

Trial Hearing
Witness: CAR-OTP-PPPP-0173

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Monday, 29 August 2011

8 (The hearing starts in open session at 9.41 a.m.)

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

10 Please be seated.

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

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

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and welcome,
18 the Prosecution team, legal representatives of victims, the Defence team, Mr Jean-Pierre
19 Bemba Gombo. Good morning to our interpreters, court reporters.

20 We will continue today with the question of Witness 173 by the Defence, and I believe
21 Defence will conclude its questioning today. And for that purpose I ask, please, court
22 officer to turn briefly into closed session in order for the witness to be brought into the
23 courtroom.

24 (Closed session at 9.44 a.m.) * Reclassified as Open session

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

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- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0173 (On former oath)
- 3 (The witness speaks French)
- 4 PRESIDING JUDGE STEINER: Can we turn into open session, please.
- 5 (Open session at 9.45 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
- 8 THE WITNESS: (Interpretation) Good morning, Madam President.
- 9 PRESIDING JUDGE STEINER: I hope you had the opportunity to rest during the
- 10 weekend.
- 11 THE WITNESS: (Interpretation) Yes.
- 12 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving your
- 13 testimony before this Chamber?
- 14 THE WITNESS: (Interpretation) Yes, I feel well.
- 15 PRESIDING JUDGE STEINER: Mr Witness, I have to remind you that you are still under
- 16 oath; you understand that?
- 17 THE WITNESS: (Interpretation) Yes, Madam President.
- 18 PRESIDING JUDGE STEINER: I also want to remind you that you are under protective
- 19 measures; that your image and voice broadcast outside the courtroom are being distorted
- 20 so that the public cannot identify you. In order to ensure that protection, it's important
- 21 that you don't give, during public sessions, any information that could lead to your
- 22 identification. We should use the codes we have already established and, if need be, we
- 23 go into private sessions. Is that fine with you, sir?
- 24 THE WITNESS: (Interpretation) That is fine with me.
- 25 PRESIDING JUDGE STEINER: And finally, Mr Witness, again, the Chamber wants you

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1 to let us know if you feel tired, distressed or need a break for any reason, and we can
2 anticipate the break in order for you to take some rest. Can I -- can we start, then, with
3 your testimony?

4 THE WITNESS: (Interpretation) Yes, Madam President, we can proceed.

5 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.

6 MR KILOLO: (Interpretation) Thank you, Madam President, for giving me the floor.

7 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

8 Q. Mr Witness, good morning.

9 A. Good morning, Counsel.

10 Q. We shall continue your questioning, and I believe that we should conclude the
11 questioning some time today. I am going to suggest that at this point you and the
12 Chamber and all other parties view a video which was filmed in Sibut. We will play
13 segments of the video, to be followed by a few brief questions after each segment. Allow
14 me, first of all, to mention that a journalist from Radio France Internationale RFI,
15 Mr Gabriel Kahn, will be seen on the video and he was present as a journalist when that
16 video was being shot. I also want to --

17 PRESIDING JUDGE STEINER: Sorry to interrupt you, but I need to ask the Defence the
18 reason for the late filing or the addition of this document to the Defence list of evidence.
19 It's not in accordance with the previous rulings of this Chamber and I would like to know
20 whether Defence would have any reason for not having added this piece of evidence in its
21 list.

22 MR KILOLO: (Interpretation) Madam President, if I'm not mistaken, it is the fifth
23 document on the list of Defence documents, which was filed in a timely manner.

24 PRESIDING JUDGE STEINER: I apologise. You can proceed, please.

25 MR KILOLO: (Interpretation) I would now like to ask the court officer to kindly play

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1 one of the segments of the fifth document of the list of Defence documents. That
2 segment is part of the evidence filed by Defence under document CAR-DEF-001-0832, and
3 the same document also has been filed as evidence, or produced by evidence, as the OTP
4 under CAR-OTP-0022-0007. So I'd like to ask the court officer to play the second
5 segment from minute 9 minutes 18 seconds to 11 minutes 49 seconds. Thank you.

6 THE COURT OFFICER: The video will be shown shortly, and I imagine that, as
7 indicated in the list of evidence, this document is public. The video will be shown in a
8 short while and interpretation and transcription is required for these purposes. Thank
9 you.

10 (Video excerpt played)

11 THE INTERPRETER: "This is in Sibut? Yes. How did you get to Sibut?"
12 From the Lingala booth, the volume is not sufficiently clear for interpretation to be
13 conducted properly. The sound is poor. The quality of the sound is poor.
14 "Now, how did you get here as a refugee? I am a refugee and I learned that my brothers
15 were here and I came for that reason. Why are you a refugee? I'm a refugee because
16 Gbado and Zongo are free. Are you a former soldier? No. It was said that imams
17 were killed here. Is that true? No, I did not see any Muslim being killed here. All of
18 that is false because the people of this area do not like the MLC troops. Since I got here, I
19 have not seen any Muslim who was killed. I have seen some Muslims going about in
20 this area, but here in Sibut, those inhabitants do not like the MLC troops. So when I
21 came here, I saw people suffering, and now they are testifying that they were freed by
22 people of the MLC.
23 Now, the children and the adults are thanking God because they were liberated by the
24 MLC. They are applauding them because they are happy. I have seen people who used
25 to suffer but who are now receiving help from the MLC, who are receiving treatment from

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1 the MLC. They have even gone back to the forest to call those who have fled to come
2 back into town. What is your name? My name is Kasanga Asam. Where do you come
3 from? I come from Kivu. You come from very far away. How did you get to this
4 place? Well, I came here because my father was a former soldier and he died here, so we
5 were not able to go back to our home. Where did he die? He died in Bamanda (phon).
6 Thank you."

7 MR KILOLO: (Interpretation)

8 Q. Mr Witness, I have a question for you on this segment of the video which we have
9 just watched. Do you know Mr Kasanga Asam, the imam who was a Congolese refugee
10 in the Central African Republic?

11 A. No, I do not know him.

12 Q. You heard, as we all did, this person who was on the ground in Sibut say that MLC
13 soldiers provided treatment to the ill and to civilians who went to fetch other Central
14 African Republic civilians from the forest to bring them back into town. Now, does that
15 tally with the information that you were able to gather regarding what happened, or may
16 have happened, in Sibut when the MLC soldiers arrived at that location?

17 A. No, he can -- he is only speaking for himself and he alone is responsible for what he
18 said. I have no comment to make about that.

19 MR KILOLO: (Interpretation) I would now like to ask the court officer to screen the
20 third segment of the fifth Defence document, from 12 minutes 1 second to 22 minutes 25
21 seconds. Allow me to point out that we will be listening to the mayor of Sibut on this
22 segment.

23 (Video excerpt played)

24 THE INTERPRETER: "So, how did that happen? Was the town occupied? Yes, the
25 town has been occupied for three months, from the 25th. I went into hiding on the 28th.

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1 The town was occupied on the 25th. So it has been occupied for more than three months
2 now, three-and-a-half months. I -- my life's experience changed. We lived on cassava
3 leaves and what have you, and that is how I have survived so far. I could not go out.
4 My family could not go out. They were seeking to arrest me. They were trying to arrest
5 the mayor, the commissioner and all figures of authority. They wanted our heads, yet
6 they went about in their cars with people's heads and they would dry them out at the
7 mayor's office, those heads, and people came to tell me about it. This frightened me.
8 People told me not to go out. They said, 'Mr Mayor, do not go out, because if you step
9 out you will be executed. You will be killed.' That is why I stayed in the forest for
10 three-and-a-half months.
11 Those heads that they had, were they identified? Yes, they said they were the heads of
12 mayors and commissioners, or local authorities from other towns, and that they displayed
13 those heads publicly in the mayor's office. This is what people told me.
14 How many imams were killed here; Muslims, Chadians and Imam? Well, I went into the
15 bush. Now, I am talking about just recently. Do you have any complaints about that?
16 No, not yet. No such complaint yet. What about Chadians? Do you have any cases of
17 Chadians who have been assassinated? Well, Chadians assassinated? Mainly traders;
18 traders who come to collect their goods and when they are moving the rebels shoot them.
19 They kill them. Who kills them? The rebels, yes.
20 Now, would this have been done by the loyalists forces? Any deaths on their side? No,
21 no, I am not aware of anything of that nature. What about any abuses and excesses, as
22 have been reported over the radio? Well, maybe partially, but maybe not as extensive as
23 has been stated. Not at all.
24 Now, why are you happy now? I am happy because the loyalist forces are here and I feel
25 liberated. I have now come out of the bush. I can receive treatment and life can

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1 continue normally. This is what I want. You can see the people are coming out now,
2 the -- life is returning to normal and we want to sincerely thank our President Ange-Félix
3 Patassé. It is thanks to him and thanks to the loyalist forces that we have been liberated.
4 Over three-and-a-half months, which is about a year come to think of it, these have been
5 very difficult. We have never experienced these kinds of things. They threw us out of
6 our homes. We spent the nights in the bushes, living like animals. My weight used to
7 be -- or rather I am 60 kilograms now, but -- my weight is 60 kgs now. I have lost 20 kgs.
8 I am coming out of the bush. I have been sick.
9 What have I been able to do? Well, nothing. People have not been able to do anything.
10 In fact, we didn't do anything to deserve to be chased away in this manner. We lived in
11 the bushes. We drank dirty water. We have worms and we don't know where to go.
12 They have emptied our hospital, they have taken everything away, so we do not even
13 know where to seek treatment. Now, if a rebel was placed in front of you, what would
14 you do? If I saw any rebel in front of me, I really don't know what I would do to him;
15 whether to eat him up, or I don't even now how I would respond. I don't want to see any
16 rebel. I don't want to see. Why are you asking me that question? No. Why are you
17 talking about that? No, I don't want to see any rebel. It doesn't please me to see a rebel.
18 They have come here and endangered my entire life, the lives of my family, the lives of all
19 my inhabitants. I don't want to see a rebel.
20 Now, have you received any complaints from members of the population against the
21 rebels? Yes, many, many complaints have been filed. Many. How many have you
22 received? Well, traders have complained verbally that -- well, you know, they don't have
23 time to write out any petitions, or complaints. The administrative system has collapsed.
24 Where are they going to file any complaints? Where am I going to sit to deal with those
25 complaints? Where am I going to find room to register those complaints? So all I have

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1 received have been verbal complaints: 'This has been stolen. My wife has been raped,'
2 and so on and so forth. They have created chaos in the whole place.
3 Now, you have said that you are seeking treatment and, after you get treatment, you
4 would calm down enough to gather all those complaints and get to work? Yes, that is
5 exactly what we want to do. We want to go back to work as we usually do. The only
6 problem is that the local inhabitants are devastated. They are all in very bad shape. All
7 our administrative offices have been destroyed.
8 Now, we have lost ten years of work here. This looks like a loss of ten years in terms of
9 justice, the court system, the mayor's office and what have you. No archives.
10 Everything has been destroyed. I don't know how our mayor's office is going to work.
11 I don't know how birth certificates are going to be established. The court records have
12 been destroyed. This is anarchy.
13 Now, among the loyalist troops, Jean-Pierre Bemba's troops were present. Do you know
14 that? Yes, I know. What was the relationship between you and Jean-Pierre
15 Bemba -- President Jean-Pierre Bemba's troops? Well, I had the opportunity to talk
16 yesterday evening with Jean-Pierre Bemba's troops when they were going to the mission
17 over there. I stopped them, I left the house and I met them and I talked with them. We
18 talked for about 15 minutes. I was very happy. I was very happy. I congratulated
19 them. I told them that they had come and liberated us, that they had freed us, and so I
20 encouraged them to finish off their work to drive out those people right back into their
21 homes, right back to Sibut. They are not in their place here. So I was very happy.
22 People are very happy about their arrival and I am very happy about that myself.
23 They are now getting ready to leave the Central African Republic pursuant to the
24 Libreville accords, whereby CEMAC will replace Jean-Pierre Bemba's troops with
25 CEMAC troops. Now that they are going to leave, what is your reaction to that?

