

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Monday, 11 July 2011

8 *(The hearing starts in closed session at 9.33 a.m.) Reclassified as Open session

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

10 Please be seated.

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

12 closed session.

13 PRESIDING JUDGE STEINER: Good morning. Good morning. Could, please,

14 the court officer call the 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, Prosecution

18 team. Good morning, legal representatives of victims, the Defence team,

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

20 reporters.

21 We will continue and finish today the questioning of Witness 169 and, before I ask the

22 court usher to bring the witness in, the Chamber has decided to allocate to the

23 Defence one more hour to finalise its questioning of Witness 169.

24 Could, please, the court usher bring the witness in.

25 (The witness enters the courtroom)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

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

2 (The witness speaks Sango)

3 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

5 PRESIDING JUDGE STEINER: Did you manage to rest during the weekend?

6 THE WITNESS: (Interpretation) Thank you, your Honour. I did have an
7 opportunity to get some good rest.

8 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
9 your testimony, Mr Witness?

10 THE WITNESS: (Interpretation) Thank you, your Honour. I am ready.

11 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
12 under oath. Do you understand that?

13 THE WITNESS: (Interpretation) Thank you, it's clear. I wouldn't want to say a lie.
14 I'm here to tell the truth.

15 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'll give the floor to the
16 Defence. Maître Liriss.

17 MR LIRISS: (Interpretation) Good morning, your Honour. Good morning, your
18 Honours. I suppose you will take into account the fact that I am starting a bit late
19 this morning.

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

21 Q. Witness, we will conclude our cross-examination today, so let us help one
22 another in this regard. I will be asking you some very short questions and please try
23 to answer very succinctly. I think we can proceed in this manner. So I will move
24 directly to my first question and it's a request for clarification. Was there a MLC
25 military camp at the Bossangoa marketplace?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. There was no camp at the Bossangoa market.

2 Q. In your statement to the investigators - and we are speaking of the young girl

3 who apparently was raped - you stated that it was while the houses were being

4 searched the MLC soldiers came across a young girl who was hidden in a house, aged

5 14 or 15, and that's the statement ending in 323. You also said that there was no

6 other person who saw that particular scene, and I make reference to document 325.

7 In your statement of 4 July, page 34, line 28 to line 35 and on, you specified that you

8 were going to the market, looking for goods, and that the girl was met underneath the

9 mango tree. I will give the reference to the English transcript, the real-time version

10 thereof: Real-time transcript in English, 4 July, page 27, line 20; page 28, line 11;

11 page 28, lines 8 to 11. Underneath the mango trees at the market, that is where you

12 met the young girl.

13 Now, there are two versions here. Give us just one version and I will ask you some

14 questions accordingly.

15 THE INTERPRETER: Interpreter's correction: The earlier reference number was

16 0314-0323.

17 THE WITNESS: (Interpretation) Thank you. That is what was recorded.

18 MR LIRISS: (Interpretation)

19 Q. Which version should we go by? The version that you gave in your statement,

20 or the version that we find in the transcript?

21 A. Both versions, in my opinion, are similar. However, I stand by what I said to

22 the investigators.

23 Q. You said -- in the real-time transcript, unedited, page 49, lines 17 to 20, you said,

24 "I couldn't say that there was a threat with a weapon. There were many civilians.

25 The girl was walking ahead and the soldiers were following her." My question is as

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 follows: Is it correct to say that the girl -- that the girl knew the place that they were
2 going to, given that there was no military camp at the market?

3 A. Thank you. We arrived at the market. Well before we arrived at the market,
4 we saw bodies. I described that to the Chamber. The bodies were piled up in piles
5 of five. Along the road we saw other bodies; those were the bodies of soldiers.

6 And, finally, we arrived at the market but well before that I did see the body of the
7 imam of the mosque in that place, and I asked --

8 Q. You saw bodies, you say. When you went -- that is page 27, edited version of
9 the transcript 4 July, lines 20 to 23; is that correct?

10 A. That is correct. I would like to begin at the beginning of the scene, up until the
11 point where the young girl was raped.

12 Q. We are just asking you some questions to obtain clarifications. So from the
13 office of the archbishop you say that you saw bodies along the way, rotting bodies.
14 Now, in the real-time version, when you gave testimony on 4 July, transcript 8, you
15 said "The FACA soldiers were beside the office of the archbishop." Once again, this
16 is page 16, line 21 and page 17, line 13 of that same transcript.

17 The Central African Republic soldiers were behind the office of the archbishop and
18 the bodies were also there; is that correct?

19 A. That's not right. When you go down and the office of the archbishop is to the
20 left, if you take the path that -- the road that leads towards Chad, you go down,
21 further down, and you see the courthouse on the right. It wasn't ahead of me; I
22 remember all of that. You go -- you continue going along and you find -- you see the
23 courthouse. It's a large one. The courthouse is further back, and it is in front that I
24 started to see the bodies that were heaped up in piles. You go out. There was some
25 sand because there -- you go up a bit and then you go down a bit. I saw the bodies,

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 and I saw birds eating an old person.

2 Q. Page 314 of your statement to the investigators, and also page 315 -- 375, you
3 said that there were girls, women, Central African Republic women and Congolese
4 women who were following the MLC soldiers and they were selling their bodies.
5 You remember saying that, don't you? My question is this: Why didn't you think
6 that this young girl that we've been talking about -- no, how did you know that the
7 young girl that we've been talking about was not one of this group of women?

8 A. Thank you, Counsel. (Redacted)

9 (Redacted)

10 She was called. They said, "Yaka." She didn't understand. They called to her and
11 it was by the gestures that they made that she understood and came. We left. We
12 were at the centre of Bossangoa, the place where the base is, but the soldiers did not
13 come with women.

14 PRESIDING JUDGE STEINER: Maître Liriss, if you could please clarify which page
15 you were mentioning because I couldn't find the reference on 315 or 375.

16 MR LIRISS: (Interpretation) Page 314, 0314.

17 PRESIDING JUDGE STEINER: 0314. Thank you.

18 MR LIRISS: (Interpretation) And also page 375, your Honour.

19 PRESIDING JUDGE STEINER: Sorry, Maître Liriss, another -- I need another
20 clarification. On page 3, lines 12-13, you mentioned that, according to the witness, a
21 statement "While the houses were being searched, the MLC soldiers came across a
22 young girl that was hidden in a house, aged 14 or 15," could you please give me again
23 the reference, because this is not exactly what I read here. So maybe there is a
24 misunderstanding on the reference.

25 MR LIRISS: (Interpretation) It is page 314 and on, and page 0323.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 PRESIDING JUDGE STEINER: On page 0323, the one I have in front of me --

2 MR LIRISS: (Interpretation) I beg your pardon. The sentence that comes

3 before -- well, at the end of the third -- correction, the third last paragraph, "There was

4 a girl hidden in a house. She was not -- she had not been able to flee. One of the

5 soldiers of Jean-Pierre Bemba found her and raped her."

6 (Pause in proceedings)

7 PRESIDING JUDGE STEINER: I just want to make sure that we are talking about

8 the same rape because on page 323, French version, it's not stated that it was a girl

9 hidden in a house. You can proceed, Maître Liriss.

10 MR LIRISS: (Interpretation) I shall clear this up. Page 313, mention is made of a

11 girl who hid in a house and was not able to flee. On page 323, he repeats, third

12 paragraph "When the soldiers were searching the houses, one of Jean-Pierre Bemba's

13 soldiers came across a girl of 13 or 14 years old." "Could you describe her?"

