierre Bemba. With regard to the
13 frequency, I think it was when the need arose or if he had to respond to a call from
14 Jean-Pierre Bemba, but if Mustapha had information to provide he would call him to
15 provide him with such information.

16 Q. Now, this need to provide information which you talked about, did this need
17 arise once a week, once a month, once a day, only once during the entire period?
18 What I would like you to do is to give us an indication, to give us an approximation
19 of the frequency of such contacts.

20 A. In the morning, after the parade, there would be a phone conversation. The
21 purpose was to report on the events of the previous night. This was done in the
22 morning, or it could be in the evening. However, they maintained more regular
23 contact in the evenings, but if the need arose he would call him. (Redacted)

24 (Redacted)

25 (Redacted) I would not lie to you.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. You are right. Indeed, you swore to tell the truth and that's what we expect
2 from you; and here you provide an answer only if you know that answer.
3 You just told us that in the mornings he would call and in the evenings as well he
4 would call. Now, (Redacted) when you talk about
5 the morning are you talking about every morning and when you talk about the
6 evenings are you talking about every evening? In other words, every day or this
7 was done from time to time?

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Maybe you'll find my question a bit repetitive, or maybe you have already
16 mentioned this. However, I would like you to tell us who took the initiative of
17 making the calls (Redacted) Was it Mustapha who systematically called
18 Jean-Pierre Bemba or Jean-Pierre Bemba who would call Mustapha each time?

19 A. As I have already told you, I do not know. There were times when Mustapha
20 called and other times it was he, (Redacted)

21 (Redacted) so I

22 am not in a position to know whether the initiative came from him or from the other
23 person with regard to these calls.

24 Q. In the French transcript, page 30, lines 7 to 10, that (Redacted)

25 (Redacted) Do you know at

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 what time he would call Jean-Pierre Bemba when he called him in the morning?

2 Around what time did these calls take place?

3 A. I've already had opportunity to say this. (Redacted)

4 (Redacted)

5 (Redacted) Very often after the parade he

6 would communicate with him, but I myself cannot assert that with any accuracy.

7 When Mustapha (Redacted) received a call from Mr Jean-Pierre Bemba he

8 would retire. He would move away.

9 Q. At what time did the parade in the morning take place?

10 A. It was towards 8 or 8.30 a.m., but I wasn't close to them when they had their
11 meetings, so I wasn't really familiar with what was going on.

12 Q. Here again I am just asking you to give us your answer on the basis of what you
13 know, even if you have no very detailed knowledge, but in any case the evening calls,
14 do you have any idea more or less about what time they took place? Are we talking
15 about the end of the afternoon, let's say, or late at night, or at the end of the day?

16 A. At the time, (Redacted) the calls
17 between Mustapha and Jean-Pierre Bemba, well, they weren't always at set times.
18 They would take place according to needs. If the person in Gbadolite wanted to
19 speak to Mustapha he would call and vice-versa, but I cannot say that at any
20 particular time they would do so. If I were to say today it was in the evening or at
21 night, well, that would simply mean that Mustapha was reporting to him, but I
22 couldn't really tell you a precise time.

23 Q. (Redacted) when Mustapha received a call, or made a call to
24 Jean-Pierre Bemba, and as you said he would withdraw, he would retire, so as to
25 speak with him. Now, did this happen on one -- did it ever happen either on one or

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 several occasions that after the call Mustapha would do something, take measures?

2 A. Now, on this point I have no information, except at Bossembélé -- except at

3 (Redacted) where there was the (Redacted)

4 and (Redacted) that was the only occasion that happened,

5 and then there was (Redacted)

6 Those were the two occasions, (Redacted)

7 (Redacted)

8 Q. (Redacted) I am gradually reaching the end of my questioning. (Redacted)

9 (Redacted)

10 (Redacted) I would like you to tell us what you, during that entire

11 period, understood as to the relationship - the link - between Mustapha and

12 Jean-Pierre Bemba from what you could tell (Redacted)

13 A. What I know for sure is that he was the commander for the MLC operations in

14 Bangui; he, Mustapha. He was the commander of the -- well, in-chief of the troops

15 of Jean-Pierre Bemba in the Central African Republic. Indeed, when he left

16 Gbadolite in November, (Redacted)

17 (Redacted) given the rank of colonel, (Redacted)

18 and I knew he was the commander-in-chief of the troops that had been assigned to

19 the Central African Republic, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. And in his capacity as commander-in-chief for those operations in Bangui, on

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 behalf of the MLC, from whom did Mustapha receive orders, as far as you could
2 gather?

3 A. He received his orders from Jean-Pierre Bemba. It was he who sent him over
4 there. It was he who decorated him and I have come here to tell the truth.(Redacted)
5 (Redacted) I haven't come here to lie. He received his orders
6 from Jean-Pierre alone.

7 Q. Did you have any opportunity to learn whether other officers or other people
8 belonging to the MLC were in contact with Jean-Pierre Bemba during that period; in
9 other words, from October 2002 to March 2003?

10 A. I didn't see anything like that and I wouldn't want to lie about that, so I have
11 simply spoken about what I saw.

12 MR BADIBANGA: (Interpretation) If necessary, I can give the reference later on
13 for the transcript, because I don't have it at hand, Madam President.

14 Q. But, Witness, during your hearing you I believe spoke about communication
15 between somebody called Atandele and Jean-Pierre Bemba and you talked about the
16 role played by this Atandele. So in the continuity with that piece of information, let
17 me ask my question again. Do you know whether Jean-Pierre Bemba had
18 communication with other members of the MLC in the Central African Republic
19 during that period?

20 A. Yes, you asked me a question about that. Yes, I do know that among the
21 civilians there was only Atandele who communicated with him. As for the officers, I
22 didn't see them communicating with him. For Atandele it is true, (Redacted)
23 (Redacted) He told us that he was Jean-Pierre Bemba's ambassador. A lot of
24 Congolese people knew that.

25 MR BADIBANGA: (Redacted) thank you very much for your patience and for the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 information that you have shared with us. I have finished with the questions that I
2 wish to ask you and no doubt the Court and the other parties will have questions for
3 you. Madam President, Judges, thank you very much. The Prosecution has no
4 further questions for this witness.