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1 Personally I would not like them to leave that quickly, or that soon. I would like them to
2 stay on and guarantee that we are freely -- we are fully liberated before they return to
3 Congo. If they were to leave at this point we will be invaded again for a second time, so I
4 am urging them to close the borders and liberate us entirely. Even if they were to stay
5 here for two years, they will still have to leave and that will not be a problem. They will
6 live among us. We would live together. They would live like us and then they can go,
7 but if they were to leave suddenly that would be a danger for us. It would be a grave
8 danger for us. So I want to congratulate President Ange-Félix Patassé for what has been
9 done.

10 We know that they all have to leave by the 15th, and yet we can still see them here and
11 that is a very good idea. They came to liberate us, but the work is not yet finished and so
12 why should they leave? They should leave only after they have finished the work and
13 done what they came here to do. That is what should take place.

14 The rebels are still here. They are still nearby. If those troops were to withdraw even
15 just by one inch, then we will be invaded again. Where are the rebels? This morning I
16 heard that they are in Gifa. Gifa is how many kilometres away from here? About 50
17 kilometres from here. 50 kilometres from here? Yes, on the way to Dekoua. On the
18 way to Dekoua, about 50 kilometres from here. That is very close to us. That is very
19 close to us. So we cannot sleep peacefully, because we must be attentive to find out
20 whether there is any intelligence coming from that side. So we need them to liberate us
21 freely -- totally before they go.

22 What is your name? Gabriel Bipi-Nitingelo (phon), mayor of Sibut. Thank you, Mr
23 Mayor. Anything else you want to add? I simply want to tell President Ange-Félix
24 Patassé to continue the good work that he is doing for the good of his people. Let him
25 continue to keep the Banyamulengue troops here for a little longer. Are they Congolese

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1 troops, or what do you want to say to them? You want to thank them? Well, I am sorry,
2 I am not a professional in these matters, but I simply want the president to keep those
3 troops here until the work is finished. Thank you. I hope God will protect us. Thank
4 you. Thank you. He has always protected us and we will always be protected by God.
5 Thank you."

6 MR KILOLO: (Interpretation)

7 Q. Witness, we have just been watching a video extract -- excerpt together. It's the
8 mayor of Sibut who was speaking in the video. My first question is as follows: Do you
9 know the person who was the mayor of Sibut at the time of the events we are interested in,
10 Mr Gabriel Mote Bibiringo?

11 A. No.

12 Q. Witness, in the video that we have just watched, the mayor of Sibut stated that the
13 rebels - Bozizé's rebels - occupied the town of Sibut for more than three-and-a-half months.
14 Does this corroborate the information that you were able to obtain with regard to this
15 matter?

16 A. I have already spoken about that in my testimony. I was never in Sibut and I know
17 nothing about Sibut. I confined myself to Damara. The advanced position was at Sibut,
18 but I confined myself to Damara.

19 Q. Witness, I will nevertheless try to pursue this with you and see whether by chance
20 you were able to obtain information - whether perhaps you were able to obtain general
21 information - on what took place in the various towns in Central Africa as things
22 transpired in Sibut, according to what the mayor of Sibut said. He said in particular that,
23 as we have seen, he said that when Bozizé's rebels occupied the town of Sibut they didn't
24 leave because they were afraid of being executed, and Bozizé's rebels tried to catch
25 mayors, commissioners, to get hold of figures of authority and even other local authorities,

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1 in other towns apart from Sibut, said things to that effect. Does this corroborate
2 information that you may have obtained with regard to this subject matter? And I am
3 not only referring to Sibut, I am referring to other towns as well; information you may
4 have had about other towns as well?

5 A. What the so-called mayor said, well, he also spoke about acts of violence committed
6 by MLC troops. I don't know whether you were following this carefully. You should
7 know that the rebels didn't just -- did not ever kill the tradesmen. The mayor confirmed
8 this. He said there were acts of violence that were committed. I really don't have
9 anything else to add.

10 Q. The mayor of Sibut also said that Bozizé's rebels came to collect their good -- the
11 goods of tradesmen, and when they reacted, responded, they would be killed. Does this
12 corroborate the information you may have obtained in the events in Central Africa, in
13 general?

14 A. No, not at all.

15 Q. Witness, the mayor of Sibut also stated that after Sibut had been taken by the loyalist
16 forces, there were no deaths or, rather, no one was killed in Sibut. Does this tally with
17 any information you may have obtained?

18 A. I think I have spoken about Sibut in my testimony. There were acts of violence in
19 Sibut and in Damara, but the mayor himself confirmed that there were partial acts of
20 violence. When he said "partial," I'm not sure what he was referring to.

21 Q. The mayor also said that during the occupation of Sibut by Bozizé's rebels, he made
22 a record of many complaints. There was looting, complaints about rape, "my wife was
23 raped," this was done, that was done. Did you hear anything about cases of rape, looting,
24 committed by Bozizé's rebels, in Sibut, in particular?

25 A. Maître, let me tell you something. Perhaps you weren't in the Central African

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1 Republic. The Bozizé's rebels, they were the children of these tradesmen. When they
2 were killed, well, they fled to the other side, to defend their interests in the CAR. I don't
3 know what they killed, or went to kill their relatives and so on. This is what the mayor
4 was saying, and you know the mayor was also appointed by Patassé. He could never
5 say anything against Patassé's regime. That's quite normal.

6 Q. Witness, I don't need your personal point of view, but just information that you may
7 have had and that may or may not corroborate the information provided by the mayor of
8 Sibut, and my final question with regard to this issue, the mayor of Sibut said that the
9 MLC soldiers, much before the end of the events, were preparing to leave the CAR,
10 pursuant to the agreement signed in Libreville. It's CEMAC that was to replace the MLC
11 soldiers, and this was known in advance, before the end of the events. Does this mean
12 anything to you?

13 A. The MLC troops were driven back by the rebels. They never left of their own free
14 will.

15 Q. Have you heard about the Libreville agreement, according to which the MLC troops
16 were to be replaced by CEMAC troops, and this was to be done -- this was to be done
17 before the end of the events?

18 A. During this period there were some troops at the Bangui-M'Poko airport, but they
19 didn't intervene in military operations.

20 Q. I would like to ask the Registrar to show the fourth video excerpt. We will be
21 hearing the vicar from the Saint Family Parish in Sibut, Mr Mabena (phon) Mathias
22 Yambassa. It starts at 22 minutes, 26 seconds, up to 27 minutes, 29 seconds. Thank you.
23 (Video excerpt played)

24 THE INTERPRETER: "Could you introduce yourself, please? Yes. My name is
25 Mathias Yambassa. I'm a vicar at the Saint Family Parish, the Saint Family Parish in

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1 Sibut. You've experienced the events. What would you say about them? It was on
2 29 October 2002 that the rebels arrived in Sibut. They arrived and we, as a church, as an
3 institution, we tried to calm the population, to tell them what was going on, but the
4 population -- well, this, I'm speaking as a priest. We tried to go along with them. Many
5 people suffered. But up until that point in time, everything was fine. I'm just trying to
6 settle down somewhere, just trying to find a place. What do you remember of the
7 events that you experienced here? What are the relationships between you and
8 Jean-Pierre Bemba's troops who arrived? Well, I think that the church, as a religious
9 institution, well, when the rebels arrived, they tried to come to us, to the seminary, to the
10 parish. They tried to loot certain things, loot things from the priests, the nuns. There
11 were 105 seminaries and some other people who were refugees with us. Up until that
12 point in time we tried to go along with the rebels, to calm them down, so that they didn't
13 harm the population because there were people who were sick, and we lived with them
14 for three months. We tried to play the game, as I have already said. We were brothers.
15 We called them 'our brothers,' but they were there to harm us. We shouldn't forget that.
16 When Jean-Pierre Bemba's troops arrived, they arrived on Friday, 14 February 2003 at
17 1410 hours. We were all in the parish with some Christians. There were some shots.
18 We were liberated. We were treated as -- they were treated as brothers who were there,
19 brothers. What complaints did you have in your parish from the faithful? What did
20 they complain about, with regard to what the troops did, the killings and so on? This is
21 spoken about on radio stations, France International, for example. As far as the acts of
22 violence are concerned, I think that Bemba's troops didn't commit these acts of violence at
23 the beginning alone. There were four or five troops that -- how could I put this? They
24 had bad intentions. They came. In fact, they were out of control, these troops, because
25 most of them knew there was a church there and there was a seminary somewhere, and

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1 they took measures to save us, but there were some troops out of control, that went to loot.
2 I don't think they committed acts of violence, as such, as they say on the radio. What are
3 your hopes? I hope that there will be peace for all the population of Sibut. There will
4 be this liberation, and I'd like to tell our leaders that they should think about those who
5 are in the hinterland because we are really blocked, cornered, we don't know how to get
6 out of this. People are suffering, there's hunger, illness, so we hope that peace will come
7 and that everyone will be able to live as they should, as real citizens. Thank you. How
8 do you want this peace to arrive? What is your plan to find peace? My plan? Well, it's
9 that of dialogue, sharing things. For peace, you need understanding, you need
10 brotherhood, you need unity."

11 The interpreter notes that the sound quality was very poor and, on occasion, almost
12 inaudible.

13 MR KILOLO: (Interpretation)

14 Q. Witness, we've just been following what a priest had to say, Mr Mathias Mambasa
15 (phon), who was a vicar in the Saint Famille - Saint Family -- Holy Family Parish in Sibut
16 at the time of the events. Does his name mean anything to you or does the parish Saint
17 Famille - Holy Family - in Sibut mean anything to you?

18 A. I know the parish, I've already seen the Sibut parish, but the vicar, no, I don't know
19 him.

20 Q. We followed what the vicar from the parish in Sibut has been saying, and he said
21 that it was on 29 October 2002 that Bozizé's rebels arrived in Sibut, and that they stayed
22 there for three months. Does this tally with the information that you may have obtained
23 about the subject?

24 A. I think I've already told you, I confined myself to Damara. The advance position in
25 Sibut is not where I went to. I have nothing to comment with regard to what the vicar

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1 has been saying.

2 Q. The vicar said that when Bozizé's rebels arrived in Sibut they tried to engage in
3 looting, not only in the parish but also in the little seminary, and they even tried to loot
4 things from the nuns and from priests. You yourself, did you hear about the conduct of
5 Bozizé's rebels with regard to looting in parishes, or in minor seminaries, in the CAR?

6 A. No, I haven't heard about such things. The vicar, I think one can add, said that
7 there was some looting but on the other hand he spoke about troops that were out of
8 control and that committed crimes. So that's the difference.

9 Q. Witness, the vicar from the Sibut parish also stated that the MLC troops arrived in
10 Sibut on Friday, 14 February 2003, at 1410 hours. Does this corroborate information you
11 may have obtained, you who claimed to have followed the movement of MLC troops at
12 the time of the events?

13 A. I think I said in my statement, and here during my testimony, that in February I was
14 in Sibut. That was the month of February, and it's normal that they should have arrived
15 then. I -- the base was at Damara. They were going to Sibut. It's normal. It
16 coincides.

17 Q. My last question about this particular footage, the vicar of the Sibut parish also says
18 this: On the side of the MLC soldiers there were four to five uncontrolled soldiers but, he
19 says, they did not commit abuses as such as described by the radio. Does this
20 corroborate what you know about these matters?

21 A. You might say this is my interpretation. He said "as such," and then he said "a few
22 uncontrolled elements." Yes, things happened, but he was facing MLC elements, so he
23 could say only that, because those elements were there in front of him.

24 MR KILOLO: (Interpretation) I would like to ask the court officer to please show us
25 the fifth portion of the video, and we will be hearing Mrs Lucienne Maliomo. She is the

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1 President of the Women's Organisation, Central African Women's Organisation. This is
2 the AGEMO association. This sequence begins at the 27th minute 32nd to the 30th
3 minute 1st second. Thank you.

