

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Wednesday, 7 September 2011

8 *(The hearing starts in closed session at 11.05 a.m.) Reclassified as Open session

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

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

12 PRESIDING JUDGE STEINER: Could, please, the court officer call the case.

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

15 PRESIDING JUDGE STEINER: Thank you very much. So good morning and welcome
16 the Prosecution team, legal representatives of victims, the Defence team, Mr Jean-Pierre
17 Bemba Gombo. Welcome again to our interpreters and court reporters.

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

19 (The witness enters the courtroom)

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

21 (The witness speaks French)

22 PRESIDING JUDGE STEINER: Mr Witness, welcome back to this courtroom. We will
23 continue now with your testimony. I first would like to ask you whether you are ready
24 to continue giving your testimony?

25 THE WITNESS: (Interpretation) I am ready your Honour.

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1 PRESIDING JUDGE STEINER: I want to remind you that you are still under oath; do
2 you understand that?

3 THE WITNESS: (Interpretation) Yes, of course, your Honour.

4 PRESIDING JUDGE STEINER: The Chamber decided that for the time being and
5 because some issues are still pending to be decided by the Chamber in relation to the
6 witness's physical and psychological safety and well-being, this hearing will take place in
7 closed session.

8 I give the floor to Maître Kilolo to continue with your questioning.

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

10 Q. Good morning, Witness.

11 A. Good morning, Mr Kilolo.

12 Q. We shall continue our questioning today, and I want to urge you to continue to
13 make an effort to provide concise answers to my questions so that we may forge ahead
14 and hopefully be done with this cross-examination by tomorrow. Is that agreeable to
15 you?

16 A. Yes, Counsel.

17 Q. Witness, when did you personally see the MLC soldiers in Bangui for the very first
18 time?

19 A. Thank you, Maître Kilolo. You want to find out about Bangui, right, irrespective of
20 the year? Okay. When they came for the first time, I did not see them because they
21 stopped at Ouango. On the second occasion when they came I met them personally but,
22 you know, talking about seeing and meeting those are two different things, but I think
23 what I can say is that I met them between 29 and 30 October 2002, as you wish.

24 Q. Witness, let me remind you of your statement to the OTP, fifth document of the
25 Defence list, CAR-OTP-0054-0481, page CAR-OTP-0054-0489. The following question

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1 was put to you: "In which month, then, did you meet them at (Redacted)

2 Your answer: "It must have been in early November 2002."

3 My question to you is follows: When you met them at (Redacted) was that the very
4 first time ever that you had met them in Bangui?

5 A. Yes, Counsel, that was the very first time I met them in Bangui. So when you say
6 between the 29th, the 30th and the 1st, you can understand that it is more or less the same
7 time-frame, and these things happened nine years ago. I think we can understand that.

8 Q. You appear to make a distinction, if I am not mistaken, between "meeting" and
9 "seeing." What are we to understand then? When did you see the MLC troops for the
10 first time on the Central African territory? When did you personally see them for the
11 first time?

12 A. This is the answer: Our first meeting was (Redacted) so that is
13 our first meeting, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 So we saw each other and we met each other for the first time, so that is the distinction
18 that should be made between a meeting and the opportunity to see each other. So we
19 saw each other when we met.

20 Q. Could you be more specific as to the date and the year? When you say that you
21 saw them for the first time on the Central African Republic territory between the 29th and
22 the 1st, what year and month are you referring to?

23 A. End of October, early November. You know, I'm talking about around that period.
24 It is more or less the same period. So, Counsel, you should understand that these things
25 happened a long time ago and I cannot be very, very specific.

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1 Now, if I ask you to mention things that you learnt in primary school, you may not be able
2 to quote them, so when I say between the 3rd and the 1st it is simply a matter of an
3 approximation. So, Counsel, you have asked me to move forward and yet you are
4 dragging us behind. Let us agree and move forward.

5 Q. Witness, during the events how many Congolese nationals were there in Bangui,
6 more or less, according to you?

7 A. So, Counsel, you now have to give me time to count. I cannot give you all the
8 names, but I know that there were many Congolese nationals. Who are you talking
9 about, the nationals who had contact with Banyamulengue troops, or who are you talking
10 about? Are you referring to the Congolese nationals who were in contact with the
11 Banyamulengue? I can answer you on that score, but if you're talking about Congolese
12 nationals in general it is difficult for me to answer you.

13 He will then speak such Lingala to you that you will be surprised. "Noko (phon), noko,
14 please be careful. People should not know that you are from Zaire, because if they were
15 to find out that you are from Zaire that might jeopardise your employment." So that's an
16 example.

17 Now, for now President Bozizé, because of the extensive stealing that was going on,
18 decided to set up a single stop shop in the customs, and there was a French man, a white
19 French man. You know, it is obvious to notice white people in the Central African
20 Republic. There was a French person who was in charge of the customs in -- the customs
21 department in the Central African Republic. Maître Douzima and Zarambaud know that
22 person. His deputy is a Zairean, who studied in Bangui.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 So after that white man he is the next in command, and so the money that President
2 Bozizé uses to pay his staff comes from the customs and, when you refer to the customs
3 department in the Central African Republic, it is that white man and that Zairean who run
4 the department. So this person is a Zairean and when he speaks Sango you wouldn't
5 believe it.

6 Now, when you talk about build or shape, how do you determine, or how can you
7 identify a Rwandan? If you want to ask a Rwandan to identify a Rwandan, ask him to
8 take up his finger and put it into his nostril. He will not be able to put his finger into his
9 nostril and that is the easy way to identify a Rwandan.

10 As for us, you know, we have a certain shape of our faces. When I entered this
11 courtroom, I looked around and I was able to understand that this is how it is and I tried
12 to make an assessment. So in Africa you can distinguish between a Malian from West
13 Africa, you can identify Africans from Central Africa, and then among ourselves within
14 the country we know that this person is Luba, this one is Mukaka, Mukongo and this one
15 is Mungala, and the Central Africans are also able to recognise us very easily. So I don't
16 want to waste your time, as you have already intimated, and so I believe that I have
17 provided more than enough by way of answer to convince you on this point. Thank you,
18 Counsel.

19 Q. In the very same document, the seventh one in the Defence's list, the page I've
20 already referred to CAR-OTP-0054-00536 (sic), you added the following, "I, who am
21 Congolese, speak Sango as well as President Bozizé, who is Central African; 100 per cent
22 Central African." What did you mean when you said that, Witness?

23 A. Thank you, Maître. What you have quoted is what I said. It's true we are called
24 the Zairois, but we're from the DRC. There's the Congo, with Brazzaville as its capital,
25 and there's the DRC with the capital which is at Kinshasa. It's not long since I've been in

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1 Central Africa, and to be the president you have to be 100 per cent Central African and
2 President Bozizé is Central African. Those who speak the Sango, I believe they are still in
3 the courtroom, when Bozizé spoke in Sango and I also can speak Sango, well, I believed
4 that my Sango would be better than Bozizé's Sango.
5 People might laugh, but why? Because there is a link to his dialect; the Gbaya dialect.
6 He speaks a dialect, so the Central Africans also say that their president can't speak Sango.
7 He doesn't speak Sango with the correct accent. Sometimes they even mock him. That's
8 what I meant.
9 On the other hand, I who arrived at 2 or 3 o'clock -- because there are some Zairois who
10 returned at 4 in the morning, others at 9 in the morning. Well, that means I appeared at 2
11 or 3 p.m., or maybe at 4 p.m., but if I speak to you in Sango, well, unless I speak for a long
12 time you won't know that I am from the Congo, but if it's just for a few minutes you won't
13 realise where I am from. I am not hiding this. (Redacted)
14 (Redacted) Even Mr Zarambaud can't dispute that. He's here.
15 Q. Witness, you've provided this example with regard to Mr Zarambaud. You
16 referred to Mr Zarambaud. You referred to President -- to Mr Bozizé. Let's say that
17 these people aren't known in their profession. Let's take an ordinary Central African,
18 who isn't known. Let's take that person's accent and compare it to your accent. Are you
19 saying that one wouldn't know who the real Central African person is and who the
20 Congolese person is on the basis of your accents and your appearance?
21 A. Thank you, Maître. What will distinguish us, well, it's the way you say the word
22 "tuer", "to kill," but that won't reveal me. It's my appearance that's visible. When I'm in
23 the Central African Republic, even if I don't speak you can see (Redacted) because of
24 my appearance, the way I look. If I speak for a long time, two or three minutes I mean,
25 it's easy. They'll realise that (Redacted) because there is an accent. There is a

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1 certain rhyme and rhythm in one's speech and they will understand that I am Congolese,
2 but we can recognise the Central Africans too because they also have their own
3 appearance in general. Of course there are always exceptions to the rules, but as a
4 general rule we can recognise them. They are what we call "Mosantra," (phon) Central
5 Africans.

