

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

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Thursday, 8 September 2011

9 *(The hearing starts in closed session at 9.34 a.m.) Reclassified as Open session

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

11 Please be seated.

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

13 in closed session.

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

15 the case.

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

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

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning, welcome,

19 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre

20 Bemba Gombo. Good morning to our interpreters and court reporters.

21 We will continue today with questioning of Witness 178. Before I order to bring the

22 witness to be brought into the courtroom, Maître Kilolo, I know that it is sometimes

23 difficult to make a very precise estimation, but my question is: Do you think you are

24 going to use the whole day, or only the morning part? I'm asking just because we

25 need to inform VWU in relation to the transport of the next witness, whether the next

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 witness is to be brought to the Court today, or not.

2 MR KILOLO: (Interpretation) Well, seeing the pace at which the witness provides
3 his answers, I am afraid I think I shall take the whole day.

4 PRESIDING JUDGE STEINER: I ask, please, the court usher to bring the witness in.
5 (The witness enters the courtroom)

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

7 (The witness speaks French)

8 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

10 PRESIDING JUDGE STEINER: I hope you had a restful night?

11 THE WITNESS: (Interpretation) Yes.

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

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

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

17 THE WITNESS: (Interpretation) Yes, I do, your Honour.

18 PRESIDING JUDGE STEINER: Mr Witness, could we try to finalise your
19 questioning today in open session, or do you still feel better if we continue in closed
20 session?

21 THE WITNESS: (Interpretation) I prefer closed session so that we can make
22 progress. It's better to speed things up.

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

24 MR KILOLO: (Interpretation)

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

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Good morning, Witness.

2 A. Good morning, Mr Kilolo.

3 Q. Let me take this opportunity to once again make the same effort as I do; in other
4 words, to be very concise when giving your answers and I will try and do the same
5 thing when I formulate my questions. Does that suit you, Witness?

6 A. Yes, Mr Kilolo, but I'd also like to ask you something and see whether it suits
7 you. Before we begin, I would simply like to use the electronic pen and quickly plot
8 a map so that you realise. Yesterday we spent much time on PK12, PK13 and PK14,
9 and I could very quickly sketch that out and so that each of us on our own screen
10 would have that map and that could be helpful to us to better understand and make
11 progress, if that suits you?

12 Q. Well, Witness, I would suggest that we just go on with the remaining questions.
13 The objective is to finish with you today so as to enable you to go back home and back
14 to your own family, and then if we have a little time left over we perhaps could
15 enable you to make the sketch you're suggesting that could help enlighten the
16 Chamber. Would that be all right with you?

17 A. Well, I think the sketch would help us with the answers. I'm pretty sure you're
18 going to ask me about those things, so I think the sketch would be helpful to all of us
19 here to better understand.

20 PRESIDING JUDGE STEINER: Mr Witness, I suggest that we try to continue with
21 Defence questioning and, if need be, we will ask you to draw this croquis. Maybe
22 the questions the Defence has to put to you today are not linked or do not need to be
23 shown in the croquis, but the Chamber will ask you to prepare this croquis if
24 necessary. Is that fine with you?

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

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 PRESIDING JUDGE STEINER: Maître Kilolo.

2 MR KILOLO: (Interpretation)

3 Q. Witness, did you personally see the rape of the Nigerian's wife taking place at
4 PK13?

5 A. No, Counsel.

6 Q. Do you know the name of the gentleman involved, the Nigerian?

7 A. No, I don't know his name, but I know that he is from Niger. Well, in the
8 Congo we tend to ask -- refer to people who are from Niger as being Nigerians, but to
9 be perfectly precise he is from Nigeria, which has the Lagos as its capital. So we
10 tend to confuse Nigerians and people from the Niger, but he was Nigerian.

11 Q. Witness, did you ever personally see a single murder of a civilian being
12 perpetrated by the MLC soldiers in the Central African Republic?