14 "One-metre-sixty." It is the same girl.

15 PRESIDING JUDGE STEINER: Yes, I suppose it is. It's just because in this second

16 quotation, it's not referred to the fact that she was hidden. So she could have been

17 found under the mango tree. That was the doubt I had. But you can proceed,

18 Mr Liriss.

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

20 Q. Witness, do you know the name of the three alleged rapists?

21 A. Thank you, Counsel. Those people, I met them the same day I arrived. So

22 how could I know their names?

23 Q. Thank you, Witness. Now, Sege, the commander in Bossangoa, was he

24 informed of the alleged rape?

25 A. (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted)

2 You know, Counsel, your questions are bringing back some memories, some things

3 I had forgotten. On Friday --

4 MR LIRISS: (Interpretation) If you could -- your Honours, you may wish to ask
5 some questions after this.

6 Q. You say that the soldiers did not report what happened because they were
7 afraid of people finding out about what had happened. My question is: What were
8 they afraid of? What risk did they run? Page 326 is the reference.

9 A. They were afraid of being whipped. They would have been whipped 100
10 times. That was the kind of punishment that usually was dealt to them.

11 Q. Witness, other than this particular case, did you see with your own eyes any
12 other cases of rape? If so, we will continue to ask questions about that. If the
13 answer is "no," we will move on to something else.

14 A. Counsel, your question is a way of forcing me. There was another case,
15 another case on the Friday. On Friday I might have gotten a bit worked up, and I
16 remembered that and I wanted to come back to that, but you didn't give me an
17 opportunity to do so. There was a case, I now remember, a case of rape by him,
18 Mustapha himself.

19 Q. Well, let's hear about that then, and in what place, in what city did that take
20 place?

21 A. At PK12. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted) to

2 (Redacted)

3 (Redacted)

4 (Redacted) Mustapha, in the meanwhile, had already seen (Redacted). Did they

5 speak with one another? I don't know. I mean, how could I know? * He took her

6 to the slaughterhouse, the slaughterhouse being an annex that is just behind

7 Mustapha's house, and it was in that particular place, in that slaughterhouse, that

8 * they slept with women, that is where women were raped. It was in that annex that

9 *Jean-Denis, the chauffeur, spent the night. Mustapha took (Redacted) to that place to sleep

10 with her in broad daylight, and when he had finished with her he left. And I don't

11 know how things occurred. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) In the evening, he asked her to spend the night

18 there, in the slaughterhouse. There were two soldiers, one of whom was called

19 Adolphe, and he raped her, took her by force (Redacted). Please

20 don't cut me off, Counsel, because this girl died.

21 Q. Sorry, but did you see with your own eyes (Redacted) being raped by Mustapha?

22 Did you see (Redacted) being raped by Mustapha with your own eyes, by Adolphe? This

23 is the question I'm putting to you.

24 A. (Redacted) came -- said -- gave the account of that. She even went off to see the

25 neighbourhood chief at PK12, to complain of what had happened. This chief is still

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 alive to this day. The girl died but (Redacted), there was a girl called (Redacted). This was a
2 priest who came from the Democratic Republic of Congo that took her there and there,
3 back in that country, people said that (Redacted)
4 (Redacted). Counsel, you're actually bringing up lots of memories and lots of
5 details that I can give to the Court.

6 Q. Mr Witness, why did (Redacted)?

7 A. Thank you, Counsel. You asked me whether I was an eyewitness to the events,
8 and I say that he slept with her without giving her anything and that's why (Redacted)
9 (Redacted). There is proof.

10 Q. I've understood you entirely. Mr Witness, did you see a rape taking place at
11 Damara?

12 A. (Redacted)

13 (Redacted)

14 Q. Were you an eyewitness or not?

15 PRESIDING JUDGE STEINER: Mr Liriss, I really don't think this is the best
16 technique to interrupt the witness when many times, so many times, as you've been
17 doing. Please let the witness finish what the witness has to say. I'm sorry, Maître
18 Liriss. It's up to the Defence to make the wisest use of the time allocated to it. It's
19 not by a way of cutting the witness's response in the middle.

20 Mr Witness, you can answer.

21 THE WITNESS: (Interpretation) Thank you, your Honour. I had an opportunity to
22 see a woman -- I'll keep my remarks succinct. At that particular time I was buying
23 some cassava and people came to tell me that this was the lady -- the lady you can see
24 over there - well, MLC soldiers slept with her. And so I asked myself, well, what
25 must have happened? And they themselves, because of my response, they asked me,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 "Well, who are you?" Because of my accent, and I was frightened, so I said I was
2 from Sudan. If I had told them that I was from the Congo, they would say, "Well,
3 there you are." You know, it would have been over. So they said, "There we are."
4 The gentleman in question, he is over there and they said to me, "You can see that
5 lady, well, she's ill." I didn't go up to the woman in question but I saw her. I was
6 sad. Just by looking at her, it made me sad.

7 Q. Should I deduce from that that you yourself didn't see with your own eyes the
8 rape in question? Would that be right to surmise that?

9 A. I saw the woman in question at the market but I didn't see them sleeping with
10 her, no. I spoke to you of Mr Ngoundele who was only going off with the -- with
11 little girls to receive treatment by AIDS, but I wasn't there when the events occurred.

12 Q. Should I deduce from that that with regard to the rape of (Redacted)
13 (phon) you weren't there, so I take note of that. Next question: (Redacted)
14 (Redacted) about what you learned with regard to (Redacted)(phon) or
15 again with regard to the woman that was -- that was raped by six Banyamulengue
16 and that was stricken with AIDS? (Redacted) about that lady?

17 A. No, I didn't speak to him about that. I didn't go there in order to -- in order to
18 accuse anybody or try to establish what had occurred there, to tell other people what
19 had happened, no.

20 Q. Do you know whether Mustapha knew about these two incidents?

21 A. Counsel, (Redacted). How could I ever know?

22 Q. Thank you very much, Mr Witness. We're going to round off on the rape, on
23 this rape, by a very straightforward question, for the sake of clarity. I'm on page
24 0043, your Honour, and 0389. So the second question, so the first question rather, of
25 the investigator on this particular page, the investigator asked you the following

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 question: "For the rape committed by the MLC in that place, Bemba, was he abreast
2 of that? Was he informed of that?" And you answered, "Yes, of course." The
3 investigator then asked you the following question: "How do you know that?"
4 And you answered: "Because Mustapha informed him of the rape of that woman. (Redacted)
5 (Redacted) This is
6 of particular interest to me." Could you confirm that, please?

7 A. I took an oath here to tell the truth - the truth - so it's true. It was in my
8 presence when he talked with (Redacted)
9 (Redacted), according to you, *Counsel, do you think that (Redacted) was
10 anything special? Is that why (Redacted)? Lots of things
11 happened, but -- but the few things that concern well, (Redacted)
12 (Redacted) and this how everything occurred.

13 Q. Perhaps I didn't put my question right. Perhaps I should rephrase it. (Redacted)
14 (Redacted)
15 Did you ever hear once - only once - him informing Mr Bemba that his soldiers were
16 committing rapes in CAR?