6 Q. Witness, do you remember (Redacted)

7 (Redacted) Do you

8 remember this?

9 A. Quite clearly, Maître.

10 Q. Do you know more or less on which date you saw them at the support regiment?

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Are you speaking about 3 October, or November?

15 A. Thank you for that correction, Maître. 3 November. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Witness, as far as you know, until when did the MLC troops stay at the support
23 regiment before they moved on to PK12?

24 A. Thank you, Maître. They arrived well (Redacted) before 3 November,

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Where was this at PK12?

9 A. In front of the Begoua school at PK12, at the terrain. That's where their main staff
10 was.

11 Q. And what would the distance be between the support regiment and PK12?

12 A. Thank you for that question, Maître. It's true these are estimates. It's a matter of
13 guesswork, because I do know the town very well. PK12, if you set off from the centre of
14 the town, PK0 as we call it, if you leave from that point and go to PK12 it's 12 kilometres
15 away from PK0, from the town as far as the support regiment if I'm not mistaken, and that
16 would be about a distance of three or three-and-a-half kilometres. So 12 minus three
17 makes eight, so from the support regiment to PK12 would be eight kilometres, something
18 like that, approximately.

19 Q. Witness, who was at PK12 before the MLC soldiers arrived there in the month of
20 November, as you say? Between 25 October 2002 and the month of November, which
21 troops were present at PK12?

22 A. Thank you, Maître. Even if you've never been there, I'll try and explain this. To
23 you, as an intellectual, you should be able to understand this. When you arrive at PK12,
24 obviously when you leave the centre of the town and go to PK12, to the left, you have first
25 of all the support regiment and the RDOT. I apologise, it was the RDOT. That's an

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1 acronym. I can't tell you what it means, but there were troops there. It refers to troops.
2 It was 500 metres before PK12, and then to the right, I can now see it, there was a -- it
3 forked off for the pedestrians. When you arrive at PK12, before you cross the checkpoint
4 there is a gendarmerie station that has been there for a long time and is still there to this
5 very day. Apart from that, there was only a police station. There's a gendarmerie, and
6 in front of the gendarmerie there's the immigration office. You'll see all the people from
7 immigration there. If you want to go to Chad, or to the Cameroon, you have to fill in
8 forms there, deal with administrative issues and then it's for them to authorise you to
9 cross the border. That's the situation.

10 Q. Witness, do you remember having spoken about the advance of the rebel soldiers
11 under Bozizé, who came from the north, passed via PK12 and continued in the direction
12 of Bangui? Well, my question is: As of 25 October 2002, between 25 October 2002 and
13 the month of November, before the MLC troops arrived, do you know under whose
14 control PK12 was? Which troops had control over PK12?

15 A. Thank you, Maître. Before the Banyamulengue arrived at PK12, if you like PK12
16 and onwards towards the support regiment, it were -- there were Bozizé's troops. There
17 were -- he wasn't just there with the rebels but with a group of troops from the CAR who
18 attacked, because first of all there was a group that had formed to attack President Patassé.
19 A few days later, they were reinforced by Chadian troops.

20 So the answer to your question is that PK12 was occupied by these people. If you take
21 the fourth district - Fouh, Gobongo and continue in the direction of PK12 - this area was
22 under the control of President Bozizé, but the clashes were between the fourth district,
23 that would be the limit, from town up to the fourth district. That's where there were a lot
24 of clashes, but they where in the direction of town - they'd been pushed back to that
25 point - and from that point up until 3 November, as I have already said, the area was

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1 empty. Bozizé had liberated PK12 and other places.

2 Q. Witness, I'm going to go back to another statement that you made to the OTP. It's
3 in the fifth document on the Defence's list CAR-OTP-0054-0481, page CAR-OTP-0054-0490,
4 and this is what you said: "From 29 October 2002, the town had already been liberated
5 and rebels advanced towards the Fohu and Gobongo neighbourhoods." Do you recall
6 having stated that?

7 A. Yes, that's what I have just said. That was from the 29th.

8 Q. Witness, if I try to trace the movement of Bozizé's rebels -- well, since you said that
9 from the 29th the town was liberated, what do you mean exactly when you say that the
10 town was liberated on 29 October? Liberated of whom?

11 A. Thank you, Maître. If you want to know more about this, in my statement I clearly
12 stated that the Banyamulenge troops arrived in Bangui on 27 October. I felt their
13 presence in the territory of the CAR on 27 October. In fact, when they arrived, they
14 didn't remain idle. They attacked and it was a terrible attack that they launched. I
15 won't hide this from you. It was like a film.

16 We observed this, because I explained this to you that the area I was in was quite calm
17 and we observed them fighting from a distance. They didn't wait. They launched an
18 attack on the 27th. On the 28th the enemy couldn't resist any more, and I mean Bozizé
19 and his troops they were no longer in a position to resist and they fled in the direction of
20 Fohu. You can see what distance that is.

21 From the town, the centre of town, it's about three kilometres or so. From PK0 up until
22 the support regiment the distance is about three kilometres between those two points, and
23 from the support regiment to Gobongo, well, that's PK9. Gobongo is at PK9, so you can
24 see how they advanced. They didn't wait. That was on the 27th and the 28th.

25 On the 29th they really pushed forward and drove them away out of the capital, so as of

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1 the 29th they were already in the area of PK12, behind PK12/PK13. From the 1st, they
2 were in that sector, PK12/PK13.

3 So at PK12, where the entrance to Begoua school is located, at that point the
4 Banyamulengue had a check-point, so they were one or two kilometres
5 away - PK13/PK14 - and they were -- that was the Muslim neighbourhood, a Central
6 African Muslim neighbourhood. So they were somewhat mixed at that time already.

7 Q. Witness, can we understand your statement as follows, in the following manner, in
8 order to clarify things: You said that you felt the presence of MLC troops in Bangui on
9 27 October. However, does this mean that you personally did not see them on
10 27 October, you didn't see them until the beginning of November, is this how we can take
11 your testimony?

12 A. Maître, what you should understand is that when they were in the field, when I felt
13 their presence, from the 27th, as I have already said, well, they were already going
14 through the town. They were patrolling the town in vehicles, not on foot, and when they
15 went on patrol they patrolled slowly. It wasn't fast. They would speak to each other in
16 Lingala, and then there were rumours according to which there were Congolese soldiers
17 in the territory. So as of the 27th they were already in their vehicles, and on the 28th they
18 were going around the town.

19 And when I say "the town," even in parts where there was no war being waged, or where
20 there was no mutiny, no attacks had been launched there, they entered those parts of the
21 town as well in their vehicles.

22 Q. Witness, my question doesn't concern rumours, nor does it concern what you felt. I
23 am speaking about what you personally saw. Are we to understand that you did not see
24 them in Bangui on 27 October? It was not until the beginning of the month of November
25 that you personally saw them?

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1 A. I personally saw them on 29 October. That was when we met. It was between 29
2 and 30 October.

3 Q. Witness, can we understand your testimony as follows with regard to the movement
4 of Bozizé's troops, which were leaving the centre of Bangui: Are we to take it that they
5 were in the centre of Bangui between 25 October and 29 October?

6 A. Maître, if you could have a quick look at my statement you will see that on the 22nd,
7 as early as the 22nd, Bozizé troops had already been shelled by the Libyan forces, or had
8 already been bombed by the Libyan forces, because I was saying as early as the 22nd there
9 were the Libyan troops that were bombing.

10 There was the population there. The rebels were with the inhabitants to avoid damage,
11 so the Libyan force wasn't really able to confront this situation. The Banyamulengue
12 were about to arrive and they arrived. When they arrived, it was the infantry. They
13 didn't arrive in planes. They attacked. That was on the 27th, so things started to move
14 on the 27th and I do remember that it was raining. Yes, I remember that, and in the rain
15 you could hear the sound of heavy weapons opening fire. They attacked on the 27th and
16 on the 28th and on the 29th. Maître, please, you have to follow me carefully so we can
17 move on, as I have already said.

18 So as of the 29th, as early as the 29th, there were certain clubs that were open in the
19 town - Tropicana, for example - and people would go there to drink. Then later -- well, I
20 can't imagine things, (Redacted)

21 (Redacted) Tropicana was open, but the
22 clients -- well, there were very few clients. You had to be courageous, because there was
23 a precarious situation of calm. That was between the 29th and the 30th.

24 On the 3rd -- Maître, I'm continuing. That's not my problem. I'm continuing with my
25 story. When they arrived on 3 November, that was a Sunday, at PK12 -- when they

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1 arrived on the 3rd, they were already at PK12. Am I making myself clear? They were
2 already at PK12, but things hadn't quietened down. Attacks were still being launched in
3 the PK12 area. They were there. There were tables. There was the main staff. The
4 commander was there, but the area was still in the state of alert.