5 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga, and just
6 before I give the floor to legal representatives of victims, I want a clarification. Here
7 in the transcript on page 30, pages 21 and 22, when talking about the phone calls
8 between Mustapha and Mr Bemba, you said that the purpose of these phone calls was
9 to report on the events of the previous night. As far as you know, was during these
10 phone calls Mr Bemba informed about the movements of the troops, or as well about
11 what the soldiers were allegedly doing in the field, like looting, killing, or raping?
12 This report you mentioned, this report on what, if you know?

13 THE WITNESS: (Interpretation) Thank you. What I experienced in the Central
14 African Republic, I didn't see a trial about what happened in the Central African
15 Republic. It is only here that I see this trial about the events in the Central African
16 Republic taking place.

17 PRESIDING JUDGE STEINER: I'm sorry, Mr Witness, maybe I did not explain
18 myself. I will try to rephrase my question. You mentioned that there were
19 communications between Mustapha and Bemba many times. In these
20 communications, the purpose was to report to Mr Bemba on the events of the
21 previous night. What I would like to know, when you talk about "events," are you
22 talking about military events, or, as far as you know, Mr Bemba was also informed
23 about lootings, rapes, that the soldiers were perpetrating?

24 THE WITNESS: (Interpretation) Thank you. All these events, in my opinion,
25 were not reported to Jean-Pierre Bemba. I think that Mustapha did not report all

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 these events. When he wanted to withdraw, Jean-Pierre Bemba called Mustapha so
2 as to find out about the situations and Bemba asked, "I've heard that the children are
3 withdrawing, taking away looted property," and Mustapha answered him that "These
4 belongings belonged to the children and the children were withdrawing."

5 There was another time (Redacted) in Bossembélé. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 That -- those are the two examples I can give you.

10 On that day, well, Mustapha couldn't speak about looting and the abuses on the
11 ground because he himself was the one who sent out the children looking for
12 property, but when he asked the question, he answered that those things belonged to
13 the children. He could not say that his own men had stolen, because Mr Jean-Pierre
14 Bemba might ask him the question and he would have to provide justification for that.
15 So the only thing he could do was not tell the truth about what was going on on the
16 ground.

17 PRESIDING JUDGE STEINER: Mr Witness, just to confirm some information that I
18 am reading in the translation of your statement, the statement that you made to the
19 Prosecution, and I'm referring to pages CAR-OTP-0054-0417 and 0418, and here you
20 refer to some cars that were stolen and sent as quickly as possible -- that Mr Bemba
21 wanted cars to be sent over as quickly as possible. You said that Mr Bemba wanted
22 all the cars to be brought back to Zongo and this was told to you by two or three
23 persons that you mentioned here. Which cars you are referring to? Whose cars
24 were these ones?

25 THE WITNESS: (Interpretation) Thank you, Madam President. Concerning the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 vehicles, it is true, but he himself was the one to have asked for those vehicles, to have
2 those vehicles sent to him for his benefit, but he didn't send the soldiers to retrieve the
3 vehicles or steal money, but he himself, after he had noted that there were valuables
4 there, well, he laid a claim on those objects and that is what happened. What I am
5 saying is true. He knew full well that what they were doing on the ground was
6 reprehensible, but he didn't try to punish the perpetrators.

7 PRESIDING JUDGE STEINER: Mr Witness, thank you very much for the
8 clarification. Now that the Prosecution finished your questioning, I'm going to give
9 the floor to the legal representatives of victims. They also have some questions to
10 put to you.

11 Maître Zarambaud, Maître Douzima, we still have 15 minutes. You can start and
12 then we will continue after the lunch break. I just would like to remind the legal
13 representatives that, in total, one hour was assigned for their questioning and I hope
14 that legal representatives have found a way of sharing the time wisely between
15 yourselves in order for us to gain time. So who is -- Maître Zarambaud starts?
16 Maître Zarambaud, you have the floor.

17 MR ZARAMBAUD: (Interpretation) Thank you very much, Madam President. I
18 believe that the Prosecutor has dealt with practically all the issues and you, as well,
19 have asked for clarifications from the witness and, as such, I think I will be able to
20 abide by the time that you have kindly allocated to me.

21 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

22 Q. Mr Witness, good morning.

23 A. Good morning.

24 Q. I already introduced myself to you during the familiarisation process, but let me
25 introduce myself again. My name is Maître Zarambaud Assingambi. I am a lawyer

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 at the Bar of the Central African Republic and here I am one of the legal
2 representatives for the victims. Side by side with me there is my colleague,
3 Marie-Edith Douzima. So I won't be asking you all the questions I initially planned
4 to raise. Some of them have already been given answers. I will be asking you
5 perhaps some questions that you have already answered, but that will probably be
6 because I would try to get a little more detail.
7 My first question is this. I am basing myself on the statement you made, page
8 CAR-OTP-0043-0281, paragraph 6. In the framework of you being heard as a
9 witness, you said, and I'm quoting you, "I can accept, but that will depend on my
10 safety and the safety and security of my family. I will be exposing my whole family.
11 There are going to be lawyers and they're going -- and Mr Jean-Pierre Bemba is there.
12 That is a risk."
13 Now, according to you, does this risk still exist today?
14 A. Counsel, I am running a very great risk indeed. I have already said this.
15 I know that to be a (Redacted) in the DRC will be practically impossible now; that's
16 finished and over for me, I will never be able to go back to that again. And one day
17 what I am saying will get to their ears. I have relatives over there and they will hear
18 everything I said; but I have come, I am speaking out as a Central African.
19 This is a country where I have found tranquillity and I don't want -- I don't want
20 anything bad to happen to me, because everything I am saying will catch up with me
21 and my family. I certainly do not feel safe in the Central African Republic. I cannot
22 abandon my children. Some of them are still in the DRC, and with others we eat
23 cassava and other things in the Central African Republic because there is peace there.
24 Yesterday I testified about this.
25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted) to say, to narrate, everything that
2 happened. I am a Central African national. I consider myself to be a Central
3 African national. Someone might refuse to give food. That's what I said. I live in
4 a state of insecurity.