17 A. (Redacted) whenever they spoke to one another. I said that it
18 was about (Redacted). It was something to do with (Redacted) and that's why I asked
19 myself -- well, he (Redacted) because
20 (Redacted) had been raped. But was he not aware of everything that was
21 happening in Bangui? He was well aware. Because of what had happened,
22 because of the rape of (Redacted)
23 (Redacted) As for the other rapes certainly he would have had to know what was going on.

24 Q. Mr Witness, you say that Mr Bemba was -- well, must have been aware. Is this
25 your opinion, or did you hear somebody actually telling him of this? Is this your

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 opinion, or is this something you heard other people say?

2 *THE WITNESS: (Interpretation) Before I said it was my own view, my own

3 analysis, but what was this on the basis of?

4 A lot of things occurred.

5 Everything that occurred in Central African Republic was -- everything that occurred

6 was reported to him.

7 Do you understand me? Do you understand what I'm saying?

8 No, in my presence he said to Jean-Pierre Bemba, and this was at Bossangoa, when

9 goods were pillaged, when his wife was raped.

10 These are just examples but, you know, patent examples.

11 Q. Mr Witness, can you now talk to us about murders? The first question: Did

12 you personally -- throughout all the period (Redacted), were

13 you ever present at a murder perpetrated by a MLC soldier?

14 A. Thank you. At Bossangoa, (Redacted)

15 (Redacted) I asked, "Well, why is that? Why was that imam

16 killed?" We were told that at that time he was giving orders to not kill civilians, to

17 not kill people in the local community, and that meant that he was supporting

18 Bozizé's people and that's why he was killed. And it was indeed a soldier that told

19 me of that, and I -- I therefore mentioned that in my statement.

20 Q. How much time did you spend -- what -- how much time after the battle did

21 you arrive at Bossangoa?

22 A. I arrived at Bossangoa, if my memory serves me well, one or two weeks

23 following the battle, because I saw bodies that were decomposing and this was in

24 front of the courthouse. These bodies were heaped up, piled five high. In the

25 market I saw bodies of Muslims dressed in the djellabas, and I asked the young folk

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 and young folk gave me explanations.

2 Q. On page 0315 you indeed -- 0315, you did say that you arrived in Bossangoa two
3 weeks subsequent to the battle. How much time did you spend in Bossangoa,
4 Mr Witness?

5 A. We went -- went to the market in the morning and we arrived one day and then
6 we left the next.

7 Q. Are you familiar with the name of the soldier that told you that the imam had
8 been killed by the MLC soldiers?

9 A. Thank you, Counsel. I believe I said very clearly to you that I no longer
10 remember the name of that particular soldier. (Redacted)
11 (Redacted)

12 but if I had known their names then I would have told you previously.

13 Q. Thank you. Do you know where the imam was buried?

14 A. This occurred after my departure. I was no longer there.

15 Q. Do you know whether Mustapha was aware of the murder committed upon
16 that imam?

17 A. I didn't seek to learn whether that was the case, or not.

18 Q. You entered into Bossangoa -- Bossembélé, sorry, and you told me that in
19 Bossembélé the customs police and the border police and the road police were
20 operating. You informed the CAR authorities of that at Bossembélé.

21 A. Who did I know to go to to talk to about this?

22 Q. Thank you, Mr Witness. You also stated that you saw a number of bodies of
23 Muslims who had been killed and that were decomposing. Do you recall that?

24 This is in your statement on page 0316. Do you recall that, Mr Witness?

25 A. Yes.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. You said that they had also been killed by the MLC soldiers; is that correct?

2 A. Yes, because the people who had been killed, well, I asked a soldier about that
3 and he said that all those were Bozizé's accomplices.

4 Q. I'm going to read a sentence that prompted you to conclude that these were
5 indeed the MLC soldiers. This is on page 0316, your Honour:

6 "The soldiers said they had killed the imam because the imam wasn't to give them

7 orders. Question: You stated that you saw bodies wearing soutanes. Who were
8 these people wearing these soutanes? Answer: These were Arabs, Muslims.

9 Question: Who killed these people? Answer: Jean-Pierre Bemba's soldiers. As
10 the soldier said that the imam had been killed because he stepped in to stop MLC
11 soldiers killing civilians, I deduced from that that it was Bemba's soldiers who had
12 killed all the people there." Do you stand by that statement, sir?

13 A. The soldiers spoke to me of this. I believe that, whoever you are, the soldiers
14 spoke. I also spoke of what I deduced because, when you're faced with such
15 circumstances the first time they came, well, I'll give you -- well, I know that you
16 know. (Redacted)

17 (Redacted) How -- how
18 many times had they gone there? Some people said that they'd move forward to
19 clean things up, in inverted commas. What does that mean? Well, it means that
20 they killed. They committed these violent acts and abuses.

21 Q. Should I understand, therefore, that you do indeed stand by your statement?
22 Would I be right in assuming that?

23 A. Yes. Based on what the soldiers told me and based on what I saw, I do indeed
24 stand by my statement.

25 Q. Witness, you mentioned another murder at PK12, a merchant who was selling

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 bread. Do you remember saying that?

2 A. It wasn't at PK12, Counsel.

3 Q. Could you tell us where it was then?

4 A. It was at the Yassimandji market when Yves was withdrawing, and that

5 happened when I was present. He wanted to take the bread. The people were

6 making fun of them. They were in a column, in the Sango area, (Redacted)

7 (Redacted). That child was shot. And he said "Ta kinde" (phon), "We're going," "We're

8 going," and they left.

9 Q. You stated that at that time you were hidden in the Sango neighbourhood; is

10 that correct?

11 Ma'am, I think you will see that on page CAR-OTP-0338.

12 Is that correct, Witness?

13 A. The market, as well as the place I had hidden (Redacted), it was a public place.

14 A wall was put up and it was possible to see what was going on. I was a witness of

15 that. It was on the 15th, the day that Bozizé took power. It was that day.

16 THE INTERPRETER: Interpreter correction, the reference number earlier was

17 CAR-OTP-0043-0338.

18 THE WITNESS: (Interpretation) I think I remember that because I saw it.

19 MR LIRISS: (Interpretation)

20 Q. Could you help us? Which neighbourhood is the market in question found in,

21 the Yassimandji market?

22 A. In the Sango neighbourhood.

23 Q. Could you tell me what's the distance? Well, how far your hiding spot was

24 from the market?

25 A. The Yassimandji market is along the road. It is an empty space that is used for

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 trading. It is a small market in the neighbourhood. The compound that I was in
2 also was used by the owner to sell various items. It wasn't very far from the main
3 road that leads to Sioot (phon) or to the office of the archbishop. You could also get
4 to the UNDP offices. From the market, you could see the main road from there.

5 Q. Could you give us an idea of the distance between the place you were hiding
6 and the place where the child was shot?

7 A. Counsel, I don't remember very well, but it wasn't very far from the main road.
8 Before one -- before you get to the place where I was hiding, you go by the place
9 where the child was shot. One might estimate it at 12 metres, the entrance to the
10 compound we were hiding with (Redacted). From the compound to the main road, I
11 would estimate that distance as less than 10 metres because, you see, these are small
12 markets. At the entrance to the neighbourhood -- it was not a very large market.
13 Some residents had built shops at the entrance to their own compounds. That is
14 what I can tell you.

15 Q. You said that it was 12 metres between the main road, unless I'm mistaken - if
16 I'm mistaken, please correct me - 12 metres between the main road and the compound
17 where you were; is that correct? And then 10 metres between what place and what
18 other place? Could you clarify?