5 Q. Thank you, Witness. Witness, perhaps we can take this step-by-step. Let's deal
6 with the centre of town, first of all. I'll put a series of questions to you, and it's important
7 to facilitate everyone's understanding, to make it easier for everyone to understand. Is
8 your account that Bozizé's rebel soldiers stayed in the centre of town from 22 October 2002
9 to 28 October? I'm referring to the centre of Bangui. So it was only six days later that
10 they were driven out of the town of Bangui, the centre of Bangui; is that correct?

11 A. Maître, at the time Bozizé's rebels wanted to take the palace in which Ange-Félix
12 Patassé lived. That was at 36 Villas. Those who know Bangui well will know that it
13 was at Villa Adrienne. There's the ONAF behind that building, and last time there's a
14 military -- well, you spoke about a military camp, Camp Béal. As Bozizé was the chief of
15 the main staff, he had engaged a large number of troops to attack, and Patassé felt under
16 threat and he called on Jean-Pierre Bemba to send in troops to assist him.

17 As of the 27th, the Banyamulengue were in the field and they had engaged in combat.

18 You know, when we speak about the town, when you advance, you pass by the national
19 gendarmerie and you pass by some of the Sica. (No interpretation)

20 PRESIDING JUDGE STEINER: Just one second. I am sorry, Witness, to interrupt you.

21 We had a problem. We stayed for a while without English translation. If you could just
22 summarise the answer you were giving in order for us to have the complete transcript,
23 but you can summarise the information, if you don't mind.

24 THE INTERPRETER: The interpreter apologises. It appears that the microphone wasn't
25 on. Could Counsel put the same question to me again and I will summarise it?

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1 PRESIDING JUDGE STEINER: It's part of your answer. In the transcript, we stopped
2 when you were talking about "... the town, when you advance, you pass by the national
3 gendarmerie," and then it stopped. So you can continue from there, if you remember.
4 Otherwise, of course, Maître Kilolo can help you.

5 MR KILOLO: (Interpretation)

6 Q. Witness, my question was quite simple. Could you answer in a focused way and
7 we'll arrive at PK12 gradually. Are we to take it that your version of the events is that
8 Bozizé's rebel soldiers were in the centre of Bangui between 22 October 2002 up until
9 28 October 2002 inclusive, because as of the 29th they advanced. Is that how we are to
10 take your account with regard to the centre of Bangui?

11 A. Yes, Maître. As of the 28th - as of the 28th - there was the presence of Bozizé's
12 soldiers in the centre of the town and along the axis that I mentioned, the centre of town,
13 Gobongo, Boy-Rabé, Boy-Rabé, in fact because that's his stronghold. That's where his
14 ethnic group is located, in Boy-Rabé. That would be the situation. Boy-Rabé is, in fact,
15 at Gobongo.

16 Q. And when exactly was it on 22 October, according to you?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) I understood that there had been attacks from PK12, PK13 and PK14; in other
22 words, attacks between Bozizé's rebels and the Banyamulengue. (Redacted)

23 (Redacted) that's when I learned that, yes, indeed, there was a very

24 bloody battle, starting from the 5th and henceforth, from 5 November and henceforth.

25 That affected PK12, all the way to PK14, so in this way we can make progress, because if

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1 you ask me where they where it was as if I, too, was chief of operations, or I held the
2 weapons and was alongside them to know about their direction.

3 In my statement I clearly stated (Redacted)

4 (Redacted) that is when I learned that there had been the

5 murders and the septic tanks and so on. I think I've now repeated what I said in my
6 statement, so let's go forward.

7 Q. Witness, and here I'm talking about the fifth document on the Defence list,

8 CAR-OTP-0054-0481, page CAR-OTP-0054-0488, you say that there was a lot of tension in
9 Bangui on 22 October 2002. What did you mean by that?

10 A. The Libyan aircraft were shelling the rebels' positions, Bozizé's rebels' positions.
11 There were mutinies between those who were in favour of Ange-Félix Patassé, who was
12 in power then, and Bozizé, those in favour of Bozizé, who had become rebels in the capital
13 city. There was a great deal of tension. Things were hot.

14 Q. Do you mean, Witness, that on that date, 22 October 2002, Bozizé rebels' positions
15 were located in the city centre of Bangui at that particular moment in time?

16 A. Counsel, I do believe that in my statement I said that what I saw -- what I saw at the
17 Fatima school was an aircraft that was shelling, or bombing, and there were rebels
18 shooting at the aircraft and the aircraft was above the bullets, and at a certain point in time
19 the aircraft was stationary and the bullets fell back. That's what I personally saw from a
20 distance. That was on the 22nd.

21 Q. Thank you. Now, in concrete terms, on what specific date did the Bozizé's rebels
22 go beyond the city centre of Bangui, as far as you know?

23 A. To go where?

24 Q. To advance, as you already said, towards the Fohu and Gobongo neighbourhoods.

25 A. There's no point in labouring this. Let me just restate what I said. (Redacted)

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- 1 3 October, I was at the support regiment and there was no attacks, and that was a Sunday,
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted) There were clashes between Bozizé's troops,
11 supported by the Chadians and the Banyamulengue troops, so I really don't see why
12 you're belabouring this point, Counsel. It's quite clear. It's very easy to understand.
13 Why do you want to continue driving me on? I think things are perfectly clear. Let's
14 make headway. You are coming round in circles, Counsel.
15 Q. Witness, from your statement can we infer that five days after the arrival of Bozizé's
16 rebel troops in Bangui the MLC soldiers themselves arrived, because you're talking on the
17 one hand about 22 October as being the date on which the presence of Bozizé's troops in
18 movement in the centre of town had begun, and on the other hand you talk about
19 27 October as being the date when the MLC troops arrived. That makes for five days.
20 Can we infer that your version of the facts is that, five days after the movements of Bozizé
21 rebels began, the MLC soldiers arrived in Bangui?
22 A. No, that's wrong. You're trying to make me say something I didn't say. Let me
23 repeat this: On 22 October, what I noticed was an aircraft shelling, shelling Bozizé's
24 positions. I am not saying that Bozizé's rebels arrived on 22 October, and this is quite
25 clear in my statement too, I had said that the Libyan soldiers were bombing the rebels'

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1 positions on the 22nd.

2 As for the rest, I don't know about that so if you want to infer anything more, well, as far
3 as I know, who they were shelling. They were not shelling Patassé's soldiers, since they
4 were operating alongside them, they were shelling the enemies. For the rest, I don't
5 know. I wasn't on the ground. I saw things from a distance.

6 On 27 October, I felt the presence of the Banyamulengue.(Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) there

14 had been attacks. Jean-Pierre Bemba's soldiers, and the soldiers of Mr Bozizé, had
15 clashed. There'd been a clash and there had been a massacre, or something like that.

16 I think, Counsel, I'm being perfectly clear. I'm repeating this over and over again. You
17 might want to enter into detail to ask me how they took such-and-such a position. I will
18 only be able to answer you what is written in my statement. I have to stop there. Thank
19 you, Counsel.

20 Q. Witness, when you heard or saw Bozizé's rebels on 22 October 2002 shelling, or
21 rather firing at the Libyan aircraft in Bangui, do you know which neighbourhood in
22 Bangui Bozizé rebels fired at the Libyan aircraft, on 22 October? Which neighbourhood
23 was it from?

24 A. I think I already said that Fatima's school, we could see this as if it was a film, but it
25 was what was actually going on. From the 4th arrondissement and the Fohu

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1 neighbourhood and Miskine which is -- even before that, the Miskine neighbourhood is in
2 town, just next to 36 Villas and Benz-Vi. Benz-Vi was also attacked. Those who live in
3 that area. Well, if you have a map, I could draw out the part that was affected for you

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 So that part, Miskine, Benz-Vi, all those areas, well, they were in the fight. They were
16 shelled.

17 Q. On 22 October 2002, you saw Bozizé's rebel soldiers in Bangui firing at the Libyan
18 aircraft and on 29 October 2002 you say that the city had already been liberated and the
19 rebels had advanced towards the Fouh and Gobongo neighbourhoods. How did you
20 know that the Bozizé rebels didn't leave the centre of town to go to the Gobongo and Fouh
21 neighbourhoods until 29 October 2002? How did you gain that information?