4 (Video extract played)

5 THE INTERPRETER: "My name is Maliomo Lucienne. I am the President of the
6 Organisation of Central African Women and I am also President of AGEMO. AGEMO is
7 the organisation of Central African women? How long have you been living in Sibut?
8 I've always lived here. My husband bought property here in 1958. We didn't live here,
9 but when I entered into retirement I came to the village in 1994. So you've been here
10 since 1994? I have ten children; they are abroad. Four of them are abroad and the six
11 others are here. And I'm also here with my grandchildren.

12 How can you justify that these children are so happy? Well, they're happy because
13 they've been liberated. For four months we went through hell. We had nothing. They
14 went into the bush. They couldn't get what they needed to eat or medicines. Some
15 children died in the bush. Mothers came back. They had left with their babies but came
16 back without them. They died in the bush. There was no medicine, there was no food.
17 So I thank the troops of Mr Bemba, who helped our President to come back from the bush.
18 That is why you can hear the children shouting. They are so happy.

19 What is your deepest wish at this moment in time? Well, our deepest wish is to enter
20 into a dialogue and that the road be opened. For those of us who have children in
21 Bangui, three months without seeing our children, well, truly, we want the road to be
22 open."

23 (Video extract played)

24 THE INTERPRETER: "Are you in contact with your children in Bangui? Number 2
25 came to visit us and left this morning. He -- So the road is open? The colonel got my

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1 son to come because I was -- I begged him, I beseeched him, because I didn't want to die
2 without seeing my son, and I was able to hug him; we slept in the same bed, and I was
3 very thankful, very thankful. We -- the hell has come to an end. Thank you. Thank
4 you very much. What message would you like to convey to Jean-Pierre Bemba? The
5 heartfelt thanks of the whole population of Sibut, including the babies without exception.
6 So thank you for what he did for us."

7 THE COURT OFFICER: Madam President, just a small correction, if I may, the excerpts
8 that were shown during this sequence were from minute 27 and 30 seconds to minute 31
9 and 01 second.

10 MR KILOLO: (Interpretation)

11 Q. Witness, we have just together seen Mrs Maliomo Lucienne, President of the
12 Organisation of Central African Women, which is the NGO called AGEMO. Have you
13 ever heard of this lady or of the Central African Women's Organisation, AGEMO as it is
14 called by way of acronym?

15 A. I saw her once in Bangui.

16 Q. So you say you once saw her in Bangui. What do you know of her? What do you
17 know about her?

18 A. I don't know much about her.

19 Q. What can you tell us about the Central African Women's Organisation?

20 A. No idea.

21 Q. Under what circumstances did you meet with the President of this NGO in Bangui?

22 A. I've forgotten. I saw her in Sibut too, when I went through there going to Bambari.
23 She had activities in Sibut. I saw her from afar, but I don't know her well.

24 Q. When you say that she has activities in Sibut, what type of activities are you talking
25 about?

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1 A. She sold drinks. She had a bar in Sibut, as far as I recall.

2 Q. This is what this lady states, who is the President of the Organisation of Central
3 African Women in Sibut. She says, as we heard while we were listening to the footage,
4 that 'we went through four months of hell. The population went out into the bush when
5 Bozizé's rebels arrived in Sibut. They couldn't get hold of the right food. They didn't
6 have any medicines to treat them and it was not until the soldiers of the MLC arrived in
7 Sibut that that enabled the population to come out of the bush, and return to the town.'
8 She even refers to the small children, the children that we see there shouting and
9 expressing their merriment, in that area that by then had been liberated by the MLC
10 soldiers after they had driven out Bozizé's rebels.

11 Do you have anything to say on this topic?

12 A. No.

13 MR KILOLO: (Interpretation) I would like to ask the court officer if he would show us
14 the sixth length of film from this tape, starting at 32 minutes 28 seconds up to 38 minutes
15 19 seconds.

16 (Video excerpt played)

17 THE INTERPRETER: "We are here in Sibut. Who are you? Could you introduce
18 yourselves? I am Shaïpu Abadama Ousman. Are you a Muslim? Yes, I'm a Muslim.
19 How many Muslims live here in Sibut? Well, I don't know exactly, but there are quite a
20 few of them and quite a few were killed. Who by?" Inaudible. "What date? I don't
21 remember the date. They came here and took over the city on 29 October 2002, and this
22 lasted -- well, it's been nearly four months today.

23 Who are the Muslims that you could identify? Well, among them, well, what they said
24 was that the rebels had come here simply to take over power from Patassé and not to do
25 any harm to the population, but they didn't like thieves and among them there were

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1 Muslims who committed abuses and they would take them themselves and kill them and
2 I don't have a precise number concerning the number of people killed. Was there a trial
3 before they were killed? No, there were no trials. They were rebels. No trial. They
4 were rebels. Rebels.

5 Question: How do you see the situation? How -- how do you see all these events?
6 Well, Sibut, I thought Sibut is a city of death, what we experienced here in Sibut. Today
7 we are here with the journalist. Well, this is a result of a liberation, so I'm very
8 comfortable. And I pinch myself. Am I still -- am I dreaming? Could we live with the
9 rebels? I couldn't believe that one day we could be here and you asking me questions
10 about what had happened. Sibut went through something. It's incredible. We went
11 through some incredible things here. There were dead people everywhere. Children
12 were asked to throw dead corpses into the river. We went through some terrible things
13 here in Sibut, so I'm very, very happy to see you here with us today.

14 What is your relationship with the soldiers of Jean-Pierre Bemba who came here? Well,
15 they freed us. They are our liberators. I would like to warmly thank them. The
16 population, you can it see for yourself. The women, children, everybody is here. That
17 means that really things have returned to normal. Everybody is happy. Children all
18 over the place, women. This proves that we have returned to normal. Things are back
19 to normal and we are very, very happy.

20 Any message? If you saw the President today, what would you say to him? Well, I
21 wouldn't know how to thank President Bemba. I have no words to express my gratitude.
22 It's a dream. Thank you. Thank you. And President Bemba, I hope he will be able to
23 continue to help President Patassé.

24 Now, in the agreement that was entered into, according to that agreement President
25 Bemba will have to leave. What do you -- how do you see that? Well, I don't really

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1 understand that, Bemba's soldiers have been asked to leave the country, particularly in
2 view of the fact that the city went through that situation, as you well know; a situation
3 that Bemba knows full well. Patassé is his father. He helped Patassé in relation to the
4 rebels. They had taken over most of the cities in the Central African Republic. That's
5 why Bemba gave help to Patassé, to get rid of those rebels, so I don't understand now.
6 They say -- well, maybe those who don't want to see the soldiers here, well, perhaps they
7 too want to help the rebels to do us harm. So I really don't understand. They came to
8 free us, but if there is dialogue, well, we can enter into it, but in the meantime Jean-Pierre
9 Bemba's have to continue to do their work. They have freed us. They have liberated us.
10 In any case, thank you. Thank you very much."

11 MR KILOLO: (Interpretation)

12 Q. Witness, we have just together seen what is stated by a Central African Muslim,
13 Mr Shaïpu Abadama Ousman. Is the name of this person familiar to you?

14 A. No, I don't know him.

15 Q. We have just heard what this Central African Muslim said, and in particular he said,
16 "Sincerely, there were some Muslims killed by Bozizé's rebels," and he adds, talking about
17 the killings that were perpetrated by Bozizé's rebels, "without trial," he specifies; in other
18 words, summary executions. Did you ever hear about killings, murders, committed by
19 Bozizé's soldiers in Sibut, or elsewhere in the Central African Republic at the time of the
20 events?

21 A. No, I have no idea about that.

22 Q. This gentleman also says that Bozizé's rebel soldiers occupied the city of Sibut for
23 nearly four months, starting on 29 October 2002, which appears to be in keeping with the
24 date that was previously given in the statements made by the mayor of Sibut. Do you
25 have anything to say to this?

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1 A. No.

2 Q. And, finally, this is what this inhabitant of Sibut says. He says, "When the MLC
3 soldiers arrived and took over the city of Sibut, the atmosphere went back to normal." In
4 other words, normal life took up its course. He also points out that in the streets you can
5 see there are children and women and the civilian population appears to be happy. Do
6 you have any reaction to that?

7 A. Well, those were his words. I have nothing to say to that.

8 MR KILOLO: (Interpretation) Perhaps -- well, I can see that we perhaps don't have
9 time and so perhaps we should take the break now?

10 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. I think it's better, since we
11 won't have time for the whole excerpt plus the questions. We can continue after the
12 break.

13 Mr Witness, we'll have now half-an-hour break. You can take some rest. We will
14 suspend now and resume at 11.30.

15 I ask, please, the court officer to turn into closed session for the witness to be taken outside
16 the courtroom. We will suspend in the meantime this session and resume at 11.30.

17 (Closed session at 10.57 a.m.) * Reclassified as Open session

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

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

21 (Recess taken at 10.58 a.m.)

22 (Upon resuming in closed session at 11.36 a.m.) * Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Welcome back. Let's resume our session. Please,
25 court usher, bring the witness in.

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE STEINER: Could we turn to open session, please.

3 (Open session at 11.38 a.m.)

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

5 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.

6 THE WITNESS: (Interpretation) Good morning, Madam President.

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

9 THE WITNESS: (Interpretation) Yes, I feel fine.

10 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.

11 MR KILOLO: (Interpretation) Thank you, Madam President, for giving me the
12 floor once more.

13 I would like to start up front by asking the court officer to kindly play the seventh
14 excerpt of the Defence document, that will be document number 5 of the Defence,
15 reference being CAR-DEF-0001-0832 corresponding to Prosecution evidence number
16 CAR-OTP-0022-0007. This will be the video excerpt from minute 32, 20 seconds to
17 the 42nd minute, 18 seconds, rather. Thank you.

18 (Video extract played)

19 THE INTERPRETER: "When Sibut fell, how long have you been in Sibut? For how
20 long have you been living in Sibut? I have been in Sibut for four years. I'm a civil
21 servant, working for the Ministry of Youth and Sports. My name is Toussaint
22 Maleyange. How did you end up here? I was transferred to Sibut as a civil servant.
23 And what is your take on these events? My understanding of the events is that since
24 the 29th of October we were surprised by the insurgents, the rebels, who came to
25 occupy our town. Now, on the 20 -- or, rather, the 30th, the Chadian soldiers also

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1 came to set up in Sibut, and that is when things began to go wrong here.

2 Now, are you -- were you afraid of anything? Let me tell you, first of all,

3 Mr Journalist, that the clear distinction between what we hear over radio, be it RFI or

4 other international radio stations, is quite different from the excesses that have often

5 been mentioned on the airwaves as having been committed by Jean-Pierre Bemba's

6 troops including looting, rape, and what have you, since the 14th of February, since

7 they arrived at 2 p.m. I believe that you yourself have had opportunity to go around

8 the city and you will see for yourself that there is no dilapidated house; there is no

9 destroyed, nor burnt down building.

10 And, as you can see, even today the inhabitants have gathered massively around here.

11 So this simply means that the Jean-Pierre Bemba's troops and the loyalist forces

12 together have worked to drive out the rebels who have now fled to Begoua. So we

13 feel that, yes, there is indeed a lot of lies that have been told.

14 Since yesterday we have heard over RFI that in Bozoum and in Bossangoa, as the

15 Chadian rebels are fleeing towards the Chadian border, we hear that there have been

16 killings and looting, but nothing of the sort has happened in Sibut. No case of

17 looting here in Sibut, that is it.

18 So we believe that the decision to send away Jean-Pierre Bemba's troops will be one

19 that will be taken by President Felix Patassé, the Head of State. We who are

20 members of the population of Sibut, who were not victims of any excesses by

21 Jean-Pierre Bemba's troops, it is our wish that they remain with us. The time that

22 they have spent here has enabled us to get to know them, and security is returning

23 and we are no longer as fearful as we were before.