19 A. Counsel, the place where the child was killed, it was 12 metres (Redacted).
20 You see, from the compound to the main road, I would estimate that distance as 10
21 metres.

22 Q. Witness, are you sure that this child was killed? Did you see the child dead?

23 A. Counsel, it's not a good thing to tell a lie. One must not lie; one must speak the
24 truth. If I didn't see something, well, I can't tell a lie. If you are at an estimated
25 distance of 12 metres, are you sure that you can't see?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. Witness, I'm asking this question because -- well, this is what you said, English
2 transcript, real-time transcript I believe of 4 July, and in French it is transcript 137,
3 same date, page 19 -- pages 19 and 20, and I quote, "He was the one who called the
4 soldiers who shot the child. He said 'go, give him back his bread.'"
5 You understand why I'm perplexed, given such an order to give bread back to a
6 corpse?

7 THE INTERPRETER: Correction, page 18 and 19.

8 MR LIRISS: (Interpretation)

9 Q. Can you shed any further light on this remark?

10 A. Yes, I agree that is a question and I will answer. According to you, how can
11 one return bread to a dead person? He said "Leave it there. Just drop it over there.
12 Give the bread back. Go." * But he killed him.

13 Q. That is your reply. Well, I can't ask the question about Mustapha - that was the
14 15th - but you yourself, did you report this murder to any of the Central African
15 Republic authorities, a few days later perhaps?

16 A. Why should I have reported that to the authorities? Did you read in my
17 statement that I reported the incident to the authorities? Counsel.

18 Q. No, Witness, I just wanted you to confirm that point and it's -- that question is
19 important, and I believe the Chamber understands why I asked the question. Thank
20 you for your reply.

21 Madam President.

22 PRESIDING JUDGE STEINER: Maître Liriss.

23 MR LIRISS: (Interpretation) Madam President.

24 PRESIDING JUDGE STEINER: I'm giving you back six minutes that were used by
25 my questions and clarifications.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 MR LIRISS: (Interpretation) That's very kind of you, your Honour.

2 Q. Witness, now, let us hark back to the day that the MLC was leaving Bangui to
3 go to Zongo. You said that that was on the 15th; is that correct?

4 A. They began to withdraw starting on the 10th.

5 Q. But they crossed over to Zongo on the 15th; is that not correct?

6 A. Not all of them. That's not what I said. Others remained in the bush and fell
7 into an ambush.

8 Q. When Mustapha crossed, that was on the 15th, wasn't it, with a car and other
9 looted goods; isn't that so?

10 A. I believe that Mustapha would have gone back on the 14th. Counsel,
11 listen -- Counsel, look at my statement carefully.

12 Q. This is what you stated on the hearing of 7 April, line 7 to 20, French transcript
13 non-edited: "The 15th of March was the day the President of the -- the President
14 went in to Bangui and drew -- drove away the MLC." "Where did the MLC soldiers
15 go?" "They crossed the river to go back to Zongo with various items that belonged
16 to them including vehicles." "Did you see the MLC officers that you knew during
17 this crossing over?" Page 18. "Did you see all those officers cross as well?" And
18 you replied, "I didn't see them cross over but I did see the looted goods." My
19 question is this: If you didn't see them cross over since -- well, what distance is the
20 Sango neighbourhood from Port Beach, the place where they crossed over?

21 A. I would estimate it as a distance of two kilometres.

22 Q. So it's correct to say that you did not see them cross over; isn't that so?

23 A. Counsel, your question is troubling to me. You asked me whether Mustapha
24 had crossed on the 15th and I answered. I said it was the 15th or the 14th.

25 Q. Let's forget about that first question; that's my fault. But answer my question,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 namely, is it correct that from a distance of two kilometres you were not able to see
2 them cross over?

3 A. Counsel, when an aeroplane lands, everyone draws near to look at the aircraft
4 because it's an event. You know, everything that was going on at that time,
5 everyone was aware of the events. The vehicles crossed the river in front of
6 everyone. Everyone knew about it. There were various barges on the river. There
7 were rowboats with motors. There were the baleinière, the fishing vessels. Even
8 children knew what was going on.

9 Q. Very well. Everyone may have been talking about these events but you didn't
10 see them cross over. So my question is as follows: How can you say with certainty
11 that they crossed over with all those vehicles?

12 A. (Redacted) I've told you that all the
13 inhabitants of Zongo and all the inhabitants of Bangui were aware. I've told you,
14 (Redacted).

15 If your Honour allows me, (Redacted).

16 Q. Witness, do you know that an investigation in this regard -- do you know that
17 an investigation was conducted in this regard and it was established that no vehicle
18 was taken over or, at the very least, there were no complaints from private
19 individuals who owned the vehicles? I refer you to the transcript of 10 May 2011,
20 page 37, line 21, and also page 38. You didn't know that, did you?

21 A. Counsel, I came here to give testimony about what I saw. If someone else
22 came here and provided other testimony, well, that is not binding upon me. I came
23 here just to talk about what I saw and what I experienced.

24 Q. Witness, since that time you have been in (Redacted) how many times, ever since
25 25 March 2003?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. I don't remember. I don't remember. Sir, you asked me -- well, tell me how
2 many times I have been to (Redacted) and I can confirm whether that is true or not.
3 Maybe it's in the statement. Then I can confirm.

4 Q. I'll put my question differently. Since 25 March 2003, have you ever been to
5 (Redacted)

6 A. But I just replied. I don't know. Is it written somewhere? If so, read it out to
7 me. If it was contained in my statement, read it out to me and I will be in a position
8 to confirm it.

9 Q. You stated - and I make reference to 0339 - that you could not leave Bangui, you
10 have not been able to leave Bangui since that date. This is why I'm asking you the
11 question. You said that you were not in a position to leave Bangui.

12 A. Counsel, what did I just tell you? Please read out the statement. Tell me
13 clearly whether I said in my statement that I went to (Redacted). Listen, I am
14 answering you out of the top of my -- off the top of my head. I don't have my
15 documents. Please, read out the statement and I will be in a position to confirm or
16 not confirm what I said.

17 Q. You didn't say that you were in (Redacted) or not. That is why I'm asking you
18 the question. Now, since 25 March 2003, in the months following or the years
19 following, did you have an opportunity to go to (Redacted) This is something that
20 you are in a position to know.

21 A. Counsel, I've already talked to you about this. What else do you want me to
22 say to you?

23 Q. I want to know whether you went, and I asked you the question. Witness,
24 would it be correct to say that you have not gone there?

25 A. Counsel, I've already answered. I beg your pardon.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 * Q. Okay, Mr. Witness. My question then is the following ---

2 PRESIDING JUDGE STEINER: The last one.

3 MR LIRISS: Q. My question is the following: How did you notice that Mr. Bemba
4 was travelling around with the looted vehicles in the Central African Republic, in
5 Mongoumba, in Bangui, and everywhere else?

6 THE WITNESS: (Interpretation), Thank you, Counsel. With regard to Mongoumba's
7 vehicles, before the withdrawal they were sent to Gbadolite, the vehicles from Bangui
8 that they transported across, but who could deny what happened? (Redacted)

9 (Redacted) Mustapha changed the paint on

10 that vehicle, and once arrived in (Redacted) that Mr Bemba called -- asked for

11 that vehicle. Other vehicles were sent to him and that vehicle was distributed to

12 ministers, and it even was written that Mustapha too is a human being, and everyone

13 knew about that (Redacted), merely because Jean-Pierre Bemba asked for that vehicle to

14 be sent to him, and that is why he specifically wrote that about the vehicle, the quote

15 that I just gave. Mustapha went to Bangui in order to buy a vehicle, I don't think so.