22 A. When I talk about the city, I'm not talking about the whole city. This didn't involve
23 Port Beach or Tropicana, where we used to meet, but it's one part of a city. I say one part
24 because there's a hill which straddles Bassubangui and Bangui and that part of the town,
25 the houses that are on Bassubangui, the hill, well, that is the part that had been somewhat

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- 1 liberated because Patassé was between the gendarmerie station and the 4th intersection.
- 2 They wanted to circle and surround the villa, and take over the pass, but they were driven
- 3 back by the Banyamulengues who had attacked them.
- 4 (Redacted)
- 5 (Redacted) I would have been able to describe the way in which
- 6 they attacked, but let me just remind you once again, Counsel.
- 7 Starting on 3 November I was at PK12, so all that part, from the support regiment, to
- 8 PK12, all that part had been liberated, liberated because the military were already at PK12,
- 9 (Redacted)
- 10 (Redacted) -- so one can assume that up until
- 11 3 November, that part from the city centre to PK12, where the school is located, it was
- 12 already liberated but when I left --
- 13 Q. I have to interrupt you because we have a time constraint and it would be advisable
- 14 for us to finish with you by tomorrow. So at this pace we would unfortunately have to
- 15 continue with you longer and I'm sure you are in a hurry to go back to your own home
- 16 and your own family. So perhaps if you are willing, Witness, can we summarise, in just
- 17 one word by asking you this question: How is it that you know that starting on
- 18 22 October 2002, the date on which you saw Bozizé's rebels in action in Bangui, the whole
- 19 area, starting from the city centre of Bangui and going all the way to PK12 was liberated
- 20 of the presence, was rid of the presence of the Bozizé rebels, starting on 3 November 2002?
- 21 How did you find that out?
- 22 A. Counsel, let me say this once again: The Libyan soldiers were shelling the
- 23 positions of Bozizé's rebels. That was on the 22nd. I didn't get close to them. I could
- 24 not find out what the position of Bozizé rebels was. Were they in the middle of town?
- 25 But according to your question I would say it was around the 4th, Miskine, Benz-Vi,

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1 Gobongo, in that area there, because from where I live, well, that aircraft didn't bomb us.
2 People could get out and about.
3 So only part of the capital was affected by this, and when I say the city centre, I don't
4 mean the whole of the city. If you take Villa Adrienne, in 14 Villas, where there's Air
5 France, the gendarmerie, that's part of the city centre. Indeed, some of the Sica housing
6 settlements are part of the city. So the Banyamulengue came because Bozizé soldiers
7 truly attacked all the way to the residence, all the way to the residence, and Patassé was in
8 a very uncomfortable position, it was almost the end, and there was absolutely no means
9 for Patassé to do anything except resort to somebody who could quickly come, and in
10 view of the geographic position, because Zongo is opposite the city, and that is why the
11 Banyamulengue came over, to drive back, to drive back the enemy who had already
12 surrounded the presidential palace, or no, not the palace, the residence, the presidential
13 residence.

14 Q. Witness, did you ever hear anything about President Patassé's private militia who
15 fought on his behalf to try and drive back Bozizé's rebels?

16 A. Counsel, when you talk about militia, I do remember there were youths who would
17 go from house-to-house to ask for 100 or 50 CFA to buy coffee, so as to be on guard
18 outside, but that was after the events, after the events. The militia, they had just a stick.
19 You can't fight with a stick. Patassé's militia was, it was only later that these youths in
20 the neighbourhood would go from one house to the next and ask for 50 or 100 francs and
21 saying it was no obligation, that they would be able to buy coffee and sugar, wood, stove
22 wood and bread and then they would be on guard in the neighbourhoods to avoid it
23 because during that whole period, people had weapons in their houses, revolvers,
24 shotguns, a lot of things had happened and so the youths, when there was gunfire, they
25 would group together and go and try and catch the person involved but they didn't go to

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1 fight, no.

2 Q. Let me refer, for the benefit of the Chamber, to the edited version of the transcript, in
3 the French version of 5 April 2011, page 47, lines 9 to 18. On this topic, Witness, did you
4 ever hear about the Sarawi?

5 A. I do know there is a neighbourhood in Bangui called the Sara neighbourhood and
6 most of the inhabitants are relatives of Ange-Félix Patassé, they are Saras, they have
7 traditional scars. Most of them are Saras. When I talk about Saras, the ones from the
8 north, that have a Chadian tendency and they inhabit that neighbourhood. When you
9 ask me about Sarawis and insecurity, you asked me whether I knew -- what did I call
10 those people with the sticks? Those people? Can you help me? Those who were on
11 guard? Maybe, maybe, but what I don't know, I cannot say. In any case, the word
12 Sarawi, well, you have to understand that in Bangui there is one neighbourhood but it's
13 called the Sara neighbourhood and most of its inhabitants are relatives of Patassé, like
14 Boy-Rabé, most if its inhabitants are related to Bozizé because there are Gbayas there
15 whereas there are the Kabas, the Karas in Sara, and the Saras themselves.

16 PRESIDING JUDGE STEINER: I am sorry, Maître Kilolo, we have to go to the break.
17 We had already one-and-a-half hour. Am I correct? Mr Witness, we will have now our
18 lunch break. You have time to not only have lunch but to take some rest. It's 12.30.
19 We will resume at 2 o'clock. Court usher, please accompany the witness outside the
20 courtroom.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 12.31 p.m.)

24 *(Upon resuming in closed session at 2.05 p.m.) Reclassified as Open session

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

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- 1 PRESIDING JUDGE STEINER: Good afternoon. I ask, please, the court usher to
2 bring the witness in.
3 (The witness enters the courtroom)
4 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
5 THE WITNESS: (Interpretation) Good afternoon, your Honour.
6 PRESIDING JUDGE STEINER: Did you have the opportunity to take some rest?
7 THE WITNESS: (Interpretation) Yes, Madam President.
8 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with
9 your testimony?
10 THE WITNESS: (Interpretation) Yes, I am ready to continue.
11 PRESIDING JUDGE STEINER: Mr Witness, if you allow me just once again a
12 recommendation that you try to be as much objective and concise as possible, because
13 we want you to be ready to go home as soon as possible, but for that we need that
14 you make an effort in order to answer to the Defence questions with brief, short,
15 objective information, because then the Defence can advance and conclude your
16 questioning as soon as possible for your benefit. It's fine with you?
17 THE WITNESS: (Interpretation) Yes, your Honour.
18 PRESIDING JUDGE STEINER: We know that you may be very anxious to go back
19 home, so if we make this effort we hope the Defence will be able to conclude very,
20 very soon.
21 Am I right, Maître Kilolo?
22 MR KILOLO: (Interpretation) That is exactly correct, Madam President.
23 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.
24 MR KILOLO: (Interpretation)
25 Q. Good afternoon, Mr Witness.

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1 A. Good afternoon to you too, Counsel.

2 Q. Witness, President Patassé's private militia, who fought alongside him at that
3 time of the events, did you ever hear mention of the Karakos militia among President
4 Patassé's militia?

5 A. Your question is to find out from me whether I heard talk about militia. There
6 was no militia as such, but there was a Karako operation and Karako is peanuts, or
7 groundnuts. The purpose of the operation was to eliminate and kill people. It was
8 a Karako operation, not Karakos.

9 Q. Could you be specific as to which persons were to be eliminated and killed?

10 A. This happened during the Patassé era. Patassé had set up, and I believe it was
11 Sarala (phon), the one who is now leading a rebellion. Well, I'll give you the name of
12 the person later on, but the purpose of the operation was such that if you -- if the
13 government or President Patassé suspected you, then people would visit you and kill
14 you. The name of the operation was Karako, Karako for peanuts/groundnuts, not
15 Karakos. So it was like you used -- you can press on the peanut to eliminate
16 whatever is inside, and that is why it is called Operation Karako, not Karakos.

17 Q. At what time did that operation take place?

18 A. Counsel, I know that it was when Patassé was in power. I don't know. It is
19 true that I lived through the experience, but I have forgotten most of it. By the name
20 that you mentioned I was able to remember a few things, but I'm not able to put it
21 within a specific time-frame right now.

22 Q. Did you ever hear mention of the Balawa militia?

23 A. No, no, no, no, but that name "Balawa" does ring a bell. Balawa is a tree from
24 which balawa oil is obtained, but I don't know about the Balawa Operation?

25 Q. Did you ever hear about the SCPS militia, Société Centrafricain de protection et

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1 de surveillance?

2 A. No. No, Counsel.

3 PRESIDING JUDGE STEINER: Maître Kilolo, I am sorry.

4 Mr Witness, you are doing quite well and I'm not going to reprimand you, but just to
5 remind you of the five-second rule.

6 THE WITNESS: (No interpretation).

7 PRESIDING JUDGE STEINER: Yes. When Maître Kilolo finishes a question, please
8 wait five seconds before giving your answer. Thank you very much.

9 THE INTERPRETER: Thank you, your Honour, from the interpreters.

10 MR KILOLO: (Interpretation)

11 Q. Witness, did you ever hear mention of the self-defence units and vigilante
12 groups?

13 A. Yes, self-defence and not vigilance, but rather "vigileux." "Vigileux," that is the
14 word that was used. These were groups of young people who organised themselves
15 to provide security during the events. When things had calmed down young people
16 organised themselves into self-defence groups and vigileux, and they made
17 contributions of 5, 10, 15 francs to buy coffee and sugar so that they could keep watch
18 over the neighbourhood because people who were in possession of weapons were
19 likely to attack others. So it is true there were watch persons and self-defence
20 groups that were set up, not vigilantes.