5 Q. Thank you very much. That was on the side of Mr Bemba and the Congo.
6 Now, where it concerns the Central African aspect - and here I'm referring to your
7 statement at page CAR-OTP-0043-0281, paragraph 10 - and with regards to the
8 possibility of communication of your case file to the Central African government you
9 stated, and here I quote you, "Yes, if the application is made by the Central African
10 government - the current government - but if the regime changes there and if the new
11 regime has a different view, then I would not like my statement to be communicated,"
12 end of quote. Could you explain to us why you think that?

13 A. Thank you, Counsel. There have been changes in the regime. After every
14 change, you can have problems. The current president does not take into account
15 the different ethnic groups. He's ready to receive everyone from all nationalities.

16 (Redacted)

17 (Redacted)

18 Q. Thank you very much. I'm going to combine my third and fourth questions,
19 because your previous answer doesn't make it possible for me to put them one after
20 another, and this is with regards to the language in which the soldiers - Bemba's
21 soldiers - spoke to the Central African population. And you've already told us a
22 moment ago that most of these soldiers didn't know how to speak Sango, so the next
23 series of questions I'm not going to ask you about.

24 But you told us also that when you were asked where you came from, you said that
25 you were Sudanese; and you explained that by saying that when a Congolese person

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 speaks Sango, they are easily recognised. And you also explained why -- you are not
2 asked any questions about that either, but the question that I wanted to put to you is:
3 When a Congolese person speaks French, is there still an accent that distinguishes
4 that person in such a way that -- for example, when -- distinguishes that person as
5 being different to when a Central African Republic person speaks French?

6 A. That is correct, because at that time when these people asked me questions
7 concerning my origin - and that was on the Damara road - if unfortunately I had said
8 that I was Congolese, well, they would have said that it was my brothers who had
9 committed the atrocities.

10 Q. Thank you very much, Witness. The fifth series of questions -- and here, too, I
11 won't ask you most of the questions that I had envisaged, I would just ask you in your
12 opinion on what date did the first troops of Bemba come to the Central African
13 Republic?

14 A. Thank you very much, Counsel. I have testified here that they came twice.
15 The first time I wasn't present. They spent two weeks. I wasn't even in Bangui, but
16 I heard people speak about that. Now, the second time, (Redacted)
17 (Redacted) it was there that I found out, and I think that
18 it must have been the tenth month or the month of November.

19 Q. Thank you very much. You also spoke about a dispute there was with regards
20 to these 40 cotton bales which had been embezzled, and you said that Atandele called
21 Bemba on this subject, and the reference is CAR-OTP-0043-0270, paragraph 7. And
22 my question is as follows: Was it the case that Jean-Pierre Bemba had ordered that
23 these cotton bales be provided back to the owners who had had them pillaged from
24 them?

25 A. Thank you. It is true (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted)

2 I don't know what he said.

3 THE INTERPRETER: If the interpreter has understood well.

4 THE WITNESS: (Interpretation) It was just the statement of Kamisi, which said

5 that "We came to liberate the country, and the few objects that we found we want to

6 recover them. Our soldiers are dead." And, Counsel, (Redacted)

7 He had with him these soldiers, the MLC police, as well as the Prosecutor, and they

8 withdrew and Kamisi kept the cotton bales (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me just a -- I think

11 there was a mistake in the reference, because what I have here is CAR-OTP-0043-0290,

12 paragraph 7; is that correct?

13 MR ZARAMBAUD: (No interpretation)

14 THE INTERPRETER: Microphone.

15 MR ZARAMBAUD: (Interpretation) Yes, it is indeed 290. Thank you very much,

16 your Honour.

17 Q. I'm not going to ask you questions with regards to Mongoumba, I'd envisaged

18 that, but I will rather ask you a question with regards to the reference

19 CAR-OTP-0043-0293, paragraph 13, and you stated that it was Bemba who gave the

20 orders and Mustapha just executed the orders. Now, my question is whether -- or at

21 least the question which I'd envisaged putting was if you would confirm that, but I

22 wanted also to know if there was just Mustapha who had orders given to him, or

23 there were other Central African soldiers or Congolese soldiers?

24 A. I think I stated here that Mustapha had been sent by Jean-Pierre Bemba, and if

25 there was emergencies or any kind of needs which occurred in the field then the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 instructions could only come from Jean-Pierre Bemba. Yesterday I refused to give
2 the name of the Central African officers. Today I will give them a name, and I will
3 speak about Colonel Mazi.

4 THE INTERPRETER: General Mazi, corrects the interpreter.

5 THE WITNESS: (Interpretation) But why? Why did General Mazi or why didn't
6 General Mazi speak to Jean-Pierre Bemba? General Mazi (Redacted) He
7 is working even now with the government, but I never saw him speak to Jean-Pierre
8 Bemba.

9 MR ZARAMBAUD: (Interpretation) Your Honour, you indicated that we would
10 stop at 12.45 and I can see that it is already 12.46. If I am correct, I have used
11 15 minutes. I think that I would have another ten minutes and I will give the rest to
12 my sister. Thank you.

13 PRESIDING JUDGE STEINER: Maître Zarambaud, you will have the ten or how
14 many minutes you want, but we have to suspend now for our lunch break. So you
15 have to continue after the lunch break in any case, because we need to give the break
16 to our interpreters.

17 Mr Witness, we'll have now our lunch break. You can have lunch, take some rest.

18 We will continue in the afternoon. The legal representatives will have their time to
19 question you, but we hope that in the meantime you can take some rest.

20 Although we are suspending 15 minutes later, we will resume as always at 2.30 in this
21 very same courtroom. I ask, please, the court usher to accompany the witness
22 outside the courtroom.

23 (The witness stands down)

24 PRESIDING JUDGE STEINER: Just for the correction of the transcript, we are
25 suspending 15 minutes earlier, not later.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 THE COURT OFFICER: All rise.

2 (Recess taken at 12.48 p.m.)

3 *(Upon resuming in closed session at 2.37 p.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: Good afternoon. Welcome back the parties and
6 participants. We will continue with the questioning of Witness 169 by legal
7 representatives of victims, and I ask, please, the court usher to bring the witness in.
8 (The witness enters the courtroom)

9 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.

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

11 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with
12 your testimony?