24 Now, thank you very much. If you were to meet Jean-Pierre Bemba today, what

25 would you tell him? If I had anything to tell him, it would be simply that he should

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1 keep his calm and cool. I know that the International Human Rights Federation has
2 lodged a complaint against him, but we want him to stand firm because Africa shall
3 only be liberated by Africans.

4 If Europe is ready, it should provide economic help to Africa to assist it economically.
5 So we want Bemba to hold a strong position. And we are ready to testify on his
6 behalf, whenever need be."

7 MR KILOLO: (Interpretation)

8 Q. Mr Witness, we have just listened to the statement made by someone living in
9 Sibut. His name is Toussaint Maleyange, a civil servant, a state civil servant, senior
10 staff member of the Ministry of Youth and Sports in the Central African Republic.
11 Have you ever heard of this person?

12 A. No, I do not know him.

13 Q. This inhabitant of Sibut repeats some of the things that we have heard other
14 persons testify to in the same video, when he states as follows: "It was on
15 14 February at 2 p.m. that the MLC soldiers arrived in Sibut. Upon their arrival, no
16 houses were destroyed, nor burnt down. Members of the population did not
17 hesitate to gather massively and there were no cases of looting reported in Sibut upon
18 the arrival of the MLC soldiers."

19 Does that tally with your own intelligence, information that you may have gathered
20 for yourself?

21 A. Those are his comments and they're binding on him alone.

22 Q. This is what he goes on to state more specifically: "Those of us who were part
23 of the inhabitants of Sibut, we were not victims of any excesses or acts of violence
24 committed by Jean-Pierre Bemba's troops." What is your reaction to that?

25 A. I think in that statement he contradicts the priest and the mayor.

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1 Q. What is your reaction in terms of what you yourself know personally? I'm not
2 asking you to analyse the situation, because that is the duty of the trial -- of the
3 Chamber. What we ask of you is simply to provide any information, if you do have
4 such information.

5 A. I have no comment. This statement is binding only on the author himself.

6 Q. We have listened to this gentleman together, and this is again what he says:
7 "The decision to remove Jean-Pierre Bemba's troops from Sibut is one that will be
8 taken by the Head of State, President Ange-Félix Patassé." Does that assertion
9 corroborate any information available to you in that regard?

10 A. I have no comment, or no answer to that question.

11 Q. Mr Witness, we again heard, in that excerpt of that inhabitant of Sibut's
12 statement, we heard him say that it was from the 29th that Bozizé's rebels surprised
13 them when they came into Sibut and that the next day, the 30th, Chadian troops
14 joined Bozizé's rebels in Sibut and set up there, set up camp there, and that it is from
15 that time on that the -- that atrocities were committed in Sibut against the inhabitants.
16 Can you clarify this point for the benefit of the Court, Mr Witness?

17 A. I have no comment.

18 Q. Mr Witness, let me take us back to the third segment of the video which we
19 listened to together; that is, the segment from 12 minutes 1 second to the 22nd minute
20 25 seconds. That is the statement by the mayor, the mayor of Sibut, Mr Gabriel Mote
21 Bibiringo. This is what the mayor had to say regarding Bozizé's rebels: "They set
22 up guards all over the place to try to arrest me. You need to arrest the mayor, the
23 commissioner, and all figures of authority. We want their heads. And while they
24 went about in their vehicles, carrying people's heads" - and that was in reference to
25 Bozizé's rebels - "they dried or hung up those heads at the mayor's office. People

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1 came to tell me about it. Well, that frightened me and people urged me not to step
2 out. They said, 'Mr Mayor, do not step out. Mr Mayor, do not step out. If you
3 step out, you will be executed.' It is for that reason that I remained in the bush for
4 three-and-a-half months."

5 Now, Mr Witness, can you clarify this point for the Court regarding the atrocities
6 committed by Bozizé's rebels during the events in the Central African Republic?

7 A. I have no clarification to provide on that point.

8 Q. According to you, Mr Witness, was it the same MLC troops that liberated
9 Damara town? Was it the same troops that liberated Sibut?

10 A. Yes, the same troops.

11 Q. Mr Witness, I want to put the following question to you. In today's transcript,
12 today, 29 August 2011, English version real-time, page 12, lines 11 to 14, this is what
13 you said. The same appears in the French version of the transcripts of
14 29 August 2011, real-time transcript page 12, lines 13 to 16, French version. A few
15 minutes thereafter, and in relation to whether or not you were present in Sibut, this is
16 what you said, and I want to refer here to the real-time transcripts, French
17 version -- English version, rather, page 18, line 21 to 25. (Speaks English) "I was in
18 Sibut." And that appears again as well in the French version of the transcript of
19 29 August 2011, page 18, lines 14 to 17. If we look at the transcript of today again,
20 that is 29 August 2011, English version, real-time transcript, page 21, lines 4 to 18, and
21 relating to the President of the NGO of Central African Women, this is what you said,
22 (Speaks English) "I saw her in Sibut too." The French version of the transcript of
23 29 August 2011, page 21, lines 3 to 18, you make exactly the same assertion, namely,
24 that you saw her in Sibut when you were on your way to Bambari.

25 Question, Mr Witness: What are we to believe following these statements?

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1 A. Counsel, I think you are mixing up things. You are confusing issues. I told
2 you that I was in the Central African Republic since 1999. It was not only during the
3 war that I was there. I never said that I was in Sibut only in February. Please do
4 not put any dates to what I said. I told you that I knew that lady. Almost
5 everybody knows her in the Central African Republic. She appears on radio and on
6 television during debates. She's a woman, a mother. I saw her in Sibut. She has a
7 large house in Sibut. I saw her in Sibut. I was there in 1999. I did not tell you that
8 I saw her in February or that I was in Sibut in February. I never said any such thing.
9 So if the transcript in English reflects that idea, then there must be a mistake, or
10 maybe someone made a mistake in the transcript. I didn't say that. You can
11 cross-check the audio recording of my testimony.

12 Q. Witness, both in the French transcript and in the English one, this is what you
13 quite clearly stated. The transcript of 29 August 2011 in the French version, page 18,
14 lines 14 to 17, is reproduced in the English transcript of 29 August 2011, page 18, lines
15 21 to 25. I'll read out your exact words. I quote, (Speaks English) "I said in my
16 statement and here during my testimony that in February I was in Sibut. That was
17 of February."

18 Witness, how are we to understand this? How are we to understand your statement,
19 in the end?

20 A. I said that in February I was in Damara. I was in Damara. There was the
21 advanced -- there was the advanced position in the direction of Sibut of the MLC
22 troops. That is what I said. I was never in Sibut at the time of the military
23 operations.

24 Q. So could you then explain for the benefit of the Chamber why you subsequently
25 stated -- and I'm referring to the transcript of 29 August 2011 again, real-time

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1 transcript, the English version, page 21, lines 4 to 18, and there again you said the
2 same thing in the French transcript, the real-time transcript, of 29 August 2011, page
3 21, lines 3 to 18. You said the following, and I quote, "I even saw her in Sibut when I
4 was going through towards Bambari, on my way to Bambari." Witness, how are we
5 to understand this, in the end? How are we to understand your statement?

6 A. I didn't speak about dates. I said I was there in '99. When the troops were
7 moving from Bambari to Bangui, that's when I passed through there. I didn't say
8 that I had seen her when I was passing through. There was the war. Who could
9 pass through? There was no road that was practicable from Bambari to Sibut. I
10 didn't say that. When you say these things, well, this isn't for you to say. You
11 showed me a film which was made by your men and by your people, by the Central
12 African people. This wasn't made by neutral people.

13 Q. Witness, why did you say before this Chamber that you had never been to Sibut
14 and that you knew nothing about Sibut? Why did you say this?

15 PRESIDING JUDGE STEINER: Maître Kilolo, I think the witness has already
16 clarified that point. Do you intend to insist on that?

17 MR KILOLO: (Interpretation) I suggest we move on, your Honour.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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

25 (Private session at 12.06 p.m.) * Reclassified as Open session

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

2 MR KILOLO: (Interpretation)

3 (Redacted)

4 (Redacted)

5 A. I think I've already answered that. I said that the MLC troops -- well, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) parts of a Mercedes vehicle that belonged to

9 (Redacted) that had been looted at the front. I think I've already mentioned this.

10 They'd looted the town of Bossangoa and Bossembélé and Bozoum. There was

11 looting there. They brought the cotton there. It was sold at Kilometre 25 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Witness, we'll take this stage-by-stage. We'll go step-by-step. We're dealing

17 with certain issues that need to be clarified here. My first question: Did you see

18 with your very own eyes MLC troops taking the SOCADA cotton, extracting it, taking

19 it away with them? Did you see this, or not?

20 A. I think I've already provided you with the answer. (Redacted)

21 (Redacted)

22 (Redacted) It was at the Bossembélé axis. They

23 sent these things and they arrived. That's what I saw. They said they had motors,

24 engines, they had cotton. They brought that and it arrived. I wasn't at the front to

25 be able to tell you about this. I wasn't in Bossangoa, where the SOCADA company is

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1 located, (Redacted)

2 Q. Witness, according to the information we have - and I'm referring to document
3 CAR-DEF-0001-0205 - this information comes from a press communiqué of the
4 civilian population in Central Africa, the population living in Bossangoa. It's the
5 press communiqué from those displaced in Bossangoa. It's dated 31 December 2002,
6 a Tuesday. In this communiqué, mention is made of the fact that it is the -- that it is
7 Bozizé's rebels who looted the cotton company SOCADA and destroyed the machines
8 and the lorries that belonged to the company and these things were even taken to
9 Chad. Have you heard about this?

10 A. That's your communiqué. I know nothing about it.

11 MR KILOLO: (Interpretation) Your Honour, could we have the following
12 document on the screen, or rather could the court officer do this? Could we have the
13 following document on the screens: CAR-DEF-0001-0205? This is the fourth
14 document from the Defence list.

15 PRESIDING JUDGE STEINER: Maître Kilolo, can we turn back into open session, or
16 you're going to put questions related to this document that should be done in private
17 session?

18 MR KILOLO: (Interpretation) We can move into open session, if you like?

19 PRESIDING JUDGE STEINER: Court officer, please.

20 THE COURT OFFICER: Madam President, before we go into open session, the
21 document is going to be displayed for the public and so I imagine it's a public
22 document.

23 PRESIDING JUDGE STEINER: I think it's for the Defence to confirm that.

24 MR KILOLO: (Interpretation) Yes, it's a public document.

25 (Open session at 12.14 p.m.)

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1 THE COURT OFFICER: We are in open session, Madam President. The document
2 CAR-DEF-0001-0205 is available on your screens and is a public document.

3 MR KILOLO: (Interpretation)

4 Q. Witness, without going into the details that are personal, can we take it that
5 during the period of the conflict in the CAR between October 2002 and March 2003
6 you mainly visited PK5, PK12, PK15 and Damara, and at the time - without giving
7 other details - you were based in Bangui? Is this correct, can we limit ourselves to
8 this geographical area that I have just mentioned?

9 A. I think I have already spoken about this.

10 Q. Should we take it, Witness, that during the entire period of the conflict in the
11 CAR you did not visit other places, apart from Bangui - where you were based - apart
12 from PK5, PK12, PK15 and Damara? And now I'm referring to document
13 CAR-OTP-0043-0220. Is this correct?

14 A. Yes.

15 Q. As a result, would it be correct to say that you were not an eyewitness of the
16 crimes allegedly committed by the MLC troops in the towns of Bossangoa,
17 Bossembélé or Bozoum, as you yourself were not present there?

18 A. I think I have already spoken about this. You have limited the geographical
19 area where I was. I was in Bangui, I accepted that. In Bangui I spoke to you about
20 the situation in the Ali Babolo (phon) mosque with regard to the Muslims. I think
21 I've already spoken to you about this situation.