21 Q. Witness, are you able to tell the Court the place at which (Redacted) kept the
22 property that was allegedly looted by Mustapha?

23 A. (Redacted)

24 (Redacted) Mustapha sometimes went with him to Zongo, so how was I to know?

25 You see, at that time (Redacted)

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1 (Redacted)

2 At that time, Mustapha had gathered all the vehicles in the compound which he was
3 renting near the Zulu commune and the Zulu cemetery on the way to the airport. It
4 is at that location that he kept the vehicles in a compound, while the other vehicles
5 were parked outside along the road.

6 But the goods (Redacted) I do not know where he kept them when the
7 Banyamulengue were on the ground. (Redacted)

8 (Redacted)

9 and that is it.

10 Q. Witness, do you know whether Mr Atandele was a trader?

11 A. I did not know Atandele as such, (Redacted)

12 (Redacted) For those who know him, he owned a number of vehicles before the
13 events and he used to shuttle between Zongo and Gemena. So he was a trader
14 previously, but after the arrival of Kabila he ran into some problems and crossed over
15 to Bangui. I would like to say thank God for him, because when the Banyamulengue
16 took over he was given the position of ambassador since he had been supplying fuel
17 to Mr Jean-Pierre Bemba.

18 Q. Allow me to refer to one of your statements the OTP. It is in the sixth
19 document of the list of Defence documents, reference CAR-OTP-0054-0503, page
20 CAR-OTP-0054-0514. Mr Witness, when you say that there were civilians in prison
21 who were taken to be Bozizé's rebels' scouts, what do you mean by that?

22 A. Before I answer your question, let us agree on what we mean by "prison."
23 When I say "prison," we are not talking about the standard prisons that -- as we may
24 understand it. I'm simply referring to an ordinary house that was previously
25 inhabited by people who fled because of the mutiny, and then the Banyamulengue

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1 troops would take over such a house and transform it into a prison. So it is not a
2 prison to be understood in the general sense of the word. It is a jail-house or a
3 lock-up location, so to speak.

4 So when you talk about scouts in the province, that is from Damara, the
5 understanding is that civilians who were going by this single road along the Chad
6 axis, linking up a number of villages, civilians will travel along the tarmac road as
7 they went from one village to the next and they were thus forced to go through the
8 areas inhabited by the Banyamulengue.

9 So some of the civilians were mistaken for scouts and, although they were civilians
10 and in spite of all the explanation they provided, they were thrown into those jails
11 and suspected of being soldiers who had been sent to spy and to find out what the
12 Banyamulengue positions were. That is the answer I can provide, Counsel.

13 Q. Let me refer to another statements of yours to the OTP found in the eighth
14 document of the Defence lists of documents, CAR-OTP-0054-0549, at page
15 CAR-OTP-0054-0559, and this is what you say: "It was along the Cameroon axis that
16 violent clashes occurred between the Banyamulengue and the rebels, and on every
17 occasion I have consistently told you that the rebels were always in civilian attire
18 during combat."

19 Witness, is this a true reflection of your statement to the OTP?

20 A. Yes, indeed, Counsel.

21 Q. How did you know that Bozizé's rebels were always in civilian attire during
22 combat? How did you find out about this?

23 A. From the Banyamulengue, from the explanations they provided to us during
24 our conversations. That is how I became aware of it.

25 Q. In your statement to the OTP found in the eighth document of the Defence list

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1 of documents, page CAR-OTP-0054-0559, this is what you say: "The rebels were
2 made up of Central African soldiers, who spoke Sango, and Chadian soldiers,
3 referred to otherwise as the Zaghawa, who spoke Arabic. Since they neither
4 understood Arabic nor Sango, the Banyamulengue took civilian inhabitants for rebels,
5 or confused them for rebels. The mistake that President Patassé made was that he
6 should have used Central African soldiers alongside the Banyamulengue in order to
7 facilitate understanding of the languages that were being spoken." Witness, is this a
8 true reflection of the statement you made to the OTP?

9 A. Yes. Yes, I am the one who gave that statement and I am the one who spoke
10 those words.

11 Q. Mr Witness, when you say that President Patassé made a mistake, how did you
12 know that it was up to President Patassé to take the practical measures regarding the
13 physical composition of the troops on the ground?

14 A. Thank you, Counsel. You asked me a question about the Banyamulengue and
15 I answered a short while ago, and now you are asking me how I found out about the
16 mistake. The source is still the Banyamulengue because, you see, sometimes the
17 rebels were in civilian attire during the fighting and they did not have time to capture
18 anybody to try them and to determine whether they were civilians or combatants, so
19 what happened was that they shot at everybody, at anyone, because they thought that
20 anyone in civilian attire would pass for or would be the enemy, and that's the answer.

21 Q. Witness, according to information available to the Defence and to the
22 Court - I'm referring here to the French version of the edited transcripts of
23 23 August 2011, page 50, lines 27 to 28 - from that reference it emerges that Bozizé's
24 rebels committed atrocious crimes during the events in the Central African Republic.
25 Does this tally with your intelligence?

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1 A. Well, I have just found that out from you now. It is information that you are
2 making available to me. What I acknowledge regarding these rebels is that after
3 they took power, after power was taken on 15 March, or should I say before the 30th,
4 right there in the capital the Zaghawa had no control as such. They may have been
5 trigger happy but, you know, in order to put an end to all these problems President
6 Bozizé called on all the soldiers and, even before he made so, he made the call, he had
7 set up units at all roundabouts to recover weapons and to disarm the soldiers who
8 were roaming the streets of the city with vehicles, private vehicles, and all types of
9 weapons. So he had stationed soldiers at all roundabouts to recover those weapons.
10 After that measure was implemented, I believe that up until this time that I am
11 talking to you, and it is for that reason that I appreciated that president from that day
12 to today in the province, you see, in Bangui, when you hear any gunshots or any
13 firing it is simply in relation to hold-ups, but since 15 March 2003 there is no talk of a
14 mutiny or any military insurgency, or what have you, because he has had control of
15 the soldiers. Regardless, some barbaric acts continue to be committed in the area. I
16 think that's the answer, Counsel.

17 Q. Witness, do you remember testifying that during the events rapes were
18 committed in the gendarmerie facility at PK12 after the gendarmes had deserted their
19 station? Do you remember that as being your testimony?

20 A. Yes, I do. Indeed, I do recall. I am the one who spoke those words, Counsel,
21 yes, that is true.

22 Q. Based on information available to us, it was in fact when Bozizé's rebels had
23 occupied PK12 that the gendarmes abandoned their post and the gendarmerie post
24 was occupied by Bozizé's soldiers, but when the MLC soldiers arrived at PK12, the
25 gendarmes had already returned to their positions at PK12.

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1 I'm referring here, for the benefit of the Court, to the French version of the transcripts,
2 the edited transcript of 2 December 2010, page 32, lines 27 to 32; French version edited
3 29 June 2011, page 39, lines 21 to 27; and again still to the transcript, French version,
4 edited French version of 25 November 2010, page 35, lines 12 to 17; and further still to
5 the French version of the transcript, edited version of 25 November 2010, page 57,
6 lines 9 to 13; as well as to the French version of the transcript, edited version of
7 17 February 2011, page 26, lines 1 to 6; and further still to the French version of the
8 transcripts, edited version of 21 January 2011, page 12, lines 10 to 16; and finally to the
9 French version of the transcripts, edited version, 25 January 2011, page 11, lines 1 to 5.

10 Witness, did you learn that it was when Bozizé's rebels arrived at PK12 that the
11 gendarmes had abandoned their position at the gendarmerie and when the MLC
12 soldiers arrived they took up their work in the gendarmerie at PK12 again?

13 A. That's false, Maître. That information is false. I deny that. It's false
14 information. However, to the contrary, the gendarmes couldn't tolerate this because
15 the Banyamulengue would glorify themselves. They said, "The president has left
16 because of us. We have made progress and we have driven back the enemy." A
17 gendarme had nothing to say in front of a Banyamulengue. A Banyamulengue
18 could maltreat a FACA member, or Central African gendarme. No one could
19 criticise him for that. The gendarmes and the troops themselves withdrew from the
20 field and let the Banyamulengue do what they wanted.

21 When I went to PK12, the post at that position was abandoned. It was empty.
22 Where the immigration building is, or where it was in front of the gendarmerie, for
23 example that entire area was occupied by the Banyamulengue. Who would the
24 gendarmes be who would have the courage to go to the office to work there? That's
25 absolutely false, Maître. It's false information. Everything that you have just read

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1 out, all those cases you have referred to, I deny what you said. It's false and that is
2 the correct piece of information I can provide.