13 THE WITNESS: (Interpretation) Thank you. I am ready to continue with my
14 testimony.

15 PRESIDING JUDGE STEINER: Thank you very much. Maître Zarambaud, you
16 have the floor.

17 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour.

18 Q. Welcome back, Witness.

19 A. Thank you.

20 Q. Witness, as you've been able to follow, our time is counted and we've got a
21 maximum of 10 to 15 minutes available for us and that doesn't depend on me but
22 actually it depends on you as well. So I would wish that you can answer the
23 questions with the most concision possible. Now, I asked you, before the break I
24 asked you a question as to whether there were Central African soldiers alongside
25 Bemba's troops and you answered that there was General Mazi which -- what I

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 wanted to know is not only one individual but were there troops, Central African
2 army troops, the FACA, who were fighting alongside Jean-Pierre Bemba's troops; at
3 least to your knowledge is this the case?

4 A. I didn't see Central African soldiers; there were only the MLC soldiers who
5 were fighting.

6 Q. Thank you very much. My question, my next question, relates to the
7 expression "yaka awa" which was used in order to call to a young girl in the
8 Bossangoa market. That's something you've already mentioned. We won't go
9 further into that matter. I would now like to go on to the next question which is as
10 follows, and the reference is CAR-OTP-0043-0298, paragraph 4. Now, you
11 mentioned that every week a helicopter came to take the money that was given by
12 Patassé to take it to Bemba. Could you describe briefly these helicopters?

13 A. Thank you. Where it concerns the helicopter, I spoke about Luvunangiza (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)

17 Q. Thank you. Now, where it concerns the pillaging and rapes, you stated, and
18 here I quote you, "Well, everything that happened here Bemba was aware of." And
19 the reference to that is CAR-OTP-0043-0301, paragraphs 9 and 11. Do you confirm
20 this statement?

21 A. Yes, the soldiers perpetrated these atrocities. They weren't punished. How
22 could I support that? These soldiers went with pillaged goods. They called
23 Mustapha and they asked him a question about that and he answered that the
24 soldiers were going back with the goods. What does that mean exactly? Well,
25 (Redacted) he didn't react. And this means that he was aware of it.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Thank you, Witness. There's a long quote in your statement where it concerns
2 the Banyamulengue -- the term "Banyamulengue," but given the time that we have
3 available, I'm not going to read it to you, I'm not going to read this extract. I'll just
4 ask you a question, namely, about the name "Banyamulengue" given by the Central
5 Africans to Bemba's troops. This name, is it appropriate and why is such a name
6 used for them?

7 A. Thank you, Counsel. The name "Banyamulengue" is something I've already
8 spoken about here in this courtroom. The term "Banyamulengue," this should refer
9 to the Tutsi who were born in the DRC -- who are born in the DRC. It is these
10 people who are -- should be called the Banyamulengue. They live in the east of the
11 DRC. This was a war-like people because they had also fought during the Rwandan
12 war, as well.

13 Now, during these events, they got as far as us with the FDL troops and we referred
14 to them as "Banyamulengue" and that is how, in the Central African Republic, the
15 population called all the MLC soldiers "the Banyamulengue" while, in fact, the
16 Banyamulengue are natives of an ethnic -- a specific ethnic group.

17 Q. Thank you very much for this clarification, Witness. My next question relates
18 to the bodies that you saw in Bossangoa, but I think that you gave an answer which
19 was clear in that regard so I'm not going to focus on that. I would, therefore, like to
20 ask you another question referring to your statement CAR-OTP-0043-0327, paragraph
21 4, and the question, "What was the reaction of the chiefs when they were reported
22 cases of rape?" And you answered to that, "They whipped the soldiers and they
23 were put into prison for a couple of days and then they were freed." And my
24 question is quite simple: Could you confirm, or deny, this statement?

25 A. I confirm this statement.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Thank you very much. You spoke about Yves' soldiers who arrived from
2 Basankusu on a plane, a Transal plane, and according to you, they were sent by
3 Patassé. At this time was the Central African Republic -- or did it have a C-130
4 aircraft like that at this time, to your knowledge?

5 A. I'm not able to speak with precision on this subject but all that I can tell you is
6 that they came to Bangui airport -- Bangui M'Poko airport with Transal. I can't tell
7 you if the Transal in question belonged to Patassé or Jean-Pierre Bemba. I'm not able
8 to confirm that here, but what is true is that they came by plane to Bangui M'Poko
9 airport and it was a 730, not 130 aircraft.

10 Q. Thank you very much, Witness. You spoke about Jean-Denis, who was
11 whipped to death in PK12, and you added also that the women came to piss on his
12 body. And the two last figures, 0043-0037, last paragraph. Who arrested and
13 whipped Jean-Denis?

14 A. Jean-Denis was the -- Mustapha's driver. He was a liar, a soldier. He was
15 undisciplined and he was a person, a civilian who was dressed in military uniform.
16 He loved sleeping with the wives of soldiers. I remember that he had been
17 reprimanded one day (Redacted) and that hadn't changed anything. He
18 behaved himself as if he was the chief, and at the PK12 checkpoint he could shout at
19 the soldiers. He did everything that came to mind.
20 At the time they withdrew, I don't know whether it went well, had he forgotten
21 something, but he came back to PK12 -- oh, now I remember. And it was a vehicle, a
22 white vehicle, and he was on board this vehicle. And he had gone to PK12 and his
23 driver had started the car and left, abandoning it behind him, and that is how he was
24 beaten up. And the women were pissing on his head. He was -- he knew the place
25 well, where he had been buried, and this was in front of the brigade of the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 gendarmerie of PK12.

2 Q. Witness, just to -- I'd just ask you a question, as the last question, but you said
3 when you spoke about the vehicle of the Moroccan which had been pillaged by
4 Bemba's troops, you stated, and here I quote you, that "Bemba wanted to -- " or, that
5 "Mustapha had taken this vehicle from the embassy but that Bemba had
6 driven -- taken the vehicle and driven with it." And you spoke about the vehicle of
7 Mongoumba which has been transferred to Gbadolite under the instructions of
8 Bemba and you had also said that it was Bemba who was driving them. And the
9 reference to that, at least the first reference, is OTP-0043-0342, first paragraph, and
10 CAR-OTP-0043-0342, 2 and 10. And with regards to the vehicles of Mongoumba
11 and the vehicle of the Embassy of Morocco, I would just like to ask you a question if
12 you would confirm, or deny, your statement in this regard.