16 Q. Am I to understand that you are reporting something, but you did not see this

17 yourself; is that correct? Your Honour? Do you want to answer that question, Witness?

18 A. Counsel, I have been clear, I believe.

19 Q. I believe you have been very clear.

20 I have one last question and then after that -- well, this question has to do with the

21 six-minute video and then that will be all. Since the court reporters never say no,

22 perhaps you could ask them and then, after that, I will have no further questions.

23 PRESIDING JUDGE STEINER: Maître Badibanga, does the Prosecution intend to re-direct?

24 MR BADIBANGA: (Interpretation) Your Honour, we would have liked to ask a few

25 questions in re-direct. We thought that we would probably need about ten minutes.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 The Prosecution indeed wishes to ask a few questions, to obtain clarifications from the
2 witness. I thank you.

3 PRESIDING JUDGE STEINER: Maître Liriss, the Chamber will give you six minutes
4 after the break to show your video and not more than that. You have completed
5 now 12 hours questioning, so the Chamber will give you six minutes for the video,
6 and that's it, and after the break.

7 MR LIRISS: (Interpretation) I promise.

8 PRESIDING JUDGE STEINER: Mr Witness, we'll have now half-an-hour break.

9 You can take some rest, have coffee or a tea. It's 11 o'clock. We'll be back at 11.30,
10 and I can assure you that by lunch-time you will be free to go back home.

11 I ask, please, the court usher to take the witness outside the courtroom. In the
12 meantime, we are going to suspend and resume at 11 o'clock -- sorry, 11.30.

13 (The witness stands down) (Recess taken at 11.01 a.m.)

14 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Welcome back. I am just informed about the news
17 that we don't have six minutes, but rather twelve minutes' video. Please, court usher,
18 bring the witness in. (The witness enters the courtroom)

19 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

20 THE WITNESS: (Interpretation) Hello, your Honour.

21 PRESIDING JUDGE STEINER: Mr Witness, the Defence wants to show the
22 Chamber a video. Apparently, there will be no questions to you in relation to the
23 video. The video will be -- the wording will be interpreted to you into Sango. The
24 Chamber will not have interpretation, or transcripts. The Chamber was informed
25 that the transcripts of this video are already in the case file in English and French,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 since they were translated into those two languages -- the transcripts were taken in
2 these two languages in the pre-trial phase of the proceeding.

3 So I'm allowing the Defence to -- Maître Liriss, you can show the video, please.

4 There will be no interpretation.

5 MR LIRISS: (Interpretation) Thank you very much, your Honour, and I

6 particularly thank you for your indulgence. There will be no questions subsequent

7 to the showing of this particular footage. Only for the Bench, we would just like to

8 indicate that this video is a reportage made with regard to the MLC and it was

9 supplied by the OTP under CAR-OTP-0022-008, based on Article 67(2). So this video

10 prevents us asking questions with regard to rape and looting in the city of Sibut that

11 the witness has referred to, and the Prosecution talked about this as well, 0335-0397.

12 Court officer, if you will, we will just take the section 18 minutes 27 seconds through

13 to 20.42. So 18 -- sorry, 17.30 and the 21st minute five seconds, those sections of the

14 footage, please, and then the 35 minutes 30 seconds right the way through to

15 38 minutes 17 seconds, and that will be all. Would you like to have this piece of

16 paper to refer to?

17 Your Honour, may I be seated?

18 PRESIDING JUDGE STEINER: Of course, Maître Liriss.

19 MR LIRISS: Thank you, your Honour.

20 THE COURT OFFICER: Madam President, the video that will be shown is

21 referenced as CAR-DEF-0001-0832. The excerpts mentioned by Mr Liriss will be

22 shown and there will be no interpretation or transcription of this video, except Sango

23 interpretation for the witness.

24 (Video excerpt played)

25 THE COURT OFFICER: Madam President, now the second excerpt will be shown

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 from minute 27.30 to minute 31.05.

2 (Video excerpt played)

3 THE COURT OFFICER: Madam President, now the last excerpt from minute 35.30

4 to minute 38.17 will be played.

5 (Video excerpt played)

6 PRESIDING JUDGE STEINER: Just one question, Maître Liriss. According to the

7 list of documents that you sent to the Chamber, the Defence is not asking for this

8 video to be submitted as evidence.

9 MR LIRISS: (Interpretation) No, for the time being, because there are one or two

10 items that weren't included because we were short for time. We will be submitting

11 this request during the next witness testimony that will be referring to Sibut. Thank

12 you very much, your Honour.

13 PRESIDING JUDGE STEINER: Thank you, Maître Liriss.

14 Mr Witness, the Prosecution still has a couple of questions to put to you. Maître

15 Badibanga, you have the floor.

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

17 Honourable Judges of the Bench.

18 QUESTIONED BY MR BADIBANGA: (Interpretation)

19 Q. Mr Witness, you have been here a number of days now. We started, what,

20 Friday almost two weeks back? As Madam President said, I've got one or two

21 questions to put to you. I believe we can go very, very swiftly for the following

22 reason: The questions that I wish to put to you bear upon topics that you've already

23 referred to here in this very courtroom before this very Bench. Before the courtroom,

24 you've supplied various points of information. Consequently, there is no need for

25 you to go into greater detail in order to provide proper backdrop for these topics.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 You will see that most of my questions it will suffice to say "yes" or "no." These are
2 therefore questions for the sake of clarity to ensure that you have -- we have fully
3 understood the information that you wished to furnish to the courtroom and the
4 Bench. So we will be operating in that way. Does that suit you, sir?

5 A. Yes.

6 Q. So we're going to start with the relationship between Mr Mustapha and the
7 Central African authorities. You said in your statement to investigators, and this
8 was taken up here, you said that you saw Mustapha and General Mazi and that these
9 two gentlemen were together (Redacted). Is this correct?

10 Madam President, in the French transcript it is CAR-OTP, the reference, 0043-0363,
11 and in the English version it is CAR-OTP-0054-0438.

12 You said that you saw General Mazi and Mustapha on three occasions only. Is this
13 correct?

14 A. Thank you, Mr Prosecutor. That is so.

15 Q. Great. By answering just "yes" or "no" we'll go very swiftly. You also say in
16 your statement made to investigators that you had never seen Mustapha and
17 Bombayake together; is that correct?

18 And here the reference is, your Honour, and Honourable Judges of the Bench,
19 CAR-OTP-0043-0363 and CAR-OTP-0054-039. So you say in your statement, sir, that
20 you never saw Bombayake and Mustapha together; is that correct?

21 A. That is so.

22 Q. However, during the hearing of 7 July the Defence surmised from the
23 following -- following from your answers, and I quote "Since Mustapha
24 was -- because Mustapha was in constant relationship with Mazi, Chief of Operations,
25 and Bombayake, that you call the 'Chief of Staff,' how did they communicate, one

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 with the other, according to you?"