22 Q. Are we to understand that you did not see with your very own eyes, neither in
23 Bossangoa or in Bossembélé or in Bozoum, MLC troops committing crimes? Is that
24 correct?

25 A. If you read my statement, I mentioned the names of MLC troops who came to

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1 tell me about the crimes that they committed up there and those (Redacted)

2 (Redacted)

3 (Redacted) They even showed me an album that this individual showed me, the little

4 one showed me.

5 Q. Witness, we'll get there. The initial question is whether or not you can confirm

6 that you personally did not see MLC soldiers in Bossangoa, or Bossembélé or in

7 Bozoum committing acts of abuse and violence? You didn't see them because you

8 were not there; is that correct?

9 A. I've told you I wasn't there. These are things I was told by them.

10 Q. We could go into private session. When you -- for the answer, when you speak

11 about (Redacted)

12 (Redacted) If necessary, we'll go into private

13 session. Could you provide the Chamber with (Redacted)

14 (Redacted)

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

16 (Private session at 12.21 p.m.) * Reclassified as Open session

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

18 MR KILOLO: (Interpretation)

19 Q. Witness, I would like to test, together with you, what you are claiming. You

20 speak about (Redacted) and (Redacted). We do agree that these are nicknames. Could you

21 provide us with the names of these people you are referring to?

22 A. I think I mentioned (Redacted) name in my statement last time. (Redacted), it's

23 the (Redacted) Everyone in (Redacted) knows him. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) I think I pointed that

2 out.

3 MR KILOLO: (Interpretation) With regard to the alleged acts of violence that
4 you attribute to MLC troops, I would like to ask the Presiding Judge whether we
5 could move back into open session.

6 PRESIDING JUDGE STEINER: We can turn into open session, Mr Kilolo, but please
7 don't ask the witness to provide you with names. If you need that, we go into
8 private session. Court officer, please turn into open session.

9 (Open session at 12.23 p.m.)

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

11 MR KILOLO: (Interpretation) Could the court officer show us the first two
12 paragraphs -- the first two columns of the document, the left hand one and the one in
13 the middle.

14 Q. Witness, before you you have a press article. It's a public document. It's the
15 ECHO from Central Africa, issue number 350, made public on Tuesday, 31 December
16 2002, in the midst of the conflict in the CAR, a press communiqué from displaced
17 persons in Bossangoa; that is to say, its inhabitants of Bossangoa who, because of the
18 conflict, had to leave their usual places of residence in order to take refuge in the bush,
19 as they were fleeing the fighting.

20 And I'm going to read out an extract from this article, and then I will put my question
21 to you: "We, the daughters and sons of Ouham in general and of Bossangoa in
22 particular, feel much anxiety and are troubled to see that in the land of our
23 ancestors -- the land of our ancestors has been inundated with arms of all calibres
24 because of terrorists, Zakawa from Debi, and this has been done with the complicity
25 of our sons and of their unchallenged leader Bozizé François. What sort of sins have

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1 we committed to deserve such a sad fate? After the terrible failure of his coup d'état,
2 his troops, disguising themselves in rags and as looters - and they are looting the
3 towns of Kabo, Batangafo, Kaga-Bandoro and Sibut, Dekoua, Damara, Bambari,
4 Bozoum, et cetera - many helpless compatriots have gone to the bush."

5 Witness, with regard to that, we have what you have said; and, on the other hand, we
6 have a statement made by numerous individuals living in Bossangoa, inhabitants of
7 Bossangoa. Are you in a position to confirm for the benefit of the Chamber quite
8 clearly information you may have received about the various acts of looting
9 committed by Bozizé's rebel soldiers? They looted towns in Sibut, in Damara; they
10 looted Bozoum and Bossangoa, just to mention those names.

11 A. I don't have an answer to provide with regard to a statement made. I don't
12 know this. I don't know the person who wrote this. I have no answer to provide.
13 I don't know the document.

14 Q. As far as you know, Witness, do you have any more precise information that
15 you could provide the Chamber with, apart from the information that may have been
16 provided by the inhabitants of Bossangoa? We are now dealing with December
17 2002.

18 A. I believe the information I provided is in my statement. There was looting in
19 Bossangoa. There were killings, acts of assassination committed by Patassé troops
20 and MLC troops. Mainly it was Miskine's troops in Kakabongo (phon), I think I
21 mentioned this, but this document, well, it seems a bit strange to me. I don't really
22 have much to say about this document.

23 Q. Witness, at the time of the events, did you generally read the local newspapers
24 and the articles on the events and to glean objective information about what was
25 going on before you came to testify before this Court?

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1 A. Yes, I did do that. There were newspapers that expressed the view of the
2 president and those that expressed the opposition of the Central African Republic, but
3 I have nothing to say on this. That's why I don't want to enter into the details of
4 what is on the screen.

5 Q. Did you ever have other opportunities to read this particular press article?
6 You seem to be familiar with the newspaper that published it.

7 A. No, it's the first time I've ever seen it.

8 Q. Does that mean that you know nothing about this newspaper?

9 A. I have just told you that the école de centrafricaine was close to President
10 Patassé's at the time the opposition newspaper was Le Citoyen, and any Central
11 African can tell you that. I have never read this so I cannot really say anything about
12 it.

13 Q. Here is another instance of what Bossangoa displaced persons said. In
14 Bossangoa, the native village of Bozizé, never, never, never, did we ever imagine that
15 a son of this beautiful city might come and fight it. Today Bossangoa is a dying city,
16 desecrated. The hospitals are looted, sacked. The schools and the government
17 buildings have been looted, devastated. The factory, the SOCOCA factory has been
18 plundered and destroyed. The machines, the lorries, have been taken to Chad. The
19 sons and daughters of Bossangoa, for no reason whatsoever, have been burnt alive or
20 cold-bloodedly killed. Old people, teenagers, young girls are raped. Priests are
21 killed, persecuted. All this under the orders of Bozizé, whose real name is Bozouissé
22 Yanguvonda (phon), son of Bossangoa, born in Libreville.

23 Witness, are you in a position to tell the Chamber whether some of this information
24 coincides with the information that you gathered yourself about the looting, the
25 killings, the rapes that were perpetrated under the orders of Mr Bozizé?

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1 A. I have told you that I have no comment to make on that. Perhaps we could go
2 on.

3 Q. Witness, do you remember that during your interviews with the Prosecutor's
4 office investigators you talked to them about Imam Wasila Mohamet. Did the
5 investigators ask you personally whether you could facilitate things so as to enter into
6 contact with that imam so as to check what you said he had said about the death of
7 the Bossangoa imam?

8 A. Now, this is a question you should ask those investigators.

9 Q. You yourself, you don't remember that when you spoke to them about Imam
10 Mohamet, don't you remember that they asked you to establish contacts with the
11 imam, to see whether or not the statements you allege he made about the
12 assassinations in Bossangoa were true or not?

13 A. Well, if you read my statement, I spoke about (Redacted)
14 (Redacted) so as to convince him
15 to stop killing me. That's what I said. As for the Bossangoa imam who was killed,
16 everybody knows that, not only the imam in Bangui, all the imams know that.

17 Q. I'm referring to your statement CAR-OTP-0043-0236. Do you remember
18 having said to the Prosecutor's office that Miskine and his men had perpetrated
19 abuses in Bossangoa? Do you remember that?

20 A. Yes, I did talk about that in Bossangoa. Miskine was an ally of the MLC, in
21 Bossangoa, Kababago (phon) Kado (phon).

22 Q. How do you know that Miskine and his men had perpetrated abuses in
23 Bossangoa, Kabo, Kaga-Bandoro? How do you know that?

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

25 (Private session at 1.38 p.m.) * Reclassified as Open session

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

2 THE WITNESS: (Interpretation) I said in my testimony and in my statements that (Redacted)

3 (Redacted). Central African Muslims have far closer ties

4 than those that are in the north. If anything happens in the north, automatically

5 those in Bangui are informed of that. Abdoulaye Miskine, all the killings, everybody,

6 automatically people in Bangui were informed.

7 MR KILOLO: (Interpretation)

8 Q. Witness, and I think we should go back into open session. I'm going to ask you

9 questions about Mongoumba. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. Yes.

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

15 (Open session at 12.40 p.m.)

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

17 MR KILOLO: (Interpretation)

18 Q. Witness, have you ever personally been to Mongoumba?

19 A. Yes.

20 Q. When did you go to Mongoumba?

21 A. 1997.

22 Q. During the events that took place between October of 2002 and March 2003, did

23 you ever go to Mongoumba in that particular period?

24 A. No.

25 Q. I would like to refer to your statement or, rather, testimony before the Chamber,

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1 transcript in the French version in real-time dated 23 August 2011, page 37, lines 25 to
2 28, as well as page 38, lines 1 to 10, and I am quoting from it. There is the example
3 I can give you of the commander's wife. At the time his wife had loaded a whole
4 truckful with goods to take them to Mongoumba. When it arrived in Mongoumba,
5 well, there were people without jobs there who were standing guard, and when the
6 woman arrived those Central African elements intercepted the truck and said, "No,
7 you cannot cross with those things." The wife - the woman - got angry, went over to
8 the other side and from there she called her husband and told him. The husband
9 was in Zongo. She said to him, "Central African elements from the other side have
10 intercepted the truck. The commander has given orders to the battalion that was to
11 cross at Mongoumba and to recover, or retrieve, the lorry and loot the city."

12 Witness, do you remember having testified to this effect here before this Court?

13 A. Yes.

14 JUDGE ALUOCH: Mr Kilolo, can I just seek a clarification from you, please? You
15 are quoting from a transcript. That means that evidence is already on record. I
16 don't understand why you have to bring it up again. Maybe you can clarify it to me,
17 please, because you are quoting from the transcript of the 23rd and you are bringing
18 that evidence again? So can you just clarify why you are doing this so that I
19 understand you, please?

20 MR KILOLO: (Interpretation) Thank you, your Honour. Here I simply seek to
21 refresh the witness's memory, to remind him what he had said, so as to ask you -- ask
22 him questions to clarify that particular portion of his testimony.

23 JUDGE ALUOCH: But you're referring to the answers that he gave. That's why I
24 want you to clarify why you are quoting; why you are repeating it again.

25 MR KILOLO: (Interpretation) It's simply a matter of asking him now questions

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1 about the content of his testimony on this particular issue of the incident that took
2 place in Mongoumba and, unless you object to this, I will continue and ask him those
3 questions.

4 JUDGE ALUOCH: No, I'm not objecting. I'm just asking why you are repeating
5 yourself again, because the witness might end up giving you the same answers which
6 are already in the transcript. That's all I'm saying, but you can continue.

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

8 Q. First question, Witness: Can you describe to us the objects that, according to
9 you, were on that truck along with the commander's wife in Mongoumba?

10 A. I wasn't there on that truck to be able to describe what was in it.

11 Q. Witness, were you the witness of looting? Did you yourself see the objects
12 being looted so as to be placed on that truck?

13 A. The commander had a lot of looted goods; a lot of goods. For the chief, well,
14 there were a lot of plundered goods.

15 THE INTERPRETER: The witness says something inaudible.

16 (Redacted)

17 (Redacted) There were a

18 lot of goods, and they loaded the commander's objects that had remained there so as
19 to cross because Bangui was already -- was already difficult to access.

20 THE INTERPRETER: The interpreter notes that the answer was a bit too fast.

21 MR KILOLO: (Interpretation)

22 Q. We shall come back to other objects later on. For the time being, let's just
23 concentrate on the objects on that truck. You have already said that you were not in
24 a position to describe the contents of the truck.

25 My second question is this: Were you a witness of - did you see for yourself - those

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1 objects, those goods, being looted; the ones that were on the truck?