3 Q. I'm referring now to another statement you gave to the OTP. It's the fourth
4 document in the Defence's list, CAR-OTP-0046-0368, page CAR-OTP-0046-0377.

5 Witness, do you remember having referred to two cases of looting, one of which was
6 at PK12 and concerned Mr Boma (phon) and the other one was at PK13? Do you
7 remember this?

8 A. Yes, I remember the case of Mr Thomas, who was the first authorised official of
9 Patassé. The Banyamulengue had looted his house and they had raped his wife.
10 When I say they looted it, well, they took the television, the armchair, 180,000 francs
11 and they raped his wife. A few days later, they couldn't support it. He separated
12 from his wife. The house is still there. The gentleman is still there where his wife
13 had been attacked.

14 Q. Witness, did you personally witness the looting and the rape of Mr Thomas's
15 wife?

16 A. The looting and the rape took place when? I believe that you have my book, if
17 you like, in your hands. We can call it a book. It was from 5 November and
18 7 November 2003 -- I apologise, 2002. So at that point in time on the 5th, from the
19 5th to the 7th, where was I? I was occupied with my work. You know that well,
20 (Redacted)

21 (Redacted), so on the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th, if
22 you like, on the 13th I was fully occupied with my work. These events took place on
23 the 5th and the 7th, and how did I learn about this? You should put that question to
24 me. You should ask me "How?", but you are asking me whether I was a witness,
25 whether I was there.(Redacted)

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- 1 (Redacted) It was on that occasion that I learned quite a few things,
2 and when I say "quite a few things" I learned about the rape, about cases of theft and
3 of looting.
4 I wasn't present, (Redacted) and he showed me
5 the mass grave (Redacted) these people and to this very day it's not a
6 secret. If you go to the cattle market at PK13, the Muslims have fenced that area in
7 with bricks and they planted two or three trees inside. Everyone knows this.
8 When you move on a bit, when you advance a bit, there's some orange trees. You'll
9 see a second mass grave. In the first one there's 16 people, in the second grave 22
10 people, and before they arrived in certain places they killed and raped.
11 The Banyamulengue were people who had no secrets. (Redacted)
12 (Redacted) the places and said, "Here we buried so many
13 people." We arrived there and someone else confirmed, "We buried such-and-such a
14 number of people there." We went on and they said, "Do you see the mosque there?
15 There are eight bodies there. Do you see the mango tree? Four bodies there."
16 Maître, if you please, you shouldn't push me to say certain things. Let's respect
17 certain limits. I didn't say that I was present. You shouldn't make me say that, but
18 (Redacted) and this person is the person who informed
19 me about this case.
20 Q. Witness, I'll now move on to another statement that you gave to the OTP. It's
21 in the third document in the Defence's list, CAR-OTP-0046-0351, page
22 CAR-OTP-0046-0362. Witness, did you personally have access to the mass graves
23 and were you able to see the bodies that -- were people killed by MLC troops at PK12,
24 13 and 14, allegedly killed by these troops?
25 A. As I said, there were events that took place in my absence, but I was informed

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1 about them by one of the actors, agents if you like, someone who took part in these
2 events. I saw, if you like, these graves. They had been filled in with earth, but there
3 was an odour because the holes hadn't been dug correctly. There were odours that
4 were difficult to tolerate, smells that were difficult to tolerate. You will tell me -- you
5 are asking me whether I saw that, well, did I see anything buried inside, but someone
6 said, "I've buried some bodies here." Am I to believe that? How can I see what is
7 underground? I don't have ultraviolet sight, Maître.

8 Q. Witness, do you remember whether the OTP investigators who spoke to you
9 tried to obtain access to the mass graves to see the bodies and to confirm what you
10 had stated? Did they ask about -- did they ask you about the precise location? Did
11 they ask you to accompany them there so that they could have access to the bodies
12 and check on what you had said?

13 A. That's a good question, Maître. They asked me to locate these mass graves.
14 Even you, who have perhaps never been to Bangui, well, I can explain this to you.
15 You take the plane and you will find them, because it's easy. How should I put this?
16 Everyone knows about this - everyone - and it's easy. At PK13, at the cattle market,
17 well, there's one market, there's a large ground where you have the Mbororo people.
18 They are stock breeders and they bring cattle from Chad to the CAR. They go there
19 to sell their goods, to sell their cattle at the cattle market which is at PK13. It's not in
20 the centre. It's at the corner that you will see a fenced-in area. It could be as large
21 as my office here, the size of this table here, if you take the table. They planted trees
22 in such a space, and I know that that is where they had buried 16 bodies.

23 A little further on, well, the bodies under the mango tree and by the mosque, the
24 Muslim brothers had certainly organised themselves to bury them. There were 22
25 bodies that were in a plantation that belonged to a former Congolese person, who

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1 went there in the year 1980 or 1985, if you like. There were these orange trees. You
2 could see there was a plantation with orange trees. It was easy. I drew a sketch for
3 the investigators and they went there. And how should I put this? The Damara
4 grave, (Redacted) It's on the way to Damara and then again --

5 Q. Witness, I apologise. For the sake of time, I want to deal with PK12, 13 and 14
6 and you already answered my question. You said that you yourself believed what
7 you were told (Redacted) and you said that you had never had
8 access to the bodies themselves. You said you had never seen those bodies. I am
9 satisfied with that answer and I would like to move on and put other questions to
10 you.

11 I'm now referring to another statement you gave to the OTP. It's in the third
12 document in the Defence's list, CAR-OTP-0046-0351, page CAR-OTP-0046-0363.

13 Witness, were you personally present when 16 individuals were killed at PK13, to be
14 more precise at the cattle market, and this was on 5 November 2002?

15 A. No, I wasn't present, (Redacted)

16 (Redacted) That's the right

17 number, 16 bodies. (Redacted) well, I was told there

18 were 16 bodies that were buried there, so this is true.

19 Q. Witness, when you speak about the person who provided you with this
20 information, are you talking about (Redacted)

21 A. Yes, (Redacted)

22 Q. I'm now referring to another statement that you made in the third document in
23 the Defence's list, CAR-OTP-0046-0351, page CAR-OTP-0046-0364. Witness, were
24 you personally present when the 22 individuals were killed at PK14 on 7 November
25 2002?

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1 A. No, Maître, I wasn't present, but yet again I was provided with this information
2 (Redacted)
3 (Redacted) Most of these bodies that were buried at PK14 were bodies of people
4 who had been killed on the bridge over a river called Sôh. It's at PK14. That's
5 where there were a number of them and they gathered all the bodies to bury them;
6 that is to say the Banyamulengue took civilians to take the bodies and bury them in a
7 mass grave in an orange tree plantation that belonged to a Congolese person who had
8 abandoned the plantation. According to the story this Congolese person was there
9 in the year '80 or '85, because after all these events I'd go over these things to
10 remember them in case someone asked me one day to go and show them these places
11 to be able to do so. So do not worry. If you say, "Let's leave," well I can show you
12 where these places are with my eyes closed, Maître.

13 Q. Witness, when you say that you didn't see but that you were informed, is it the
14 same person you are referring to? (Redacted)

15 A. Maître, to be more precise and to help you understand things, well, (Redacted)
16 (Redacted) showed these places to me, and I myself after the events set off
17 and carried out my own personal investigations and there was information that was
18 obtained. I obtained the same confirmations, that the Banyamulengue did this or
19 that here and there, so I understood that everyone was familiar with these events.
20 There is not a single secret.
21 Maître, if you go to PK13, to PK12, to PK13, to PK14, if you go there and you speak,
22 speak about the Banyamulengue, even before you finish your sentence they'll say, "Be
23 careful," because they have bad memories. When you ask these inhabitants about
24 things, they'll say, "This is what happened. This is what happened. This is what
25 happened." It's not a secret, because at PK12, 13 and 14 there are houses - very nice

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1 houses - that have been built there. It's a large place. It's not a secret. These are
2 graves in the town itself at PK12, 13, 14. Well, perhaps you think these places are in
3 the bush, but it's in the town itself. Maître, if you go there without me, they'll show
4 you these places. If you'd like to exhume these bodies, you can do it, you can count
5 the bodies and you will see that the story is a true one.

6 Q. Witness, I'm now going to put a question to you about the eight bodies. I'm
7 referring to the people who were killed in front of the mosque at PK12 on
8 5 November 2002, and I'm also referring to the four bodies under the mango tree at
9 PK12. Can you recall these two events?

10 A. Yes, quite clearly, Maître.

11 Q. I'm now referring to the statement that you gave to the OTP, it's in the third
12 document in the Defence's list, CAR-OTP-0046-0351, page CAR-OTP-0046-0364, and
13 this is the question that was put to you: "Now we'll speak about the eight plus four
14 people killed at PK12 on 5 November." This is what you replied: "I don't know
15 how, or where they are buried. (Redacted) about
16 that." Witness, does this correctly reflect the answer you provided to the Office of
17 the Prosecutor?