13 A. No, Counsel.

14 Q. (Redacted) with during the events
15 that took place in the Central African Republic?

16 A. Well, Counsel, I will answer your question, but could I say something to the
17 Presiding Judge in closed session?

18 PRESIDING JUDGE STEINER: We are in closed session, Mr Witness.

19 THE WITNESS: (Interpretation) Does Defence know more or less what I did and
20 since yesterday I didn't -- well, we were in closed session, but I didn't talk about what
21 my profession was, so I am surprised that Defence is asking me to provide details
22 (Redacted)

23 PRESIDING JUDGE STEINER: I'm trying to see, Mr Witness, whether I understood
24 your concerns, because the question is: (Redacted)

25 (Redacted) during the events in the Central African Republic?" But you

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 mentioned many times that you received (Redacted)

2 (Redacted) Could you please explain to the Chamber what is your concern

3 in relation to this question now?

4 THE WITNESS: (Interpretation) Well, I didn't realise that I had gone into the detail

5 that you have just mentioned, but if that was the case, well, then I certainly can

6 answer his question.

7 PRESIDING JUDGE STEINER: You mentioned many times that (Redacted)

8 (Redacted)

9 THE WITNESS: (Interpretation) Fine. If my mouth spoke then, yes, we must go

10 ahead, even if you have to die. So let's go on. I can continue with Mr Kilolo.

11 (Trial Chamber confers)

12 PRESIDING JUDGE STEINER: Mr Witness, the Chamber is here, among other

13 functions, to ensure your physical and psychological well-being. I would like to be

14 sure that your concern now is in relation to the last question put by Maître Kilolo, the

15 question on (Redacted) Is it in relation to this question that you

16 have concerns?

17 THE WITNESS: (Interpretation) Yes, your Honour, and furthermore yesterday

18 during the questioning, if you followed, he tried to identify me in relation to

19 Mr Boukanga. You didn't notice that, but I did, I certainly did.

20 PRESIDING JUDGE STEINER: So I will ask Maître Kilolo to rephrase the question,

21 but in relation to persons (Redacted) this information has been given

22 to the Chamber since the first day of your testimony; that you are (Redacted)

23 Remember that even the Prosecution suggested you to say that you were an artist,

24 that you were delivering your -- (Redacted)

25 You mentioned that you received many (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted)

2 (Redacted) So all this

3 information has been already mentioned here in this courtroom. So in relation to

4 this specific aspect, the Defence is fully aware that (Redacted)

5 (Redacted)

6 (Redacted) So this information has been already

7 mentioned here in this courtroom.

8 Maître Kilolo, let's see if we go ahead being careful or maybe rephrasing the question

9 for the witness, to really understand to which point you want to go and, if there is any

10 question that you don't know the answer, or you don't remember, you just say that.

11 Is that fine with you, sir?

12 THE WITNESS: (Interpretation) Yes, your Honour. I would like Mr Kilolo to

13 continue with his questions. (Redacted) well, that's -- it's all the same to me.

14 I am ready to answer all his questions. In fact, I can answer him straight off, if you'll

15 allow me? Thank you, your Honour. Thank you, Mr Kilolo. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MR KILOLO: (Interpretation)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(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 7 redacted

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 A. (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. I think I've gone into the detail of all my trips. I went to Damara three times,

23 twice to Bossembélé, that means five trips in all, and in Bangui when they came, I also

24 delivered. So, as for the number of trips, you already know about this from my

25 statement so don't try to search any further. It's all written down: Damara three

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 trips; Bossembélé two trips, so that's five trips in all, five trips for a start. You can
2 work it out for yourself.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Mr Witness, did you hear mention of any graves at the cattle market following
18 massacres by Abdoulaye Miskine's troops? I am referring to the French edited
19 version of the transcripts of 5 April 2011, page 31, lines 21 to 23, and also to the French
20 transcripts, edited version, 1 March 2011, pages 8, 9, 10 and 11. Did you ever hear
21 mention of that?

22 THE INTERPRETER: Rather, pages 7 to 9, interpreter corrects.

23 THE WITNESS: (Interpretation) No, no, Counsel, no. You brought that to my
24 mind a short while ago, but I think that I had remembered Abdoulaye Miskine's name
25 just before coming into the courtroom and I had wanted to say something about the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Karako operation.