13 A. I confirm that. (Redacted)

14 It is true what I've said to you; this is something that I confirm.

15 MR ZARAMBAUD: (Interpretation) Thank you very much, Witness. Your Honour,
16 the 15 minutes or the 30 minutes are finished and I've also finished. I'd like to thank
17 you very much.

18 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. Now
19 I'll give the floor to Maître Douzima.

20 Mr Witness, Maître Douzima-Lawson is a legal representative of victims in this case
21 and she was authorised as well to put some questions to you.

22 Maître Douzima, you have the floor.

23 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, your Honour.

24 First of all, I would like to say that, quite sincerely, 30 minutes is not sufficient in
25 order for me to be able to ask all my questions and I would therefore suggest that, as

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 the Prosecutor hasn't finished the eight hours, I would like to ask for the leave of the
2 Chamber to take advantage of the remaining 25 minutes in order to be able to ask my
3 questions to the witness. I see that -- who says nothing gives consent, so thank you
4 very much.

5 PRESIDING JUDGE STEINER: Maître Douzima, could you please give the
6 Chamber the opportunity to confer?

7 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much.

8 THE INTERPRETER: The interpreter would like to make a correction to the
9 transcript that Jean-Denis was, in fact, stoned to death and not whipped to death.

10 (Trial Chamber confers)

11 PRESIDING JUDGE STEINER: Maître Douzima, the Chamber can have some
12 tolerance, not be too strict, and if need be to extend your time. There's nothing to do
13 with the time allocated to the Prosecution. So we emphasise the need that you be as
14 more concise and objective as possible and let's see, when we come to the right
15 moment, if need be, we can be tolerant with a few more minutes. You can start,
16 please.

17 MS DOUZIMA-LAWSON: (Interpretation) I'd like to thank the Chamber.

18 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

19 Q. Witness, good afternoon. Witness, I would like to ask you some questions
20 with regard to the transcript of the investigation carried out by the Office of the
21 Prosecutor, and I'll also ask you questions with regards to the answers that you gave
22 to the Prosecutor at the hearing.

23 Let me begin first with one of the answers that you gave to the Prosecutor, or rather
24 to the representative of the Prosecutor. CAR-OTP-0043-0286, speaking to the
25 Prosecutor's investigators you said that there were a number of objects that had been

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 looted and Mustapha sent them to -- (Redacted)

2 (Redacted)

3 A. Thank you. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. When you say, Witness, that (Redacted) used vehicles, exactly how did (Redacted)
10 go about this? How did the vehicles get across the river?

11 A. The car was a Pajero Galloper. This was the car that Mustapha used and this is
12 what (Redacted) took across the river the last time, but the first time (Redacted) used
13 a canoe, but nobody could speak. These goods belonged to soldiers and, furthermore,
14 they belonged to Mustapha in particular. The children who helped (Redacted) to get
15 them across, well, they were given money so as to keep their families and no person's
16 formalities were fulfilled before (Redacted) went across.

17 Q. Witness, you also stated -- and I'm talking here about your statement yesterday,
18 the transcript page 59, line 20 to 26. You said that, "Mustapha crossed with his
19 vehicle, carrying looted goods. Kamisi did the same thing with his own car, which
20 was a Nissan four-by-four. Yves did the same with his car and Sege did too. He
21 crossed with his car. Mbuta Likaso -- they took the musical instruments at Bozoum
22 and crossed with them." Now, did they cross the river with all these belongings in
23 the same way, all of them?

24 A. Thank you. Well, that was much later on. All the people that you have just
25 quoted -- well, in the case of Mustapha, this happened much earlier on. I said that

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 this happened on two or three occasions, but for the others this happened when the
2 retreat - when the withdrawal - was going on. They withdrew, taking with them
3 looted goods.

4 Q. And in this respect, Witness, I want to know how they were able to cross with
5 all those goods. How did they go across?

6 A. That was at the -- at Port Beach. There was a ferry there. It was organised by
7 the Central African government so as to facilitate the crossing over from both sides.
8 Now the ferry is no longer working, but during those events the ferry was able to
9 carry two vehicles at once across the river.

10 Q. Witness - and I'm talking about the transcript dated 1 July, last Friday, page 45,
11 lines 19 to 20 - you said that you later learned that the bishop's vehicle that was taken
12 in Mongoumba was brought to Gbadolite. So my first question is where did you get
13 this information from?

14 A. Well, this information was verified. Why do I say that? (Redacted)

15 (Redacted)

16 (Redacted) and personally I went there and I

17 heard about that and I got information in this regard. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. And did they tell you how they were carried across?

21 THE INTERPRETER: Interpreter's correction, "... how they were carried?"

22 THE WITNESS: (Interpretation) How were these vehicles taken to Gbadolite? Well,
23 when I got to Libenge I was told that the vehicles had been taken across on rafts, rafts
24 or canoes that were assembled together, and the vehicles were placed on them.

25 Vehicles were taken to Libenge and then they were unloaded, but when they were

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 unloaded I wasn't there, I wasn't present, but I heard about this and I truly do believe
2 that version.

3 Q. Thank you. Let me go back to your statements made to the investigator. At
4 CAR-OTP-0043-0287, you said, Mr Witness, (Redacted)
5 (Redacted)

6 (Redacted) Can you tell us where Mustapha was
7 staying in PK12?

8 A. Thank you. Counsel, I think that you yourself might be able to know that
9 yourself. You reach Begoua, the little market at PK12, you take the road that goes to
10 Boali, you see the football field on your left and next to that, when you turn left again,
11 you see a house which is just behind the posts. They -- the poles. That house
12 belongs to somebody I don't know and that was the house that Mustapha occupied.

13 Q. Now, that house, is it on the road to Boali, or the road to Damara?

14 A. I said that it is on the road to Boali, not the road to Damara, because I am very
15 familiar with this place.

16 Q. And his driver, what nationality was he?

17 A. He was Congolese. He was Congolese from the DRC. Jean-Denis. He was
18 Jean-Denis.

19 Q. Witness, during the investigation, reference 00290, you stated that Mustapha
20 went to Damara with his partner. When did he go to Damara with his partner?