2 Your Honour, the reference being is 140 of that date. It's on page 47 in the French

3 version, lines 2 to 3, and in the English version it's page 44, line 21 to 23. Yes, I will

4 slow down. Let me repeat the reference. Transcript 140 of 7 July, in the French

5 version page 47, line 2 to 4 and in the English version 44, lines 21 to 23. So,

6 Mr Witness, here is my question: What is true? Was Mustapha in constant touch

7 with Mazi and Bombayake, as concluded by the Defence attorneys, or Mustapha, was

8 he only upon three occasions in touch with Mazi and that you had never seen him

9 with Bombayake?

10 A. I made that statement and I stand by the fact that it was only upon three

11 occasions.

12 Q. At various occasions you spoke of telephone conversations between Mustapha,

13 on the one hand, and Jean-Pierre Bemba on the other, and you explained that

14 sometimes you were next door to that conversation or Mustapha would stand aloof a

15 little bit, but can you tell us in what language Mustapha and Bemba were talking with

16 each other over the phone?

17 A. (Redacted) Lingala, because Mustapha is not

18 educated.

19 Q. I will move on to another topic. You spoke about this meeting and (Redacted)

20 (Redacted) reference

21 CAR-OTP-0043-0299, and in the English version that is CAR-OTP-0054-0375. I shall

22 ask you my question. (Redacted)

23 (Redacted)

24 A. That is correct.

25 Q. You said that they went there that time to collect money to provide to

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Jean-Pierre Bemba; is that correct?

2 A. That is correct.

3 Q. (Redacted) that they regularly would go and

4 collect money for Jean-Pierre Bemba and, since Bemba gave them nothing, one day

5 they might take the money, divert the money and flee to Cameroon; is that correct?

6 A. That is correct.

7 MR BADIBANGA: Now, for the reference, your Honour, this was mentioned on

8 7 July, transcript 140, French version, page 35, lines 9 to 13. English version, page 33,

9 lines 2 to 8.

10 Q. To conclude on this particular point, so as Ngoniza (phon) and Colonel Lolo

11 (Redacted) they regularly would go to collect money for Jean-Pierre Bemba; is

12 that correct?

13 A. That is correct.

14 Q. I would now like to ask you some questions, very quickly, about (Redacted)

15 (Redacted), and you mentioned this person earlier here. You said that this person was

16 a soldier belonging to the Congolese army, and the reference is CAR-OTP-0043-0321

17 in English -- correction in French, and in English 0054-0398. You said that (Redacted)

18 was a member of the Congolese army, of the FAC; is that correct?

19 A. That is correct.

20 Q. Nowhere in your statement did you say that (Redacted) told you that he was an

21 officer belonging to the intelligence services. Did you know during that period of

22 time whether he was an officer of -- an officer, correction, of the intelligence services?

23 A. I didn't know.

24 Q. I would like to ask you what do you mean by the word "soldier," "militaire" in

25 French? Do you see any and all soldier as being a spy from the intelligence services?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 MR LIRISS: (Interpretation) Speculation, your Honour. This question invites the
2 witness to speculate in his own mind.

3 PRESIDING JUDGE STEINER: Maître Liriss, I see the Prosecution is asking what
4 the witness himself understands by the words "soldier" or "militaire." This is not
5 speculation. The witness is allowed to answer.

6 THE WITNESS: (Interpretation) Thank you, your Honour. At that time (Redacted)
7 was a soldier and his task, or his position, well, I don't know what that position was.
8 He was a soldier and he had crossed over after the occupation of the country by the
9 MLC troops. (Redacted) At that time, I said that I
10 didn't like Jean-Pierre Bemba, and I will leave it at that.

11 MR BADIBANGA: (Interpretation)

12 Q. Now, as I have said, you have already had an opportunity to explain things, but
13 I just want to clarify a few matters. Now, did you understand that because he was a
14 soldier he certainly had to have been a spy from the intelligence service? Was that
15 how you understood it, or not?

16 A. Well, I really wasn't in a position to know that.

17 Q. You said that (Redacted)
18 you were wearing civilian clothing, and that is the reference of 6 July, transcript 139,
19 page 16, line 21 and on. (Redacted)
20 they were wearing civilian clothing?

21 A. That is what I saw. They were wearing civilian clothing.

22 PRESIDING JUDGE STEINER: Maître, please. The five-seconds rule, please.

23 THE INTERPRETER: Many thanks from the interpreters.

24 MR BADIBANGA: (Interpretation) I will write it in large letters right here on my
25 lectern so as not to forget.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. I am speaking quickly because I want to finish quickly so that you can leave

2 soon. Now, (Redacted), saying that

3 they were a colonel and a major from the Kinshasa government, (Redacted)

4 (Redacted) as spies from the intelligence service?

5 A. (Redacted) He said that they were men who were

6 working for the government; the government in Kinshasa. He just said that they

7 came from Kinshasa.

8 Q. Very well. Now, they themselves, did they introduce themselves to you saying

9 that they were representatives of the Kinshasa government, or did they say that they

10 were spies from the intelligence service?

11 A. (Redacted) but they didn't introduce themselves to

12 me.

13 Q. We have concluded with this particular topic and we really just have two more

14 things to deal with, and if you continue to reply briefly we will be finished in a few

15 minutes. I would like to re-establish a timeline with you, if I could. You said that

16 the meeting with the emissaries from the Kinshasa government was held the first time

17 in June 2002; is that correct?

18 A. That is correct.

19 Q. You said that after this meeting you provided them with information about the

20 movement of the MLC in the DRC; is that correct?

21 A. That is correct.

22 MR BADIBANGA: (Interpretation) I am making reference to the transcript 139,

23 page 13 and on, page 12 in the English version.

24 Q. You stated that at that particular time, June 2002, the emissaries from Kinshasa

25 did not know that there was a conflict -- that was there was going to be a conflict four

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 months later in the CAR; is that correct?

2 A. That is correct.

3 Q. You said that when the MLC intervened in the CAR, from October 2002 to
4 March 2003, you were in the field and you were selling various goods there and you
5 were not there to collect information; is that correct?

6 A. That's correct. That is indeed the case.

7 Q. You said that it was well after the conflict, that is to say April or May 2003.

8 That was when these emissaries came back and asked you questions about what you
9 had been able to see during the conflict in the Central African Republic; is that
10 correct?

11 A. That is correct, Mr Prosecutor.

12 Q. And to conclude on this particular point, is it correct to say that the reason for
13 which you spontaneously gave the information about the fact that you had received
14 money was because that you had made a commitment to tell the whole truth to this
15 Court? I make reference to transcript 139 of 6 July, lines 8 to 9 -- 3 to 8, correction,
16 page 12.

17 THE INTERPRETER: The interpreter apologises, but Mr Badibanga is giving
18 references too quickly.

19 PRESIDING JUDGE STEINER: Maître Badibanga, the interpreters are saying that
20 you are giving the references too quickly. They cannot follow you, so that does not
21 help at all.

22 MR BADIBANGA: (Interpretation) I will repeat the reference. Transcript of
23 6 July, transcript 139. In the French version, it's page 13, lines 3 to 8, and in the
24 English version, page 12, lines 1 to 9.

25 Q. Have you understood my question, Witness, or would you rather I repeat it?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. Thank you, Mr Prosecutor, if you could repeat your question.

2 Q. Is it correct to say that the reason why you yourself spontaneously said here and
3 also to the investigators that you had received money, \$500 the first time and then
4 \$1,500 the second time, the fact that you gave that information spontaneously, it was
5 because you intended to tell the entire truth before this Court?