2 You see, Patassé had asked him to carry out that mission. He was in charge of the

3 Karako operation, whose purpose was to eliminate the neighbouring inhabitants

4 because there was a mutiny between the inhabitants and the northerners, the

5 inhabitants being the Yakoma of the former president, the late president, Kolingba,

6 and it was Abdoulaye Miskine who was in charge of that operation, and they would

7 identify people and schedule their killing and then come in gradually and eliminate

8 them. That is how the operation was conducted and that is how I got to know

9 Abdoulaye Miskine's name.

10 Now, about the PK13 massacres involving Abdoulaye Miskine, well, Counsel, I must

11 tell you that I was not, and I am not, aware of that.

12 Q. Witness, you talked about a painter or a serigraphist, someone who decorated a

13 number of items. Did you ever see this man at the time he was decorating

14 Mustapha's vehicle, according to your testimony?

15 A. Thank you, Counsel. This very question was put to me by the investigators.

16 That painter had already done his work and had already left and it was a few days or

17 a few months after that I came, and the vehicle had already been painted and what

18 interested me was what was written on the vehicle and I did not seek to find out who

19 had put those inscriptions on the vehicle. I didn't seek to P -- to identify the painter

20 who drew those things on the PG57 vehicle. I did not seek to identify him, but he

21 did a good job. He wrote very neatly on the vehicle. So he decorated the vehicle.

22 He was a painter and that was his job, but I did not know him.

23 Q. Mr Witness, did you personally witness the fight to take over Bossembélé,

24 Bozoum and those other areas involving the MLC soldiers?

25 A. No, I was never present - repeat, present - at any of the operations conducted by

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 the MLC elements in the CAR. I was never present or participated in any of those
2 operations, except for the fact that I would go by, maybe at night sometimes, one or
3 two weeks after the operations. (Redacted)
4 (Redacted) to meet any of their needs, but I cannot say that I ever participated in any
5 of their operations, except - except - after the death of René.
6 After René died, (Redacted)
7 (Redacted) that after Zongo and
8 Gemena and what have you, Mustapha gave orders for anything that moved to be
9 shot, and that is how massacres were committed in Bossangoa. It is also in those
10 circumstances that the troops went ahead to loot sewing machines, cassava mills, pigs,
11 goats and cattle and what have you. So those who were lucky to go there were able
12 to see corpses piled up here and there, and I want to tell you, Counsel, (Redacted)
13 (Redacted) that when they were conducting the mop-up
14 operations, it was really a blood-bath. It was a terrible operation, and that's a concise
15 answer.

16 Q. Yes, Witness, you talked about those mop-up operations and, according to you,
17 they took place when an area had been captured. My question is to find out from
18 you whether you were ever present at any of those mop-up operations.

19 A. In what capacity would I have participated in such a mop-up operation? I
20 have told you, and I repeat, (Redacted) During the fighting the
21 civilians (Redacted)
22 Now, when they finished their operations and came back to Bangui and would be at
23 the Maximum Café, for example, then the coast will be clear, everything will be okay
24 and then we could come one or two weeks after, and that is how we would contact
25 them. And now, when you ask me whether I participated in anything, you almost

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 give the impression that in my testimony I may have told you that I was also armed
2 and I was participating. So, please, abstain from putting such questions to me. If
3 you really want to continue this questioning, then please put questions that I too can
4 deal with fairly. Otherwise, we will not have any proper understanding, and I say
5 this with all due respect.

6 Q. Would it be correct to say that you were not personally present when the crimes
7 to avenge René's death were committed, according to your testimony?

8 A. Is it correct to say that you were not present when the crimes to avenge René
9 were committed? That seems to be your question. I did not -- I was not present
10 when the crimes to avenge René were committed, but I learnt that (Redacted)
11 (Redacted) talked about orders having
12 been given to mop up, to kill anything that moved.