21 A. His partner was herself a soldier, Mrs Passy. She was stocky. She was -- well,
22 the wife of an officer follows her husband. Sometimes she would be sent to Bangui
23 to make purchases. She would be accompanied by a number of soldiers.

24 Q. My question, Witness, is when -- when he went to Damara, or when they went
25 to Damara?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. I began to go to Damara towards the month of December 2002. I think that
2 (Redacted) at Damara, together with Mustapha and
3 his wife.

4 Q. Do you know what he went to do in December in Damara?

5 A. Do you mean his wife?

6 Q. I'm talking about Mustapha.

7 A. Well, he was engaged in an operation. He was there to -- to inspect the
8 soldiers who were there at Sibut. He wanted to find out what was going on on the
9 ground as regarded the needs and other military considerations.

10 Q. On that, on the same page, Witness, you also said that Atandele called Bemba
11 and spoke to him about the fact that things were going on, that Kamisi had looted
12 cotton and killed Congolese people and that this was dangerous for the MLC. Do
13 you confirm that?

14 A. I can confirm that. Yes, indeed, that is what I stated. He stole five bales of
15 cotton and in his mind he was going to keep them, so he made up some excuses.
16 Nonetheless, he was not able to keep those bales of cotton. They were returned to
17 Kamisi.

18 Q. On page 00292 the question was how you were able to learn about what
19 happened to Sengue's men that started out from PK12 and then you saw them at
20 Bossangoa via Boali and Bossembélé. How were you able to gain knowledge about
21 their -- the route they took?

22 A. (Redacted)

23 (Redacted)

24 (Redacted) And that is what enabled me to find out.

25 Q. Thank you, Witness. During yesterday's hearing, transcript in real-time page

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 13, lines 25 to 26, you said that you went to Bossembélé on two occasions and you
2 (Redacted) Can you tell us on those two occasions when you went to
3 Bossembélé what the atmosphere there was like?

4 A. Thank you. Well, the inhabitants there, well, they were not visible. All you
5 saw was soldiers. Lower down there were Central African soldiers, policemen if I
6 recollect. I believe the gendarmerie was there. When you leave the intersection
7 where Mustapha had set up his base, and that you go along the road that goes to
8 Yaloke, there is a stream. I went to the stream and I bathed in that stream at least
9 twice and I saw there policemen and gendarmes who came from the other side of the
10 stream, from towards the marketplace, and those gendarmes were walking around.

11 Q. Witness, once again on that same page, page 13, lines 9 to 11, you said that
12 (Redacted) Mustapha with a small child, to whom the
13 name Moses was given. Where did this child come from?

14 A. Thank you very much, Counsel. This child -- no, that wasn't on the road to
15 Bossembélé, it was on the road to Damara. That was what I stated. Well, that
16 being said, when the attack took place, the attack on Damara, they took over the city
17 of Damara, and there were soldiers there. The child's parents had fled and left this
18 child behind. He found this child and asked why, and explanations were given to
19 him and (Redacted) he had given him
20 the name Moses. He was wearing a military uniform and, in fact, he crossed over
21 with this child. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Do you know when Mustapha withdrew from Bossembélé?

25 A. I believe he withdrew before the 7th, if I recollect correctly. I think it was

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 before the 7th because those who were in Bossangoa withdrew on the 8th and he
2 wasn't with them. Yves was the first person to withdraw and he wasn't with him
3 either. So I believe that he was the one who withdrew on the 6th. Of course, I'm
4 talking about the month of March.

5 Q. Witness, let me come back to the investigation, page 292 -- 294. You said that
6 when Mustapha had finished his call, his communication (Redacted)
7 (Redacted) I'm sorry if I don't pronounce this properly, which means (Redacted)
8 (Redacted) or, rather,
9 my question is this: (Redacted) what language is that?

10 A. I'm sorry, Counsel, perhaps you could rephrase your question because I'm not
11 sure that I understood you properly.

12 Q. Yes, Witness, I will repeat that. It is indeed my fault. You stated to the
13 investigators that Mustapha, when he ended his conversation (Redacted)
14 (Redacted)
15 which means (Redacted) And the question is: (Redacted) what
16 language is this?

17 A. I understand now. This was about (Redacted)
18 (Redacted) and it was after he had had a conversation (Redacted) and he
19 said (Redacted) as in French, (Redacted) means (Redacted)
20 (Redacted)

21 Q. You also said that he called (Redacted)
22 (Redacted) Do you know what (Redacted)
23 meant?

24 A. Counsel, you are in a position to understand French. The word (Redacted)
25 means (Redacted) and that is what Mustapha said, (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. Witness, let me just remind you that what you are saying is not for me
3 personally, it's for the benefit of the whole Chamber. So I am asking you the
4 question in their language since you were with them all the time, in their terminology.
5 Of course I know what to (Redacted) but what does it mean in
6 the context of a town? How do you (Redacted)

7 PRESIDING JUDGE STEINER: Maître Liriss.

8 MR LIRISS: (Interpretation) I think Mustapha should be asked this question, rather
9 than the Witness.

10 PRESIDING JUDGE STEINER: I agree with Maître Liriss, that this is speculative,
11 what he meant by (Redacted) I would prefer Maître Douzima to go
12 ahead with her questions, just reminding Maître Douzima that you are already in the
13 tolerance period.

14 MS DOUZIMA-LAWSON: (Interpretation) Yes, I understand, Madam President.

15 Q. Witness, I now am coming to another statement you made during the
16 investigation. You said that what you saw at Bossangoa was atrocious, and when
17 you returned, you learned about what happened at Mongoumba. I'm not going to
18 go back to what you saw that was atrocious in Bossangoa; you gave us plentiful
19 explanations about that. You spoke about the Central African soldiers who were
20 arrested at Mongoumba by Kamisi. What did Kamisi's men do with those Central
21 African soldiers that were arrested?

22 A. I was not present. This information was simply provided to me. I was told
23 that they were beaten up and then released.

24 Q. Mr Witness, during the hearing of 1 July, real-time transcript, page 50, lines 24
25 to 27, you stated that MLC soldiers committed a lot of atrocities; namely, rapes,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 looting, and that mention - frequent mention - was made of this over the radio.