6 A. That is correct. I am saying the truth. They used me the first time, but the
7 second time, no.

8 * Q. Within this chronology, you have said that you met (Redacted)
9 (Redacted). For the reference, CAR-OTP-0043-0322, in French; and in English,
10 CAR-OTP-0054-0398... 0398. You indeed said that you met (Redacted)
11 (Redacted), is that correct?

12 A. That is correct, Mr Prosecutor. He was still young at that time.

13 Q. You said that you had been a victim of the MLC when you were in (Redacted) in the
14 Democratic Republic of the Congo; is that correct?

15 A. That is correct.

16 Q. And you said that it was when you were in (Redacted) in the DRC that (Redacted)
17 (Redacted); is that correct?

18 A. That is correct.

19 PRESIDING JUDGE STEINER: Maître Badibanga, may I ask you the reference in the
20 transcripts, because you were supposed to be checking answers given during the
21 testimony and not going back again to the statements.

22 MR BADIBANGA: (Interpretation) You are correct, your Honour. Transcript 139
23 of 6 July, French version page 15, the entire matter was discussed on that page; page
24 14 in the English version. In French, it's page 15 and 16. The Defence asked many
25 questions of the witness regarding this matter, and in the English version the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 exchange is to be found on pages 14 and 15.

2 Q. My question, Witness: You said on 6 July that (Redacted)

3 (Redacted)

4 (Redacted)

5 A. That is correct.

6 Q. And consequently, to conclude this point, so it wasn't part of some kind of

7 mission? It was not during a mission (Redacted) is that correct?

8 A. That is correct.

9 PRESIDING JUDGE STEINER: Maître Badibanga, you have five more minutes.

10 MR BADIBANGA: (Interpretation) Thank you, your Honour. I will lose -- use

11 less time than that.

12 Q. Witness, my last topic. And, your Honour, I make reference to transcript 138,

13 5 July, and this issue has been touched upon at various points and I will give

14 references each time. My first question has to do with page 18, lines 12 to 18 in

15 French; page 19 in English, lines 3 to 10. Sir, you said that you were present when

16 your possessions were looted by the soldiers; is that correct?

17 A. That is correct, I was present.

18 Q. You said that before your sister died, your younger sister who was raped by the

19 MLC soldiers told your mother what had happened to her. And for the reference,

20 your Honour, once again transcript 138, 5 July, French version page 20, lines 26 to 28;

21 English version page 21, lines 1 to 2. Page 21, lines 19 and 25, and actually I could

22 make reference to the transcript of the following day, 139, but I think this will suffice.

23 My question, I repeat: Before your younger sister died, who had been raped by the

24 MLC, she told your mother what had happened to her; is that correct?

25 A. That is right.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Q. And your sister said that her assailants were MLC soldiers, the MLC soldiers of
2 Jean-Pierre Bemba; is that correct?

3 A. At that time she was indeed in the territory occupied by Jean-Pierre Bemba, but
4 he said it was the DRC, really.

5 Q. (Inaudible) I was just asking you the question. Did your sister indeed say that
6 her assailants were the MLC soldiers; is that correct?

7 A. That is correct.

8 Q. Once again, transcript 138, page 17, lines 17 to 25. Page 17, lines 17 to 25;
9 English version page 18, lines 6 to 14. You said that when your elder sister was
10 killed, a priest was present; is that correct?

11 A. That priest is still alive, (Redacted) is his name. He was the one who
12 buried the corpse.

13 Q. Well, there you have it. I had three questions and now I'm down to two. My
14 question was, you said that this priest buried your sister and you have confirmed this
15 with what you just said, so the answer is "yes" to this question. My last two questions,
16 and once again the same references, page 17, French transcript 5 July, transcript 138.
17 According to the statement by this priest who was a witness to the events, it was the
18 MLC soldiers who killed your sister in (Redacted); is that correct?

19 THE INTERPRETER: Correction, in (Redacted).

20 THE WITNESS: (Interpretation) That is correct, it was in (Redacted).

21 MR BADIBANGA: (Interpretation) I don't have a map to show you. I don't have a
22 geographical map to show you for my last question, but I would just like to ask you to
23 tell the Court whether you know, in approximate terms, where (Redacted) towns
24 are in Orientale Province and if you could explain to us whether they are close to the
25 border with Équateur Province, or whether they are to the far east of Orientale Province.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 Your Honour, if you could please look at to the following reference: Transcript 139,
2 6 July, page 5, lines 9 to 18 in French; in English, page 5, line 6 to 15.

3 I'll ask the question once again, Witness. Did you know -- correction, do you know
4 where these two towns are in Orientale Province? If so, could you tell us whether
5 they are close to the boundary with Équateur Province, or rather they are to the far
6 east of Orientale Province, the towns of (Redacted)?

7 A. Thank you, Prosecutor. Jean-Pierre Bemba's fighting started there close to
8 (Redacted). In (Redacted) there is a road, an asphalt road. There is also a railway, Yalingimba
9 to Bomba, and when you get to the cross-point that goes to (Redacted), it's the same thing.
10 You can go by way of the railway and that is close to Équateur Province. If there
11 were a map - if there is a map - I could show you, and I'm quite familiar with that
12 place.

13 The priest, he is still a priest. (Redacted)

14 (Redacted)

15 (Redacted)

16 MR BADIBANGA: (Interpretation) Thank you very much. We have concluded
17 our re-direction and we wish you a safe and pleasant journey home after any possible
18 follow-up questions from the Defence.

19 Thank you, your Honour.

20 THE WITNESS: (Interpretation) Thank you, Mr Prosecutor.

21 PRESIDING JUDGE STEINER: Maître Zarambaud.

22 MR ZARAMBAUD: (Interpretation) Your Honour, if you don't mind, I would like
23 to ask one question and I don't think it will even take a single minute.

24 (Trial Chamber confers)

25 PRESIDING JUDGE STEINER: Usually legal representatives are not granted

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 re-direct, but I ask whether Maître Liriss would oppose? MR LIRISS:

2 (Interpretation) I do oppose this.

3 PRESIDING JUDGE STEINER: I'm sorry, Maître Zarambaud. It's not provided in
4 the Rules or in the directions for the procedures that legal representatives are given
5 the right to re-direct. If the Defence opposes, I cannot grant you. I'm really sorry.
6 Maître Liriss, you have 30 minutes.

7 Mr Witness, since the Prosecutor had further questions, the Defence is allowed to ask
8 you questions related to the last clarifications requested by the Prosecution.

9 So I'm giving the floor to Maître Liriss.

10 QUESTIONED BY MR LIRISS: (Interpretation)

11 Q. Mr Witness, do you recall having stated to the Court that when Mustapha was
12 talking with Mr Bemba, he stood aloof and you couldn't hear what was being said?
13 Do you remember that? My question is, if that was the case, how do you know that
14 they were speaking in Lingala, as you've just stated to the Prosecutor?

15 A. Thank you, Counsel. At Bossembélé it was he himself who called Jean-Pierre
16 Bemba, so therefore what language was it? I was there. (Redacted)

17 (Redacted) I couldn't hear what was

18 being said. (Redacted) And he didn't speak

19 French; he only spoke Lingala.

20 Q. Did he inform the president? Do you know whether he informed the president,
21 President Patassé, of this Mongoumba incident?