13 Q. Mr Witness, can you tell the Court the exact name of the gentleman you referred
14 to as (Redacted)

15 A. I do not know his name. What I know is that (Redacted)
16 (Redacted) and on

17 one occasion he was looted by the Banyamulengue in Dongo in the DRC -- in the CAR,
18 rather, and he had nothing, but later on (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) Otherwise,

24 I don't know what his real name was.

25 Q. Witness, were you personally present when the elderly woman was killed in her

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 house in Bossangoa?

2 A. Her house was not far away, according to statements (Redacted)

3 (Redacted) After the Ouham River, there is a development known as Gouham

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A 75-year old person, who was very tired, was in the neighbourhood and was struck

14 by bullets. In fact, the person was killed in their house, and so as people were

15 fleeing that old person's body remained in the house for about two weeks and there

16 were worms all over the body. And so when the youth were gathered two weeks

17 after they were told to bury that body, and because they were not able to carry the

18 body to another location they had to bury that body of the old 75-year old person next

19 to their house, and this happened in Bossangoa. Thank you.

20 Q. Did you see the dead body; the dead body of that old 75-year old lady?

21 A. No, I got the information, however, from a reliable source; (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Witness, let me refer you to another statement to the OTP, eighth document of

25 the Defence list of documents, CAR-OTP-0054-0549, page CAR-OTP-0054-0553. This

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 is the question that was put to you: "Apart from the murder or killing of that lady,
2 are you aware of any other crimes committed by the Banyamulengue in Bossangoa?"

3 Your answer was: "The crimes committed in Bossangoa (Redacted)
4 (Redacted)

5 Witness, is this a correct reflection of your answer to the OTP?

6 A. Obviously, Mr Kilolo.

7 Q. Witness, could you specify for the benefit of the Court the names (Redacted)
8 (Redacted) on the crimes allegedly
9 committed in Bossangoa?

10 A. Counsel, I will answer you, but I would like to remind you of something.

11 Counsel, what I am testifying about, what I am telling you through this microphone,
12 is something that happened nine years ago. The small soldiers and some of the
13 details might not be very present on my mind, but those small soldiers included
14 people like (Redacted) and who else? These are the foot soldiers. Two, three
15 of them or so.

16 Now, if these investigations had been conducted three months, or six months, or even
17 up to a year after the events, I may have been able to provide all their names, but I
18 want you to understand that at least I am lucky enough to have good memory
19 enough to be able to remember a few names. So when you ask me for the names of
20 those foot soldiers, of those small soldiers, I'm sorry I cannot help you. All I know is
21 that they were (Redacted) and I believe that that information is
22 significant enough already, isn't it? Thank you.

23 Q. In the seventh document CAR-OTP-0054-0531, page CAR-OTP-0054-0544, the
24 following question was put to you: (Redacted) And your
25 answer was: "I no longer remember their names. This happened a long time ago."

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 You have given the same answer to the Court today. Now, I would seek clarification
2 from you. When you talk about (Redacted), why do you mention those
3 two names in particular as I put these questions to you relating (Redacted)

4 A. Thank you, Mr Kilolo. This is a matter of clarification. (Redacted)
5 (Redacted)

6 THE INTERPRETER: Madam President, the witness is going too fast for the
7 interpreter.

8 THE WITNESS: (Interpretation) Well, I was able to remember a few of these
9 names, because these people didn't give a damn. They didn't care about death.
10 They went into red areas. They even got caught up in ambushes.

11 So the reason for which I mentioned (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) but

16 who were foot soldiers, who were those small soldiers I've been talking about. That
17 is the clarification I can provide.

18 MR KILOLO: (Interpretation)

19 Q. Mr Witness, did (Redacted) Mustapha issue any orders to MLC soldiers to shoot
20 on anything that moved or to shoot at anything that moved in order to avenge René's
21 death?

22 A. This was after René's death, when the body had been taken back to Gemena and
23 when they had met Mr Jean-Pierre Bemba. Clearly, the orders must have come from
24 Mr Jean-Pierre Bemba, because Réne was Mr Jean-Pierre Bemba's favourite child.