2 A. There is a gentleman I could name. I don't know whether I can do so?

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

4 (Private session at 12.51 p.m.) * Reclassified as Open session

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

6 THE WITNESS: (Interpretation) Well, I didn't directly experience those events. I

7 wasn't at Mongoumba, but there was (Redacted). He

8 is a Muslim. His wife had been raped in Mongoumba. His house was looted and

9 he had come directly to Bangui. He was at a friend's house.

10 (Redacted) That

11 was his name. His house had been looted. These people had gone into his house

12 and in fact looted the whole city of Mongoumba. He had escaped just in time. He

13 was almost killed. He was the one to tell us this story about what had happened

14 there, that the elements had left the city of Libenge. Perhaps you, Counsel, are not

15 aware of what happened, but you had to be on the ground to really have information.

16 Otherwise, you might not have asked this question. The MLC elements left Libenge,

17 went over the river and went through Batangafo and from there on to Mongoumba.

18 That's where they looted. They looted the whole city and took away everything.

19 That is something that everybody knows. If you go to Mongoumba, they'll tell you

20 immediately. I don't think I can add anything else about that. He is the person

21 who told me about this. (Redacted)

22 (Redacted)

23 Q. Witness, as far as you know, did it ever occur that Mustapha Mukiza purchased

24 goods in the Central African Republic with his own money? Did that -- is that

25 something he did?

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1 A. Yes, he would buy some items.

2 Q. Could you give us a few examples of the type of things that he would purchase
3 in the Central African Republic during the events with his own money?

4 A. Sometimes he would do this in Bangui, the military rations, but when he was
5 across the river (Redacted)

6 (Redacted) When he was in Bangui he would sometimes make these purchases (Redacted)
7 (Redacted), but when he was in Zongo, on the other side, he would send people
8 out to buy these things. Because of orders for clothes, some people were allowed
9 through illicitly.

10 Q. During the events - and here I'm referring to your statement to the Office of the
11 Prosecutor, CAR-OTP-0043-0262 - do you remember that (Redacted)
12 (Redacted)

13 (Redacted) Do you remember that?

14 A. Yes, that's what I said.

15 Q. So these small things - small items - that you mentioned, is a motorbike one of
16 those? Is that what you mean by these small items that he, Mustapha, bought with
17 his own money?

18 A. Counsel, the motorbike that Mustapha wanted to buy I think -- well, the
19 motorbike he wanted to buy was one that had been looted from Toyota. When
20 Toyota was looted -- sorry, CFAO, there were 125 bikes there. They were looted and
21 he was offered the possibility to buy that motorbike and that's how it happened.
22 The CFAO was looted by the MLC and then after that by Bozizé. Everybody in
23 Bangui knew about that. That's how he could tell there were a lot of motorbikes
24 over there in Bangui and (Redacted)

25 (Redacted)

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1 Q. Well, since that is the case, Witness, who told you that the objects - the
2 items - that were in the truck going to Mongoumba, who can tell you that those were
3 not objects that were actually bought my Mustapha with his own money?

4 A. You were not in Bangui at the time, Counsel. I know what happened in
5 Bangui. There were a lot of things. There were in fact a lot of things left in Bangui.
6 They weren't able to take it all away.

7 (Redacted)

8 (Redacted)

9 Q. So during the incident in Mongoumba you were not in Zongo; is that what we
10 should understand from what you are saying?

11 A. I said I was in Bangui. You call that an incident? You used the word
12 "looting." These are not incidents. This is looting in Mongoumba.

13 PRESIDING JUDGE STEINER: Maître Kilolo, we have only two minutes. Can I
14 first turn into open session?

15 THE INTERPRETER: Mr Kilolo is speaking without a mic.

16 MR KILOLO: (Interpretation) (Microphone not activated)

17 Q. Were you with (Redacted), or do you know where (Redacted) was located
18 when this incident took place in Mongoumba?

19 A. No.

20 Q. Do you know whether he was with (Redacted) in Zongo when that incident
21 occurred in Mongoumba? I'm talking, of course, here about (Redacted).

22 A. No, they were not together, because (Redacted)
23 (Redacted) In fact, (Redacted) entourage was looking for him. After the
24 events, when the MLC went to the other side, (Redacted) never set a foot there again.

25 Q. How do you know that (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR KILOLO: (Interpretation) I've finished with Zongo. Perhaps we could take
5 the break now but, before doing so, may I respectfully seek that the Sibut video that
6 we saw, fifth document of the Defence, be tendered into evidence.

7 PRESIDING JUDGE STEINER: Maître Badibanga.

8 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'm just wondering
9 about the request that was just made by Defence counsel. Unless I'm mistaken, the
10 witness is not the author and is in no way connected with this document. So I don't
11 really see why it's being tendered into evidence.

12 PRESIDING JUDGE STEINER: Let's turn into open session, please.

13 (Open session at 1.02 p.m.)

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

15 PRESIDING JUDGE STEINER: We will be back to this issue after the lunch break,
16 the objection - or the questioning - put by Maître Badibanga on the reason for this
17 video to be turned into evidence through the witness, since the witness is not
18 responsible for the video, is not the maker of the video, is not part of the video. And
19 also my question will be why the Defence has not followed the decision of the
20 Chamber on the manner of submitting any document into evidence that should have
21 been informed when filing its list of evidence. But we will discuss this issue after the
22 lunch break.

23 Mr Witness, we are going to suspend now. You will have time to take some rest for
24 yourself. We will resume at 2.35. I'll ask, please, the court officer to turn into
25 closed session in order for the witness to be taken outside the courtroom. In the

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- 1 meantime, we are going to suspend and resume at 2.35 p.m.
- 2 (Closed session at 1.04 p.m.) * Reclassified as Open session
- 3 THE COURT OFFICER: We are in closed session, Madam President.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 (Recess taken at 1.05 p.m.)
- 7 (Upon resuming in closed session at 2.35 p.m.) * Reclassified as Open session
- 8 THE COURT USHER: All rise. Please be seated.
- 9 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I'm informed
- 10 the Defence wishes to raise a procedural issue before the witness is brought into the
- 11 courtroom; is that correct?
- 12 MR HAYNES: Your Honour, yes.
- 13 PRESIDING JUDGE STEINER: Do you want to do it in private session or in open
- 14 session, Mr Haynes?
- 15 MR HAYNES: It will need to be in private session.
- 16 PRESIDING JUDGE STEINER: You have the floor then.
- 17 MR HAYNES: Thank you very much. Can I firstly say, please, excuse me for
- 18 raising this point. It is a point which ordinarily would have been raised by Maître
- 19 Nkwebe, but as you know he is currently unable to be here. We anticipate him being
- 20 here later this week or at the start of next week, but we felt it was apposite to raise this
- 21 point now because the current witness is coming very near to the end of his testimony.
- 22 And I am not giving away any secrets by saying it will finish this afternoon, subject to
- 23 the observations I have to make.
- 24 And I'd really like to go back to last Thursday, 25 August, and in the edited English
- 25 transcript it is page 50 at the very top of the page, but to summarise the events your

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1 Honour will recall that during the course of his evidence on that afternoon the
2 witness made certain assertions about contact that had been had between (Redacted)
3 (Redacted) and a member of the Defence team and your Honour said at lines 2
4 to 4 "I will ask VWU to prepare on an urgent basis for the Chamber a report in that
5 respect. Has the Defence anything to say about that, or let's just continue with his
6 testimony?"
7 Now, it's quite possible that I or we misread what your Honour had in mind, but
8 what we did read as your Honour having in mind was that the report should be
9 ready and available before this witness had finished his testimony and that the option
10 you were asking the Defence to consider last Thursday afternoon was whether or not
11 his cross-examination should be suspended at that point in time pending the report.
12 Well, in our submission it would be undesirable were he to be permitted to end his
13 testimony and even leave The Hague before that report was available for
14 consideration by all the parties affected by it, not least the Defence who may
15 wish - obviously subject to appropriate confidentiality measures - to raise with him in
16 cross-examination the fact that he did make such a serious accusation on oath.
17 And so the submission really we ask you to consider this afternoon is whether, if it is
18 available, that report can be made available or disclosed to the Defence this afternoon
19 so that should there be any material in it that is merited to be raised with the witness
20 in cross-examination it can be done so today or at worst tomorrow morning. And
21 that's really the point I wish to raise with you this afternoon.
22 PRESIDING JUDGE STEINER: Maître Badibanga, do you have anything to say
23 about that?
24 MR BADIBANGA: (Interpretation) Madam President, may I be given a moment to
25 confer with my team? Thank you.

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1 (Prosecution counsel confer)

2 I thank you, Madam President. The order from the Trial Chamber was for the
3 Prosecution to be part of that report with the WVU, and we have been able to work
4 with them since your orders were given and I know that our teams have been in
5 discussion with them.

6 Right now I am not in a position to tell you when the report from the Unit will be
7 submitted. I know that the process is ongoing, and we defer to the wisdom of the
8 Court in this matter. Thank you.

9 (Trial Chamber confers)

10 PRESIDING JUDGE STEINER: Thank you, Mr Haynes, for raising the issue. It's
11 true that the Chamber mentioned a report that should be prepared by VWU, if need
12 be in co-operation with the Prosecutor, but the Defence is well aware that on Friday
13 the Defence held a status conference with the Prosecution and VWU where many
14 issues related to various Prosecution witnesses past and future ones were dealt with.
15 This issue related to what the current witness mentioned here in this hearing has been
16 touched upon --

17 (Trial Chamber confers)

18 Just for the correction of the transcript, on page 57, line 4, Friday, the Chamber held a
19 status conference with the Prosecution and VWU. This issue related to what the
20 current witness mentioned here in this hearing has been touched upon and
21 apparently it has been clarified, apparently, but the Chamber is still waiting for a
22 complete report from VWU in co-operation with the Prosecution.

23 What I can say, Mr Haynes, is that when we have reports from VWU related to
24 witnesses' security and concerns, usually these reports are not shared with the other
25 party. They are shared only with the calling party. The same treatment will be

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- 1 given to the witness -- to the Defence witnesses in the future.
- 2 If there is anything that implicates directly or indirectly the Defence in such report, of
- 3 course the Defence will be communicated and will be given the opportunity to give
- 4 its reasons or make its observations and even if need be the witness can be called
- 5 again to clarify in case any point has been not clarified yet.
- 6 What I can ensure in advance to the Defence is that apparently the issue has been
- 7 clarified, but without consulting VWU I cannot share with the Defence right now the
- 8 conversations held between VWU and the Defence in that respect, but I can assure to
- 9 the Defence that the Chamber sees no reason at all until now to infer any interference
- 10 of the Defence with the witness.
- 11 If that is sufficient for the Defence for the time being, we can continue with the
- 12 testimony of the witness and the Chamber really hopes that his questioning will finish
- 13 by today.
- 14 MR HAYNES: Thank you very much. The point that you raised just before lunch
- 15 about the tendering into evidence of the video, Mr Kilolo will deal with. That is a
- 16 matter that can be dealt with in open session and can be dealt with now, or at the
- 17 conclusion of the witness's evidence. We are really in your hands as to that.
- 18 PRESIDING JUDGE STEINER: I will, first of all, ask the court usher to bring the
- 19 witness in.
- 20 (The witness enters the courtroom)
- 21 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 22 (Open session at 2.49 p.m.)
- 23 THE COURT OFFICER: We are in open session, Madam President.
- 24 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
- 25 THE WITNESS: (Interpretation) Good afternoon, Madam President.