2 Which radio, Mr Witness, talked about the atrocities committed by the MLC?

3 A. Counsel, everyone was aware of the situation. This was reported by the
4 Central African radio.

5 Q. What about the print media? What about the newspapers, did they report it as
6 well?

7 A. Yes. The newspaper called Hironnelle wrote articles about cases of looting;
8 that is, property looted and transported in vehicles. There was the newspaper
9 Hironnelle and there was also the newspaper called Citoyen that reported on this.
10 They even had cartoons on these events.

11 Q. Mr Witness, reference 0313, you said the battalion of Sege spent a lot of time in
12 Bossangoa. That's what you said to the investigators. How much time did that
13 battalion spend in Bossangoa, approximately?

14 A. They went to Bossangoa in the month of February. I did not keep a tally of the
15 number of days they spent there. (Redacted)
16 (Redacted)
17 (Redacted)

18 Q. The helicopter that transported René's dead body to Zongo, where did it come
19 from?

20 A. The helicopter came from Bangui.

21 Q. On the day Sengue's men pushed on all the way to Bossangoa, they killed a
22 large number of civilians and committed a lot of rapes. At that point in time, where
23 were Bozizé's rebels?

24 A. Bozizé's rebels were not in Bossangoa. I do remember that Richard, who was a
25 commander or a captain, was sent on mission to sweep up an area 45 kilometres

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 away. (Redacted)

2 (Redacted)

3 Q. Mr Witness, on page 0316 you stated that MLC soldiers killed civilians in

4 Bossangoa because they considered them to be accomplices of the rebels. Were you

5 told that it was for this same reason that they committed the rapes they committed?

6 A. Well, the children, before they took the road leading to the market, well, I asked

7 them a question about the imam and they told me that the imam was an accomplice

8 because he did not want the civilian population to be killed. This was because some

9 of the persons killed were considered as accomplices. People asked why they did

10 not flee, why they remained in the town. I asked the question about the imam and

11 that's the answer they provided to me.

12 Q. Mr Witness, under page 0305 you said Bemba accepted or granted everything

13 that Mustapha asked him. Why?

14 A. I do acknowledge that I said this. You know, some of the events that took

15 place there, some of the crimes that were committed, the perpetrators were not

16 punished. What does that mean? It means that Bemba lent a willing ear to what

17 they said.

18 Q. Mr Witness, I would like to revisit a statement which you made - I think the

19 Prosecutor touched on that a short while ago - and this is on page 0319. In answer to

20 the Prosecutor's question this morning, you said that you cooperated with the Court

21 because you wanted to help to establish the truth; reference page 26, line 18 -- or,

22 rather, lines 10 to 12. To the investigators, and this is page 319, you stated that you

23 were cooperating because you had received money, that you went to collect

24 information on the MLC for the benefit of the government of Kinshasa. Is this not

25 also the case with the Office of the Prosecutor, to which you provided information

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 about the events that took place in the Central African Republic?

2 PRESIDING JUDGE STEINER: Maître Douzima, could you please rephrase your
3 question? Maybe we have a translation problem, because it appears that you are
4 asking whether he received money from the Office of the Prosecution to give his
5 statement.

6 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, this is question number
7 20.

8 PRESIDING JUDGE STEINER: Could you at least explain what you meant by your
9 question, Maître Douzima?

10 MS DOUZIMA-LAWSON: (Interpretation) The question is the following: In his
11 statement he says that he provided information on the MLC to the government of
12 Kinshasa and that this was because he had received money. And so my question to
13 him is: Does the same situation apply to the OTP; that is, the Office of the
14 Prosecutor of the International Criminal Court?

15 PRESIDING JUDGE STEINER: I think the question is highly offensive but, in any
16 case, the witness -- if the witness wants, he can answer; unless, again, I
17 misunderstood the meaning of the question.

18 THE WITNESS: (Interpretation) Thank you, your Honour. I will answer that
19 question. What happened? If I went there, it is because this was reported over the
20 radio. Secondly, everything was recorded. And I was a victim, my property was
21 destroyed. My sisters, as well, were killed. And that is why I put the question to
22 the investigator who, in response, told me that they had come to carry out
23 investigations into the events that had taken place there. Nobody gave me money.

24 PRESIDING JUDGE STEINER: Are you happy with the answer, Maître Douzima?
25 It appears that you are cross-examining the witness.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 MS DOUZIMA-LAWSON: (Interpretation) No, your Honour, of course I knew that
2 he received nothing from the Prosecutor. I just simply wished to get confirmation
3 and I was putting the question to him for the benefit of the Bench.

4 Q. Mr Witness, during this morning's hearing, real-time transcript page 10, lines 1
5 to 19, of the real-time transcript, the Prosecutor asked you a question about a certain
6 piece of information, and that is a statement, and I quote, "Papa Bemba asked us to
7 come and apply Article 15." In your answer, you said, "Article 15 meant to take care
8 of ourselves, to manage as best we could."

9 Mr Witness, you are going to say -- the word you used in French "débrouiller," well,
10 it's a French word, and in the interests of the truth, if I can speak in that manner, you
11 said this term "débrouiller" is a term which is frequently used by the Congolese.

12 Now, my question to you is the following: Within the context of that Article, what
13 does that term mean "débrouiller?" What does it entail, precisely?

14 A. Counsel, I do not understand what you mean exactly. Could you please repeat
15 the question? I know what Article 15 is all about, but when you ask a Congolese
16 national, "What are you doing here?", he will say, "I'm looking for Article 15," which
17 means, "I am struggling to survive." That was my understanding and the answer
18 I can give in response to your question. If you are not satisfied with that answer,
19 please you can ask follow-up questions.

20 Q. I have understood your answer. In French, when we say, "C'est débrouiller," it
21 means you are struggling to survive. It means to struggle to survive. Mr Witness,
22 on page 0349, whilst you were talking about the old woman you saw in Damara who
23 was raped by six MLC soldiers, well, could you give us the age of this old woman,
24 approximately?

25 A. She was not --

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 THE INTERPRETER: Well, correction of the interpreter, "not an old woman."

2 THE WITNESS: (Interpretation) I think she was about 20 years old. I referred to
3 her as "mama," because that's a term of respect for an elderly woman. I cannot guess
4 her age.