22 A. What are you talking about? Who could inform President Patassé?

23 Q. I was talking about Mustapha. Did he inform President Patassé of the incident
24 that happened at Mongoumba? Do you know that? That's the question I'm putting
25 to you.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. Telephoning (Redacted) and telephoning (Redacted), I can tell you about that
2 (Redacted).

3 Q. If he had done it, would you have known about it? And it would have been in
4 which language that they would have spoken?

5 A. I've just said that (Redacted). After that
6 (Redacted).

7 I don't know whether Patassé could (Redacted).

8 Q. My second last question, Mr Witness thinking about the relationship between
9 Bombayake and Kamisi. Now, on page 333, I'm just reading your statement, 063, "I
10 was often with Mr Moïse. I --"

11 THE INTERPRETER: Sorry, correction from the English interpreter. (Redacted)
12 (Redacted)

13 MR LIRISS: (Interpretation)

14 Q. "But Mustapha moved around a lot with his soldiers, to go off and drink in the
15 Tropicana." Do you stand by this statement, sir? Let me give you the reference; it's
16 0363. Mr Witness, I've put a question to you.

17 A. I'm searching for -- well, I thought you were looking for the references in the
18 documents. With regard to (Redacted). With
19 regard to going to Tropicana, that's a bar where Mustapha went regularly.

20 Q. My question is to establish whether you are standing by your statement, where
21 you say that (Redacted). This is
22 the question I'm putting to you, and I wish you to tell me whether you stand by that
23 or not.

24 MR BADIBANGA: (Interpretation) Your Honour, really I don't want to butt in, but
25 I think that the information -- if the information submitted to the witness is not

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 accurate, then we'll be involved in debates until the cows come home and I don't
2 think this will be helpful for anybody. The reference that the Defence is citing, he
3 would only need to read it in its entirety and then he would encounter no problem
4 whatsoever. He says "How do you know? Did you see this?"

5 THE INTERPRETER: The English interpreter would like Mr Badibanga to slow
6 down, because he cannot interpret correctly what he is saying. Could the Bench
7 please stop Mr Badibanga, because he cannot follow what the gentleman is saying.

8 MR BADIBANGA: (Interpretation) This is often said, because he said it three or
9 four times.

10 PRESIDING JUDGE STEINER: Maître Liriss.

11 MR LIRISS: (Interpretation) I don't agree with this, your Honour. I don't agree at
12 all. The question was very, very accurate. It is stated very clearly that (Redacted)
13 (Redacted). If he does indeed confirm, well, we need to
14 know -- now know how he only talks about three (sic) or three times. I mean, this is
15 French, isn't it? The French language is being used. Can he confirm it or not?
16 And then he'll be able to tell us, subsequent so that, what he understands by "often"
17 and then what does he understand by "three times." That's the question.

18 PRESIDING JUDGE STEINER: So if we start going to discuss semantics now, it will
19 be really a problem. I will allow the witness to answer the question.

20 THE WITNESS: (Interpretation) I said, and I repeat, (Redacted)
21 (Redacted). This is all I can tell you. I repeat (Redacted) and I stand by that.

22 MR LIRISS: (Interpretation) I think we'll move on, your Honour.

23 Q. Can the witness give us the name of his sister; the sister that was allegedly
24 murdered at (Redacted) or maybe both if you wish. (Redacted)

25 And this is my last question, your Honour. I have no further questions otherwise.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. (Redacted)

2 Q. Thank you, Mr Witness. This is not designed to bring up bad memories; it's
3 simply that we have to track this very closely. And so what time-frame are we
4 talking about? At what point in time did this occur? (Redacted), but what
5 time-frame are we talking about?

6 A. She left (Redacted) by train -- no, by road, because the train wasn't operating. She
7 took the Kisangani road and she had already left (Redacted).

8 Q. Fine. Could you give us an approximate idea of the time-frame? This is 1998,
9 you said, but do you have the month top of mind?

10 A. Is it really about the death of somebody? Are you asking such a question
11 about somebody's death? I've told you, Counsel. Counsel, even if I were to give
12 you such details you wouldn't believe me anyway but, you know, God is great.

13 MR LIRISS: (Interpretation) I have no further questions, your Honour.

14 PRESIDING JUDGE STEINER: Mr Witness, this now concludes your evidence
15 before this Court. Before you leave the Court, the Chamber wants to express its
16 thanks for the time and trouble you had to come to this country and to give evidence
17 at this trial. In order for the Judges to find the truth, it is critical that witnesses such
18 as yourself are prepared to come and to give evidence to assist us in the relevant
19 issues of the case. We are aware that this must certainly have been inconvenient for
20 you. You stayed here for a long time, far from your family, far from your country,
21 giving hours and hours and hours of testimony. You therefore leave us, in order to
22 go home, with our thanks.

23 Two things, Mr Witness, before you leave: First, just to inform you that the Chamber
24 authorised, now that you have finished your testimony, to have a meeting with
25 Maître Zarambaud as you requested. VWU will make all arrangements for that

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 meeting to take place, and of course in consultation with Maître Zarambaud.

2 Second thing, Mr Witness: Before you leave, the Chamber wants to ask whether

3 there is anything you would like to address the Chamber? You have the floor.

4 THE WITNESS: (Interpretation) Thank you, your Honour. I don't have many

5 things to add. It is God who has made it possible for you to be here to conduct the

6 proceedings. I came here to tell the truth. You know, I am troubled and worried,

7 because I am fighting, I'm suffering, in order to bring up and look after my children,

8 but that doesn't matter. I put everything into God's hands.

9 I would like to thank the Office of the Prosecutor, I would like to impart my thanks to

10 one and all. I would like to thank all the parties. I would also like to thank Counsel

11 Liriss. I would like to extend my thanks to Mr Jean-Pierre Bemba. This is how life

12 is. I have no bitterness directed against anybody. I came here to tell the truth and

13 nothing but the truth. That's all. Thank you very much, your Honour.

14 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. The Victims

15 and Witnesses Unit (VWU) will give you all assistance and will be available to give

16 you any information and to address any concerns you may have in relation to your

17 testimony before this Court. Thank you very much. And I will ask, please, the

18 court usher to take the witness outside the courtroom.

19 (The witness is excused)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page 40 redacted

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 (Redacted)

2 Having said that, we will adjourn this hearing. We will now enter into the recess
3 period of the Court, so the Chamber wishes the parties, participants, that they take
4 their time to free themselves of such a pressure which is -- a trial is always a pressure
5 for all parties and participants involved.

6 According to the provisional calendar of the Court, this Chamber will resume with
7 the testimony of Witness 173 on 22 August, after the recess. So wishing all the
8 parties a restful time for their deserved holidays. This Chamber -- this hearing is
9 now adjourned. I thank very much, before adjourning, sorry, I thank very much the
10 Prosecution team, the legal representatives of victims, the Defence team,
11 Mr Jean-Pierre Bemba Gombo. I thank very much and wish a very, very, very restful
12 night to our -- holidays to our interpreters and court reporters, our court officer, court
13 usher, and now we adjourn.

14 THE COURT USHER: All rise.

15 *(The hearing ends in closed session at 12.55 p.m).Reclassified as open session

16 RECLASSIFICATION REPORT

17 Pursuant to Trial Chamber III's Orders, ICC-01/05-01/08-2223 and
18 ICC-01/05-01/08-3038 and its instructions in the email dated 9 May 2014, the version
19 of the transcript with its redactions becomes Public