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Witness: CAR-OTP-PPPP-0173

(Private Session)

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- 1 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 2 THE WITNESS: (Interpretation) Yes, I am ready.
- 3 PRESIDING JUDGE STEINER: We hope that, according to estimations, that your
- 4 testimony will come to a conclusion by the end of this afternoon's session. Before I
- 5 give the floor to the Defence, but before your questioning continues, would you like
- 6 to add or to respond to the Chamber's question in relation to the delay on submitting
- 7 this video into evidence and on which capacity, if I may say, this document is to be
- 8 accepted since it has not been produced by the witness and does not involve the
- 9 witness? So you have the floor, Maître Kilolo.
- 10 MR KILOLO: (Interpretation) Thank you, Madam President. I will leave it to the
- 11 Court to determine whether I should start by concluding my questioning of the
- 12 witness this afternoon, since we have only about an hour and ten minutes to go, and
- 13 then maybe return to that session later on or tomorrow morning. Which way should
- 14 we proceed?
- 15 PRESIDING JUDGE STEINER: You have the floor for continuing with your
- 16 questioning.
- 17 MR KILOLO: (Interpretation) Thank you, Madam President. I would like us to
- 18 go into private session, please.
- 19 (Private session at 2.51 p.m.) * Reclassified as Open session
- 20 THE COURT OFFICER: We are in private session, Madam President.
- 21 MR KILOLO: (Interpretation)
- 22 Q. Mr Witness, we have some one hour and ten minutes to go and I would like you
- 23 to make the effort, as I will, to be brief and concise so that we can conclude today and
- 24 not be forced to have you reappear again tomorrow.
- 25 Now, Mr Witness, do you remember testifying that (Redacted)

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1 (Redacted) Do you remember that part of your testimony?

2 A. Yes, upon orders of the commander.

3 Q. According to information available to us, the said cotton is alleged to have been
4 kept in Atandele's house and the cotton is supposed to belong to Mr Kamisi, and I am
5 referring here to the edited transcripts, French version of 1 July 2011, pages 31 to 32.
6 According to that information available to us, Mr Witness, and mindful of it, what is
7 the right version of the facts?

8 A. Well, Counsel, Kamisi was the commander's deputy and he was in charge of
9 sales. (Redacted)

10 (Redacted) There is a market in that area and those
11 who were in those markets, and even to this day the market is still on the spot and
12 those who were there knew and do know that (Redacted)

13 (Redacted) According to information available to us, a
14 prosecutor came with the policemen to the venue at which the cotton is alleged to
15 have been stored in order to determine whether it was fraudulently acquired or not.
16 Ultimately, it wasn't established that the cotton had been looted.

17 Q. I'm referring here to the edited transcripts, French version, of 1 July 2011, pages
18 31 to 33. Did you hear mention of that, Mr Witness?

19 A. That is absolutely incorrect. Absolutely untrue.

20 Q. Are we then to take it that your version of the facts is that the said cotton was
21 never stored in Atandele's place?

22 A. My testimony has been that (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Mr Witness, when were you in Damara? Do you remember? You must

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1 remember, actually, that before the break we talked about the Damara-Sibut axis.

2 When were you in Damara?

3 A. I told you that it was in early February.

4 Q. Can you give us the year?

5 A. 2003.

6 Q. Mr Witness, would it be correct to say that between 25 October 2002, when the
7 conflict erupted in the Central African Republic, and February 2003, Damara was
8 occupied by Bozizé's rebels before the arrival -- well, Mr Witness, let me put another
9 question to you before this one in order that we may fully understand what I am
10 driving at. You arrived in Damara in February 2003. As far as you know, when did
11 the MLC soldiers enter Damara?

12 A. I do not know the date.

13 Q. (Redacted), do you know more or less how many
14 days it was before you joined them in Damara; more or less?

15 A. This happened a long time ago. I have forgotten the exact date.

16 Q. Mr Witness, we are in private session and feel free to answer the questions. I
17 am not asking you for a specific date. I simply want to find out from you whether
18 you can assist the Chamber to determine whether this was two days before or two
19 days after the MLC had arrived in Damara? Was it on the same day, or was it one
20 day before, one week before? I just want you to give the Court an approximate idea
21 of the time-frame.

22 A. I think that I dealt with this last time. They attacked the two axes at the same
23 time, attacking the rebels on the Damara axis and on the Bossembélé axis. It was at
24 the beginning of their operations and then later on they stopped in Damara - I don't
25 know what their outpost was, I don't know what the situation was in Damara - and

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1 that is how they moved until they got to Sibut.

2 Q. According to the information we have and according to the information the
3 Chamber has, MLC soldiers entered Damara on 7 December 2002. Does this
4 corroborate the information you have about the subject? I'm referring to the
5 following revised transcript in the French version: 26 May 2011 is the date, page 18,
6 lines 8 to 9.

7 A. I don't have a precise date, but I said that the operation developed on the
8 ground, but I don't really have a precise date. I know that from PK12 onwards there
9 was a column that went to Damara and the other went towards the Bossembélé axis.

10 Q. As far as you know, would it be correct to say that between 25 October 2002 and
11 7 December of that very same year it is Bozizé's rebels who occupied Damara?

12 A. I have no information I can provide you with about that.

13 Q. According to the information at the disposal of the Defence, the looting in
14 Damara was apparently committed by Bozizé's rebels. I'm referring to the following
15 document: CAR-DEF-0002-0119. Does this correspond to the knowledge that you
16 have?

17 A. That is what the Defence claims. I have nothing to say about the matter.

18 PRESIDING JUDGE STEINER: Maître, if I may ask, you want to continue in closed
19 session?

20 MR KILOLO: (Interpretation) We can move back into open session, if you so
21 desire.

22 PRESIDING JUDGE STEINER: (Overlapping microphones) ... if the questions could
23 be -- could have been asked in open session. Court officer, please turn into open
24 session.

25 (Open session at 3.03 p.m.)

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(Open Session)

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Witness: CAR-OTP-PPPP-0173

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

2 MR KILOLO: (Interpretation)

3 Q. Witness, you said that when you went there, the road to Damara was covered in
4 bodies. I'm referring to the statement you gave to the OTP, CAR-OTP-0043-0234,
5 and the following page, CAR-OTP-0043-0234. Do you remember that?

6 A. Yes. I wasn't alone. (Redacted) We saw this together. As of
7 PK30, up to PK40 and up to Damara, there were some bodies. I said not more than
8 ten bodies on the road. In fact, it was by the road. They were covered.

9 Q. Can you confirm that you were not able to identify whether these bodies were
10 the bodies of civilians or members of the military?

11 A. I believe I said that they were covered with mats or clothes. I didn't go to see
12 whether they were the bodies of a certain category of people.

13 Q. Would it be correct to say that you were nevertheless able to establish that one
14 of the bodies wore a military boot? And I'm referring to the statement you gave,
15 CAR-OTP-0043-0234.

16 A. Yes, we saw that.

17 Q. Witness, do you admit that you were not able to see the actual perpetrators of
18 the killings in Damara?

19 A. Yes.

20 Q. Do you remember having told the OTP that the population of Damara had
21 deserted the place and that the only people living there as masters were MLC soldiers?
22 Now I am referring to the statement you gave, it's CAR-OTP-0043-0234.

23 A. Yes, from PK30 up to Damara, there were no people. The population was
24 absent.

25 Q. Do you know when the population deserted the town of Damara?

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1 A. I don't have the precise date. I said that from PK30 up until Damara, there was
2 no one.

3 Q. According to the information that we have, during the occupation by Bozizé's
4 rebels in Damara, the population withdrew to the bush and did not return to the town
5 of Damara until after it had been taken by MLC soldiers, and I'm now referring to the
6 edited transcript, the French version, 1 June 2011 is the date, page 36, lines -- or line 2,
7 and page 38, line 5. What did you observe with regard to this matter?

8 A. The population at PK30 asked us about our presence in Damara, "What are you
9 doing there? The Banyamulengue are killing people there." This axis wasn't
10 frequented. The population didn't return to Damara when the Banyamulengue were
11 there. When I was -- when I left, the population wasn't in Damara. (Redacted)
12 (Redacted) that the population wasn't in Damara.

13 MR KILOLO: (Interpretation) Your Honour, could we move into private session,
14 please?

15 PRESIDING JUDGE STEINER: Court officer, please.

16 (Private session at 3.09 p.m.) * Reclassified as Open session

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

18 MR KILOLO: (Interpretation)

19 Q. Witness, this is just to remind you that when you refer to (Redacted), you should
20 refer to him as your friend. That's understandable. (Redacted)
21 (Redacted)

22 Your Honour, could we move back into open session, please?

23 PRESIDING JUDGE STEINER: Court officer, please.

24 (Open session at 3.10 p.m.)

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

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(Open Session)

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Witness: CAR-OTP-PPPP-0173

1 MR KILOLO: (Interpretation)

2 Q. Witness, according to the information that you have, when the population fled
3 from Damara, where did it go?

4 A. Among those who went -- well, some went to the bush, others to Bangui, but
5 PK30, I saw some people there. We bought some fruit there and they said that the
6 axis there was prohibited for them. They had fled to the bush.

7 Q. What means of transport did they use to flee Damara in order to go to Bangui or
8 to the bush?

9 A. The only means they had to go to the bush, well, it was on foot. There were no
10 other means. In case of war in Bangui, everyone fled on foot as well.

11 Q. And is it true that, to the best of your knowledge, those who had vehicles used
12 them as a means of transport to flee to Bangui or elsewhere?

13 A. Yes, this happens. There are such cases. Those who have the means use their
14 means to flee, but at the time of war, at a time of war, it's very difficult for someone to
15 use their vehicle and flee in that manner.

16 Q. According to the information that the Defence disposes of, and the Chamber as
17 well, the son of François Bozizé tried to loot the vehicle of the mayor of Damara, and I
18 am referring to document -- it's the edited transcript, the French version, of
19 1 June 2011, page 40 and 41. Does this tally with the information you have?

20 A. No, I don't have any such information.

21 Q. With regard to the spare parts or vehicles that (Redacted) allegedly asked
22 (Redacted) - can you confirm that this person never
23 told you that the goods in question were stolen goods? And I'm referring to the
24 following document, CAR-OTP-0043-0233; it's the statement you gave to the OTP.

25 A. He could never tell me that these were stolen goods, but we negotiated about

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1 this. (Redacted) These were goods

2 that were collected at the front, spare parts for lorries. I provided you with an

3 example of (Redacted) I don't know if this Papa is still alive in Bangui.

4 (Redacted) These

5 were stolen goods.

6 Q. Is it true that you also did not ask the troops who were in Damara about the

7 origin of these spare parts for cars that they had? And I'm referring to the statement

8 that you gave to the OTP, CAR-OTP-0043-0235.

9 A. As for the origin, well, you know about it already. I told you even here before

10 the Court that they didn't go there to get involved in trade. They stole these parts,

11 they broke down lorries, and this was obtained at the front.

12 Q. We'll get there eventually, Witness. The precise question is as follows: In fact,

13 you have already stated that (Redacted)

14 (Redacted) never told you that the goods were stolen goods. My second question

15 was whether you -- when you would meet troops in Damara, did you ask them about

16 the origin of the spare parts of cars that they had in their possession, yes or no?

17 A. I didn't put any such questions.

18 Q. A question was put to you, and I'm referring to your statement to the OTP,

19 CAR-OTP-0043-0233, and here is the question: "How do you know that these goods

20 had been looted?" And you said: "They went there to wage war and I don't believe

21 they went there to get involved in commerce, in trade."

22 Witness, do you admit that you drew a conclusion, you deduced that these articles,

23 these goods, had been stolen because according to you the troops went there to wage

24 war and not to get involved in trade? These were your very own words.

25 A. These aren't just my words. They took these things to Bangui, they crossed

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1 over to Zongo and Zongo was transformed into a market. Everyone in Zongo knew
2 about it. People would cross over to Bangui to buy spare parts on the other side.
3 All these troops were in -- well, were they involved in commerce or were these goods
4 stolen goods?

5 Q. Should we take it that the information that you are now providing the Chamber
6 with is that these spare parts for cars in Damara were obtained by fraud, it was the
7 fruit of looting? Do you admit that this is a deduction, a hypothesis, given that the
8 troops according to what you say would get involved in trade, but they went there to
9 wage war? So is this your reasoning? Is this how you have arrived at this
10 conclusion?