5 MS DOUZIMA-LAWSON: (Interpretation)

6 Q. Mr Witness, on page 053, you said that Jean-Pierre Bemba's soldiers could easily
7 be identified because they spoke Lingala and not Sango. You are Congolese. How
8 can you distinguish a Central African national, who speaks Lingala, from an MLC
9 soldier?

10 A. Most MLC soldiers did not speak Sango, they did not even understand French,
11 and when you heard them speak you could easily tell that they were foreigners. In
12 my opinion, when I went to buy cassava I used to see them and I saw them make a
13 mockery of this woman. I asked them, "What is wrong?", and one of them
14 understood from my manner of speaking that I was not a Central African and so he
15 asked me who I was and I answered saying I was Sudanese. And he said, "Oh, is
16 that the case? But -- so why did you say what you said?" I know that if I had told
17 him that I was Congolese, he would have said there, "You know, your brothers came
18 here and they did such-and-such a thing." When I told him that I was Sudanese he
19 responded by saying, "Oh, you do not know what happened here? The lady we
20 were making a mockery of was raped by Banyamulengue soldiers and her husband
21 turned her out for that reason." I did not wish to continue the discussion. Hence, I
22 decided to keep quiet.

23 Q. Witness, page 354, in answer to the question about how the population was able
24 to tell that those who were wearing uniforms were not FACA soldiers, who were
25 wearing uniforms on which was written "FACA," because you said MLC soldiers

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 were wearing the same uniforms, you answered saying that, "Anyone who has lived
2 in the Central African Republic know the FACAs from their behaviour." Could you
3 explain the difference in behaviour between FACAs and MLC soldiers?

4 A. On that point, you know, each person knows the way people from his or her
5 country behave. If you go to the downtown area and you see a Congolese go by,
6 you will know that the person is Congolese from his or her manner of walking.
7 Maybe I do not fully understand your question, but if you are not satisfied with my
8 answer you could rephrase the question.

9 Q. I have fully understood you, Mr Witness. I do hope that the Bench has
10 understood you as well.

11 I would like to move on to reference 370. You said that people from Jean-Pierre
12 Bemba's ethnic group crossed over to go and vote for him, because Bozizé had
13 opened the border for the Congolese to go and vote in Zongo. Where is Zongo
14 located in relation to the Central African Republic?

15 A. Thank you very much. I, too, voted for him. Despite all of what happened I
16 voted for him and I voted for one of his MP's in Zongo, but what happened? It was
17 at the request of the Government of Congo. That government requested that all
18 Congolese nationals should cross over to go and vote. The ambassador of the DRC
19 equally crossed over. Embassy staff as well crossed over. That was the stronghold
20 of Mr Jean-Pierre Bemba. During the electoral campaign, he was saying he was the
21 son of the fatherland and that he had to be elected. Even shoe-shiners crossed over
22 to go and vote and, if that was the case, who was I not to cross over to vote for him in
23 Gemena? Those were his supporters. Everyone voted for him. Even I voted for
24 him. I also voted for one of his members of parliament by the name of Nyasia (phon)
25 Vicky.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 THE INTERPRETER: If the Sango interpreters got the name correctly.

2 MS DOUZIMA-LAWSON: (Interpretation)

3 Q. My question to you is where is Zongo located in comparison to or in relation to
4 Bangui, or rather in what part of the Central African Republic is Zongo located?

5 A. To go to Zongo, you have to cross the river. It is a town located directly
6 opposite the city of Bangui, on the other side, and the crossing point is the Beach Port
7 which is located close to the French embassy in Bangui.

8 Q. Could you please give us an idea of the distance separating Zongo from
9 Bangui?

10 A. From the Beach Port to Zongo the distance could be about 800 metres, that is
11 crossing the river, but there are certain points from which the distance is shorter and
12 from such points the distance could be about 500 metres. You know, we are talking
13 about a river and the width of the river - the breadth of the river - could be wider in
14 certain areas and narrower in others.

15 Q. Mr Witness --

16 PRESIDING JUDGE STEINER: Maître Douzima, I hope it's your last question. We
17 need to adjourn.

18 MS DOUZIMA-LAWSON: (Interpretation) Does that mean that the tolerance of the
19 Bench comes to an end today, or would -- does it extend to tomorrow, your Honour?

20 PRESIDING JUDGE STEINER: Maître Douzima, the legal representatives were
21 granted until now 36 additional minutes. That's why I'm telling you that this is your
22 last question. Tomorrow the Defence will start with its questioning.

23 MS DOUZIMA-LAWSON: (Interpretation) I do understand, your Honour, and I
24 will put my last question to the witness.

25 Q. Mr Witness, during yesterday's hearing, the real-time transcript page 39, lines 7

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 to 12, you stated that you saw certain Central African nationals moving towards the
2 residence of Mr Ange-Félix Patassé in order to loot his house, to pillage his house, on
3 15 March. 15 March of which year, Mr Witness?

4 A. It was 15 March 2003, the day President Bozizé seized power.

5 Q. Do you know why these Central African nationals decided to go and pillage the
6 home of Ange-Félix Patassé on that particular day, 15 March 2003?

7 A. No, I do not know why. Maybe they were angry; that's the answer I can give
8 you.

9 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I wish to thank the
10 Chamber for the tolerance shown. Mr Witness, thank you. Your Honour, that's the
11 end of our examination.

12 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. You were
13 granted by the Bench even more than the time left by the Prosecution.

14 Mr Witness, we are going to adjourn for today. You now will have the opportunity
15 to rest because we will continue tomorrow morning when Defence will start

16 questioning you. So we thank you very much. We wish you a very restful night.

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

20 We will adjourn and resume tomorrow morning at 9.30 in Courtroom 2. I ask please,
21 court usher, to accompany the witness outside the courtroom and, as soon as he
22 leaves the room, we will therefore adjourn.

23 THE WITNESS: (Interpretation) Thank you very much, your Honour.

24 (The witness stands down)

25 THE COURT OFFICER: All rise.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

- 1 *(The hearing ends in closed session at 4.02 p.m) Reclassified as open session
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038 and its instructions in the email dated 9 May 2014, the version
- 5 of the transcript with its redactions becomes Public.