18 A. Yes, Maître.

19 Q. In that very same document, it's the third document in the Defence's list, the
20 same page, CAR-OTP-0046-0364, the following additional question was put to you:
21 "The eight plus four bodies that were abandoned at PK12, did you see these bodies?"
22 And you replied: "No, I didn't, but I heard about them (Redacted)
23 (Redacted) Witness, does this correctly reflect the answer that you gave to
24 the OTP?

25 A. Yes, obviously, Maître. Those were my words.

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1 Q. Witness, do you remember a gentleman (Redacted)

2 (Redacted) He came to

3 complain about his two brothers. It concerned his two brothers. Do you remember
4 the event?

5 A. We didn't fully understand this but, if you read what was said, the gentleman
6 who went to complain at PK12, he went there to complain because his two young
7 brothers were killed when he went to hide certain things, or rather he was
8 accompanying his wife and his children to hide them in the forest because there was
9 much tension. On his return from the forest, after having hidden his wife and
10 children there, the Banyamulengue passed by and wanted to take his goods from the
11 house and they killed his children, or rather these two young brothers of his.(Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 I haven't forgotten this. I can remember what he looked like. Some time, or some
16 time later, a few years later in fact, perhaps two years later, I was looking for
17 something.(Redacted)
18 (Redacted)

19 Q. I apologise, Witness.

20 A. (Redacted) I wanted to help you
21 understand that. (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 Q. Thank you, Witness. Were you present when the two brothers of this
2 gentleman (Redacted) were killed?

3 A. No, I wasn't present.

4 Q. Witness, I am now referring to the statement that you gave to the OTP. It's in
5 the fourth document in the Defence's list, CAR-OTP-0046-0368, page
6 CAR-OTP-0046-0373. Witness, is it true that this gentleman that you have spoken
7 about (Redacted) doesn't recognise you?

8 A. Well, when I met him he didn't recognise me, because (Redacted)
9 (Redacted) Many years have passed. I asked the gentleman, "Is everything
10 okay? He said, "Everything's okay." "Do you recognise me?" He said, "No, who
11 are you?" I said, "No, it was a long time ago. Are you still (Redacted) He said, "Yes,
12 I'm still (Redacted) "Isn't it you who lost those children at the time of the events?" "Ah,
13 yes, yes, my brother. My brothers, yes, it's true." And finally he said, "Well, I
14 haven't done anything. So far I've done nothing." I said, "Listen, you know there
15 are investigations that have been launched. You should go to Ouango to file a
16 complaint, explain what happened. They'll send investigators to the site, they'll
17 investigate and justice will be done. It won't be rapid, but investigations have been
18 opened up and justice will be done, given what the Banyamulengue did." He said,
19 "Thank you, brother. I'll do that." He said, "Give me your number." I said, "Give
20 me your number." He gave me his number.
21 I also gave him my number, because some time later we called each other. I called
22 him two or three times. I encouraged him to go and file a complaint, but
23 afterwards -- well, I had my personal items that I brought with me to The Hague and
24 if necessary I believe I have that number somewhere. If you like, tomorrow I'll bring
25 this number here for you and you can call him if you like to check up on this.

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1 PRESIDING JUDGE STEINER: Maître Kilolo, could you please repeat the reference
2 number, because I'm having difficulties in finding this reference.

3 MR KILOLO: (Interpretation) Your Honour, it's the fourth document on the Defence
4 list, CAR-OTP-0046-0368, and I'm talking of course about the French version. What
5 the witness narrates starts on page CAR-OTP-0046-0373, in fine, and goes on to the
6 beginning of the next page, CAR-OTP-0046-0374.

7 Q. Witness, let me go to your statement about these gentlemen in the fourth
8 document on the Defence list, CAR-OTP-0046-0368, on page CAR-OTP-0046-0374.
9 This was the question you were asked: "Do you know these gentlemen?" Answer:
10 "No, I know him only by sight." Witness, do those words reflect the answer that you
11 gave to the Office of the Prosecutor in 2009 about this gentleman?

12 A. Yes, that is highly likely, but a little while later I found him again. (Redacted)
13 (Redacted) -- I saw him, and the events took place
14 in 2003. I met with him one or two years later, 2005, (Redacted) and then I didn't
15 meet with him during the investigations or before the investigations.

16 When the investigators came I said "Yes," but then I checked and I went to see
17 whether he was there. He is still there today and continues to do his work. I can
18 outline a map of where he lives (Redacted) if you like? I can plot it out.

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

20 MR KILOLO: (Interpretation)

21 Q. So your version on this topic is that you yourself were not present when his two
22 brothers were murdered?

23 A. Counsel, I'm telling you (Redacted) These events took place while
24 soldiers were making attacks, while they were firing, and I as a (Redacted) could not
25 get near to them, so it was only afterwards that I learnt about this. When I say

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1 "afterwards," I think I learned about them maybe a fortnight later.

2 Now, not to take up too much time, these events took place from 5 to 7 November

3 and you can see that it's in the same area. If you take the six and the 22 mass graves,

4 the rape, the Nigerian -- the women from Niger who was raped, et cetera, all this

5 happened in very close -- in the very close vicinity, in the same area.

6 Q. Witness, do you remember the two Muslim gentlemen who lived in the same

7 house at PK13 and who, according to you, were killed and whose wives survived?

8 Do you remember about those persons?

9 A. Yes, Counsel. Not very far from there, that was close to the 16-person mass

10 grave, close to the raped women, close to the young girl. All this was in the same

11 area.

12 Q. Witness, let me go to the statement you made to the Office of the Prosecution,

13 the fourth document on the Defence list, CAR-OTP-0046-0368, on page

14 CAR-OTP-0046-0374. Witness, did you personally see the murder of these two

15 gentlemen - Muslim gentlemen - who lived in the same house at PK13?

16 A. No, as I said earlier on, these were two brothers who lived in the same house

17 and had their respective wives. All these events at PK12 and PK13 and PK14,

18 actually indeed only to some extent PK14, but in PK12, PK13, all this took place in the

19 same neighbourhood.

20 If one day you go over there to take a look for yourself, you will see the number of

21 skulls in the mass grave and you will be told, "This is what happened here. This is

22 what happened over there," and it all went on in the same neighbourhood. (Redacted)

23 (Redacted) He was the

24 one to tell me the whole story, saying, "16 people, let's go on now. Here they were.

25 Under the mango tree, there were four; at the mosque, eight bodies; here a 12-year old

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- 1 was raped and a few days later she died; and here -- and you see the two Muslim
2 women over there, their husbands were killed."
3 So they -- I would say to him, "Why?" And he said, "Oh, they were sulky. They
4 were killed," and then he went on, "The woman from Niger, she was raped or killed."
5 Later on, when I came back, I got additional information. The husband had to go
6 back to Nigeria, and Mr Thomas could no longer tolerate the situation and split up
7 with his wife. It was all the same neighbourhood. It's not as if you're going from
8 one place to another, a very remote place. All this was taking place in close
9 proximity, (Redacted)
10 Otherwise, how could he have told us this whole series? He could have told me
11 about the mass graves, the plundering, the rapes. So this person took part.
12 I learnt several things the same day and see several things the same day. I learnt this
13 (Redacted) the rapes, the murders, the plundering, and I saw the
14 mass graves. For one person -- well, I was (Redacted) I
15 learnt a whole lot in a single day. So you should understand, Counsel.
16 Q. Let me come back to the statement you made to the Office of the Prosecutor
17 concerning the person we were just talking about. Fourth document on the Defence
18 list, CAR-OTP-0046-0368, on page CAR-OTP-0046-0374. This was the question you
19 were asked about the two Muslim persons: "Do you know what their names were?"
20 Your answer was: "No." Does that reflect what you told the Prosecutor in answer
21 to that question?
22 A. Yes. (Redacted) didn't know their names. All he
23 knew was that they were killed over there, but he didn't try to find out what their
24 names were.
25 Q. Let me go on to the statement you made to the Office of the Prosecutor, fourth

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1 document on the Defence list, CAR-OTP-0046-0368, page CAR-OTP-0046-0374. This
2 was the question you were asked: "Do you know of any other cases of murder?"
3 Your answer was as follows: "They raped a young 12-year old girl, not far from two
4 men that had been killed at PK13. A few days later the girl died because of the rape.
5 Her father worked for (Redacted)" Question: "Do you know the name of this little
6 girl?" Your answer was: "No."

7 Witness, does that reflect what you actually said to the Office of the Prosecutor?

8 A. Yes, it is true. The girl's house and the house of the raped women were more
9 or less diagonally opposite, and her father did work at (Redacted) at the time and
10 they are still living in the same area, those people, but I haven't tried to find out what
11 her name was.