11 A. I said I'm not reasoning, but based on the actual facts these things were taken to
12 (Redacted) bales of cotton, motors, axles, there were also wraps and so on and so forth
13 in the vehicles. Many things. I'm not speaking about imaginary objects; these are
14 actual facts.

15 And they even said -- (Redacted)

16 We have a lot of things to transport there?" I said "No, I can't go up there." There
17 were many things. If you were in Bangui, perhaps you would realise the scale of this.
18 There were many things that were transported, many things that had been looted at
19 the front line.

20 Q. Witness, do you confirm (Redacted) never told you that these goods
21 were stolen or looted? Do you also confirm that you never asked about the origin of
22 these spare parts for cars? You never asked the troops in Damara about this, so how
23 do you draw the conclusion that the goods in question were stolen goods? What is
24 your source of information with regard to these very precise items, these spare parts
25 for cars in Damara?

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1 PRESIDING JUDGE STEINER: Mr Witness, should we go into private? Court
2 officer, please.

3 (Private session at 3.21 p.m.) * Reclassified as Open session

4 THE WITNESS: (Interpretation) Yes, Maître, I think I've already told you about the
5 source. So (Redacted) --

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

7 THE WITNESS: (Interpretation) I've mentioned the sources. (Redacted)

8 (Redacted). There was (Redacted) with the lorries

9 and from time to time (Redacted). In (Redacted), that's the road to

10 (Redacted) There was a warehouse there. There

11 were other things that were transported directly to Zongo. These were stolen goods.

12 It's not my imagination. They also said that these things had been obtained up there
13 at the front line, so these goods were looted.

14 MR KILOLO: (Interpretation) Your Honour, could we move back into open
15 session, please?

16 PRESIDING JUDGE STEINER: Court officer, please.

17 (Open session at 3.23 p.m.)

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

19 MR KILOLO: (Interpretation)

20 Q. Witness, with regard to the various objects that you have mentioned in Damara,
21 the various goods, it may have been taken to be the enemy who was fleeing -- could
22 you have been taken for the enemy fleeing combat when Bozizé's soldiers left
23 Damara?

24 A. If you read my statement carefully, my testimony, I said that there was (Redacted)

25 (Redacted) They

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1 said the Banyamulengue had stolen lorries and cotton, and I didn't -- I said I didn't
2 know about these things. They would get things at the front. There were other
3 things that were looted, stolen from the population, like the vehicle of (Redacted)
4 (Redacted)

5 Q. When you speak about things obtained by MLC soldiers at the front, what does
6 that mean exactly?

7 A. Well, in every war when the enemy flees they abandon vehicles and other
8 equipment. This is what one calls booty. There are also goods that MLC troops
9 would take in that had been looted. They had committed crimes. I also mentioned
10 cases that involved this little one with the soldier, the other soldier, when they came
11 (Redacted) - with a photo album and they mentioned things stolen
12 from the gentleman whose album they had.

13 Looting was widespread, as I have already said. These people looted. They'd
14 obtained vehicles. They had driven back Bozizé's troops. They would take items
15 left by Bozizé's troops. They would also loot from the population.

16 Q. What are you referring to when you speak about equipment that MLC soldiers
17 allegedly obtained from Bozizé's rebels who had abandoned this equipment when
18 fleeing?

19 A. I'm referring to military equipment. They'd driven back Bozizé's troops very
20 rapidly up to Bossembélé, Bossangoa and Bozoum. And on the Damara axis, and
21 beyond Damara, when the troops flee because they are weak they have to leave
22 behind heavy items. But the -- when Bozizé's elements - troops - were there, there
23 were tradesmen, there was the population, and the war suddenly arrived and the
24 tradesmen remained and they paid the price as well as the stock-breeders.

25 Q. Witness, were you the eyewitness, or did you see or were you present, when

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1 rape was committed by MLC troops in Damara? Were you personally present?

2 A. I think I've already answered this question. I wasn't at the front with MLC
3 troops. We were informed by our Muslim brothers who were fleeing to the bush,
4 who were fleeing there, we were informed. (Redacted)

5 where bodies were taken, a number of bodies. It's well-known. If you go to Bangui,
6 they will tell you. They will show you the photographs of the bodies of where they
7 took the bodies to. People were crying because their wives had been raped. I
8 spoke about the case of our friend who is in Kinshasa in the police.

9 Q. Did you see with your very own eyes any vehicles that had been looted, seized,
10 in Central Africa and did you see them being taken to Gbadolite, being transported to
11 Gbadolite, ferried over?

12 A. That's according to the information I had in Zongo, above all.

13 Q. Witness, according to the information that the Defence has at its disposal and
14 that the Bench has at its disposal, President Patassé had given the MLC troops jeeps
15 and vehicles, and I am referring to the following transcript: It's the revised English
16 version, dated 25 January 2011, page 8, lines 19 to 20, and I am also referring to the
17 revised English transcript of 17 May 2011, page 28, lines 21 to 22, and I am also
18 referring to the revised English transcript of 9 May 2011, page 53 to 55, and finally to
19 the revised English transcript of 7 April 2011, page 47, lines 15 to 24.

20 Does this coincide with the information that you yourself gathered on this topic?

21 A. I told you about this. Initially, when they went across, they were given trucks
22 and jeeps.

23 Q. Do you know what became of those jeeps that President Patassé had handed
24 over to the MLC soldiers, what they became later on?

25 A. No, I have no information on that.

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1 Q. Did you personally see Mr Jean-Pierre Bemba with the blue jeep that he
2 allegedly was given by (Redacted)?
3 (Redacted)
4 (Redacted) green Hilux and a blue jeep, the
5 brand Trooper - it was Trooper - and they went over to Zongo with that. Everybody
6 knows that.

7 PRESIDING JUDGE STEINER: Maître Kilolo, just one second.

8 Sorry, Maître Kilolo. You can continue.

9 MR KILOLO: (Interpretation)

10 Q. Witness, do you know who gave the jeep to the commander, the jeep he drove
11 about in in Bangui?

12 A. I was told that he had gotten this during the operations.

13 Q. You stated to this Chamber - and I am referring here to transcript in the French
14 version real-time of 23 August 2011, page 38, lines 20 to 22 - you stated that a number
15 of vehicles were recovered from Bozizé's troops by the MLC soldiers. Do you
16 remember saying that?

17 A. Yes.

18 Q. As far as you know, what did they do with those vehicles that had been
19 retrieved from Bozizé's troops?

20 A. All these vehicles that were retrieved were immediately taken over, taken across
21 to Zongo.

22 MR KILOLO: (Interpretation) Your Honour, could we go into private session,
23 please?

24 PRESIDING JUDGE STEINER: Court officer, please.

25 (Private session at 3.35 p.m.) * Reclassified as Open session

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

2 MR KILOLO: (Interpretation)

3 Q. Witness, this is going to be my last question. Who put you into contact with
4 the Office of the Prosecutor?

5 A. Thank you very much. I too asked the Prosecutor's office who had given them
6 my number.

7 Q. And what answer did they give you on that subject?

8 A. They didn't give me any answer.

9 MR KILOLO: (Interpretation) Your Honour, perhaps we could end in open
10 session.

11 PRESIDING JUDGE STEINER: Court officer, please.

12 (Open session at 3.37 p.m.)

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

14 MR KILOLO: (Interpretation) Witness, this brings the questioning by the Defence
15 to an end. We would like to thank you for your co-operation and wish you a good
16 trip back home. Thank you.

17 PRESIDING JUDGE STEINER: I ask whether the Prosecutor intends to re-direct?

18 MR BADIBANGA: (Interpretation) No, your Honour, we have no additional
19 questions for this witness.

20 PRESIDING JUDGE STEINER: Thank you very much.

21 Mr Witness, thank you very much. This now concludes your evidence but, before
22 you leave the Court, we want, as with all other witnesses in the case, to express the
23 thanks of the Chamber for the time that you have taken to come to this country to
24 give evidence in this trial.

25 In order for the Judges to find the truth, it's critical that witnesses such as yourself are

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1 prepared to give evidence to assist us on the relevant issues of the case.
2 We are aware that this must certainly have been inconvenient for you, even more
3 inconvenient than for many other witnesses due to the fact that for religious reasons
4 you are fasting, you stayed for hours, days and hours, responding to questions
5 without even drinking some water. So we thank you especially for that reason as
6 well.

7 You therefore leave us in order to go home with our thanks, but before you leave the
8 Chamber would like to know whether there is anything you would like to address the
9 Chamber. If you want, you have the floor now.

10 THE WITNESS: (Interpretation) Thank you, your Honour. I would like first of all
11 to thank you and everybody else here. What I want is to see justice done. Many
12 people, as I said initially, in my country think that this trial is a political trial, but I still
13 feel that I should say that these are actual events that took place in the Central African
14 Republic and we wish that justice is done in the name of God.

15 PRESIDING JUDGE STEINER: Thank you very much and you will be in contact
16 now with VWU for any issue related to the preparation of your return to your home
17 country.

18 Court officer, please could you turn into closed session in order for the witness to be
19 taken outside the courtroom.

20 (Closed session at 3.41 p.m.) * Reclassified as Open session

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

22 (The witness is excused)

23 PRESIDING JUDGE STEINER: Can we turn into open session, please.

24 (Open session at 3.42 p.m.)

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

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1 PRESIDING JUDGE STEINER: Thank you very much. Thank you very much for
2 the Defence. I have just been informed that the Defence took ten hours questioning
3 the current witness.
4 The Chamber -- before we adjourn the Chamber has two oral decisions to be issued.
5 One can be issued in open session and the second one will be issued in closed session.
6 The first is an oral decision on the applications to question Witness 178 by legal
7 representatives of victims.
8 On 26 May 2011, the Chamber received an application from Maître Zarambaud on
9 behalf of the victims that he represents to question Witness 178 (filing 1457-Conf).
10 The application contains a list of 13 sets of questions.
11 Similarly, the Chamber was notified of an application from Maître Douzima on
12 22 August 2011 on behalf of the victims that she represents. It's filing 1627-Conf.
13 The application contains a list of 12 sets of questions.
14 Having considered the reasons given by both Maître Douzima and Maître
15 Zarambaud, as to why they believe the personal interests of the victims they represent
16 are affected, the Chamber grants their applications as follows:
17 Maître Douzima is allowed to put all her proposed questions to the witness.
18 In relation to the questions of Maître Zarambaud, the Chamber allows him to put his
19 questions to the witness, except for question 1.
20 Judge Ozaki dissents with regard to Maître Zarambaud's questions 1.1, 2.1, 4.1, 4.2,
21 5.1, 6.1, 7, 8.1, 8.2, 9, 10, 11 and 12, which, in the view of Judge Ozaki, are strongly
22 leading as they merely request the witness to confirm excerpts from his statement.
23 Now I ask, please, the court officer to turn into private session in order for the
24 Chamber to issue the oral decision on the Prosecution request for protective measures
25 for Witness 178.

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- 1 (Private session at 3.46 p.m.) * Reclassified as Open session
- 2 THE COURT OFFICER: We are in private session, Madam President.
- 3 PRESIDING JUDGE STEINER: Thank you.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
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Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0173

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Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0173

1 (Redacted)

2 (Open session at 3.52 p.m.)

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

4 PRESIDING JUDGE STEINER: So that comes to an end, the questioning of Witness

5 173. Tomorrow the Chamber will begin with the questioning by the Prosecution of

6 Witness 178.

7 I would like to thank very much the Prosecution team, the legal representatives of

8 victims, the Defence team, Mr Jean-Pierre Bemba, to thank very much our interpreters

9 and court reporters, and to declare that this hearing is adjourned and we resume

10 tomorrow morning at 9.30 in this very same courtroom. The hearing is adjourned.

11 THE COURT USHER: All rise.

12 (The hearing ends in open session at 3.53 p.m.)

13 RECLASSIFICATION REPORT

14 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and

15 ICC-01/05-01/08-3038 and the instructions in the email dated 4 June 2014, the version

16 of the transcript with its redactions becomes Public