12 Q. In the same document, fourth document on the Defence list, page
13 CAR-OTP-0046-0374, a question was put to you about her father: "And her father's
14 name?", goes the question. Your answer was: "No, except that (Redacted)
15 (Redacted) had pointed at the house." Witness, does that reflect the answer
16 you gave to the Office of the Prosecutor?

17 A. Of course, Counsel, yes.

18 Q. In the same document, still document 4 on the Defence list, on page
19 CAR-OTP-0046-0374, this is the question put to you: "How did you find out about
20 the case of this young girl?" Your answer was: "Everything I am telling you took
21 place in the same neighbourhood. (Redacted) told me
22 all this." Witness, does that reflect the words you said to the Office of the
23 Prosecutor?

24 A. Yes, of course, Counsel.

25 Q. Witness, is it accurate to say, in view of the facts and the alleged crimes that we

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1 have been covering, that it was not until about two weeks later, after the alleged
2 crimes, that you personally visited PK12 and PK13, and that you were not an
3 eyewitness when these crimes were perpetrated?

4 A. Yes, I was not eyewitness. The eyewitness was a person who told me about
5 this. These are true facts, and I went back there to make sure because I couldn't
6 come all the way from Bangui here to testify about things that were not true. This
7 information that I am stating, that is coming out of my mouth, I can assure you,
8 Counsel, should be seriously considered. They are -- they are true. Keep this in
9 your heart, look at them intently. This is real information, true information.

10 Q. Thank you. Witness, is your version of the facts that you were -- you found
11 out about all these things when you went to visit PK12 and PK13, thanks (Redacted)
12 (Redacted) Is that what you are saying?

13 A. Who else? I went to deliver. (Redacted)

14 (Redacted)

15 (Redacted)

16 You can't walk around without chatting and that's what we did and we reached a few
17 metres away and there was a smell and I said, "What was that?" But actually,
18 beforehand, when we were going there, he let me understand that it wasn't going to
19 be easy to go through the neighbourhood because there had been violent battle. He
20 had led me to understand that and then we went through it and I could smell and he
21 said, "Over there 16," and then we reached, well, (Redacted) in PK13, and he
22 said, "How can you tolerate that? And see over there." The same person confirmed
23 16 people over there, (Redacted) went on and just as we
24 were going around the corner, there's a street and there's a mango tree plus a mosque
25 and he said, "Eight bodies at the mosque, four at the mango tree" and as we were

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1 going -- well, going at the corner, he says, "Over there, a 12-year old girl." And a
2 little bit further on, two Muslim women are widows, so two husbands. Then a
3 Nigerian woman raped.

4 So as we went along he would point out the mass graves for the bodies that were
5 taken from PK13. So I learnt all this in one single day and that was two weeks after
6 the events. It was very quiet in the neighbourhood. Everybody had fled into the
7 forest. These events that I have just been testifying about are true. These are things
8 that happened two weeks ahead of when I was there.

9 PRESIDING JUDGE STEINER: Mr Kilolo, I'm sorry, I don't want to interfere with
10 your line of questioning, but I recommended the witness to try to be as more objective
11 and concise as possible, but if I read, and I'm reading again the transcript, you put the
12 same question, with different wordings, four times for the past five minutes. I think
13 we should be -- try to be consistent. You have asked many times if the witness
14 confirms what he said in the statement that he have not seen, that it was (Redacted)
15 (Redacted) that told him. Then you ask again: "Can we conclude that
16 you were not eyewitness?" "No, I'm not eyewitness." Then you ask again: "Is that
17 true that you haven't seen? (Redacted) "Yes, I confirm."

18 And we were five minutes now. So I was paying attention. So just to call your
19 attention for that, Maître Kilolo.

20 MR KILOLO: (Interpretation) Thank you, your Honour. Well, what the Defence is
21 doing is reviewing every single crime and every single area -- the witness, and had
22 plenty of time to do so, spoke about several crimes at PK12, PK13 and PK14. So the
23 questions I am putting to him are in no way repetitive, and in fact the references are
24 quite different. When he speaks for instance about the rape of the 12-year old girl,
25 that doesn't necessarily have anything to do with people who were buried under the

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1 mango tree, or with the people who were killed in front of the mosque.

2 So it is truly with the objective of achieving precision that I am covering each of these
3 points one-by-one and covering what he narrated to the interviewers from the Office
4 of the Prosecutor. That being said, I will of course take on board what you said
5 about concision.

6 PRESIDING JUDGE STEINER: Maître, I again would like to say that it is not my
7 intention to interfere with your line of questioning. I am just trying to call your
8 attention, and if you go to at least the English transcript, you will start discussing
9 line-by-line of page 0374, in page 56 of the transcript, and we are now in page 61, in
10 the very, very same page of the statement, and this is the point in which I decided just
11 to call your attention that maybe we should go ahead. But, of course, you are free to
12 choose to continue discussing this page 07-03474 if you want.

13 MR KILOLO: (Interpretation) Thank you, your Honour. Yes, we shall try and
14 make progress, but I must confess that this page concentrates the crimes referred to
15 by the witness as regards PK12, but needless to say we shall not take every single
16 page and review it. Thank you.

17 Q. Mr Witness, I am now going to refer to the statement you made, the third
18 document of the Defence list, CAR-OTP-0046-0351, page CAR-OTP-0046-0364. This
19 was the question put to you: "Do you know the name of (Redacted)
20 (Redacted) Your answer was: "No." The following question was: (Redacted)
21 (Redacted) Answer:

22 "No." Mr Witness, does that reflect the answer you gave the Office of the
23 Prosecutor?

24 A. Yes, Counsel, that does indeed reflect what I said to the Office of the Prosecutor.
25 Why is that? I don't know whether the office or the Presiding Judge showed you a

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1 list of names that I had noted down, but I don't remember those (Redacted) and

2 I cannot state what I'm not sure about, (Redacted)

3 (Redacted)

4 (Redacted) but I never saw him again. They were moving by then. It's been

5 years and I don't remember those names.

6 Q. How much time more or less did you spend with (Redacted)

7 (Redacted)

8 A. A bit over one hour, something like that.

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) We didn't spend much time together. We just stood, standing for a

15 few -- for a short while. (Redacted)

16 (Redacted) We didn't sit down

17 in armchairs to chat, no. (Redacted) and that was it. "And

18 take a look. Is it good?" "Yes, it is, or not. Next time I'll do it differently."

19 Q. You said that (Redacted) called him by his name. So can we infer that this

20 gentleman who told you the essential - what you refer to as the essential - facts here

21 before this Chamber, is it true that you don't know his name?

22 A. Prosecutor, or rather Counsel, well, if I -- if I were to invent a name or -- because

23 I know he's an important player, now, if I were to invent a name and keep it in my

24 mind and bring it up today, I could have done that, but since I am here to say the

25 truth and nothing but the truth, no, I didn't remember his name. Time has gone by.

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1 It wasn't a man -- it wasn't a woman, it was a man and (Redacted) and at the end
2 you might say how is it that you don't remember his name? Well, I've lost track of
3 his name. Time has gone by, I don't remember, but he certainly helped me a lot with
4 my investigation. If I had spent two or three days with him, well, then that would
5 have been a good thing. Even in just an hour-and-a-half, I understood an enormous
6 amount of things. (Redacted)

7 MR KILOLO: (Interpretation) Your Honour, it's half-past-3.

8 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. The first part of the
9 hearing this morning, the status conference, was supposed to take one hour, but it
10 took one-and-a-half hours and that's why we have to adjourn for today.

11 Mr Witness, thank you very much. We will adjourn for today. It has been a tough
12 day. We hope you can rest, have a restful night, and we will resume tomorrow
13 morning at 9.30, our normal hours of the hearing.

14 I please ask the court usher to accompany the witness.

15 (The witness stands down)

16 PRESIDING JUDGE STEINER: Maître Kilolo, before we adjourn, I'm informed that
17 Defence has already taken eight hours 20 minutes in questioning the current witness.
18 My question is whether Defence is able to give the Chamber a raw estimation of how
19 long it will still take until Defence concludes the questioning?

20 MR KILOLO: (Interpretation) I do believe, your Honour, that we should have
21 finished by the end of tomorrow, as long as the witness is co-operative.

22 PRESIDING JUDGE STEINER: Thank you very much.

23 I would like to thank you very much the Prosecution team, legal representatives of
24 victims, Defence team, Mr Jean-Pierre Bemba Gombo, to thank very much our
25 interpreters and court reporters. We will suspend for today and resume tomorrow

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- 1 morning at 9.30, in this very same courtroom. The hearing is adjourned.
- 2 THE COURT OFFICER: All rise.
- 3 (The hearing ends in closed session at 3.32 p.m.) Reclassified as Open session
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 6 ICC-01/05-01/08-3038 and the instructions in the email dated 6 February 2014, the
- 7 version of the transcript with its redactions becomes Public