25 Although it was Mustapha who was the operations commander, Mr Bemba

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 particularly loved René and everybody knew of it at the time. So after his burial,
2 when they came back to Zongo, they crossed over, they went back to their positions
3 in Damara, and you may want to know that they were -- that he died when they were
4 going through Damara and they were a few kilometres away from Bossembélé when
5 this happened.

6 So they now went on to attack and to recapture Bossangoa, and at that time they were
7 more intense in their activities. Orders and instructions would follow from
8 Mustapha, and that is how they ended up shooting at anything that moved in order
9 to avenge René, who was Jean-Pierre Bemba's favourite child.

10 Q. Witness, I want to remind you of a testimony to -- or a statement to the OTP,
11 which is in the seventh document of the Defence list, CAR-OTP-0054-0549, page
12 CAR-OTP-0054-0562, and this is the question that was put to you: "When Mustapha
13 gave orders relating to all that moved, where was he based?" Answer: "In
14 Bossembélé, and the information to shoot at anything that moved was given to me by
15 (Redacted). How? When I asked him to explain to me how René had died."
16 Do you remember this as being your answer to the question to the OTP?

17 A. Yes, but you omitted one word, to "shoot," to "shoot at." Mustapha gave orders
18 to shoot at anything that moved. You may have misread the text. I do not want to
19 correct you, but I simply want to point out that you didn't read out the words "to
20 shoot." And it is correct that it is (Redacted) who gave me this
21 information, and I can confirm that after René had died and the information was
22 received in Bossembélé and the reason was to avenge René's death. That is it.

23 Q. Mr Witness, your source of information on the orders to shoot at anything that
24 moved, would it be (Redacted) whose real name you cannot provide? Is it
25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. Yes, (Redacted) Correct, I do not remember his name, or I
2 cannot provide his name. His first name was (Redacted) Yes, he is the one who gave
3 me the information.

4 Q. Witness, why do you mention Jean-Pierre Bemba's name today in relation to
5 those circumstances?

6 A. Thank you, Counsel. If you read my statement further on, you will see that
7 Jean-Pierre Bemba's name is mentioned several times in those statements that I made
8 several years ago. If memory serves me correctly, I think that Jean-Pierre Bemba's
9 name appears in those statements. So please check my statement and, if I'm not
10 mistaken, you would find his name in my statements I believe.

11 Q. Witness, you claim that Mustapha allegedly met Jean-Pierre Bemba. Can you
12 be specific as to where they may have met?

13 A. Did you say allegedly met, or met? After the death of René, when he took the
14 body back to Gemena, it is there that Mustapha met Bemba, because René was buried
15 in Gemena. It is Mr Jean-Pierre Bemba who sent a special plane to fetch René's body
16 in Zongo. You see, there was a landing strip where planes could -- an airstrip, a
17 farm had been cleared up, and planes could land on that strip.

18 So Mr Bemba sent a special plane to Zongo to take that corpse, and Mustapha went
19 along with it to Gemena and the body was received at the airport by Mr Jean-Pierre
20 Bemba. And, although I was not there, (Redacted)

21 (Redacted)

22 (Redacted) and according to that information, after the burial the soldiers, I believe, I
23 believe Mustapha, if I remember correctly, came back to Zongo in the Galloper
24 vehicle, which had been taken along by road after the plane had taken off. So they
25 went back to Zongo and then on to the battle-front. So that is the story,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Counsel.

2 Q. Witness, (Redacted) whose other name isn't known or identified, was he your
3 source of information with regard to the alleged orders issued by Mr Jean-Pierre
4 Bemba to Mustapha, according to which fire was to be opened on anything or anyone
5 that moved?

6 A. Yes. I say "Yes," why? In Gemena, they didn't just bury the bodies, according
7 to the information that (Redacted) had. Mr Jean-Pierre Bemba and Mustapha spoke
8 to each other and before returning to Zongo they must certainly have reported to him
9 on the developments in relation to the mission that he was given in the CAR. He
10 most certainly have received instructions too. Because he was in front of his boss he
11 should have received instructions to go back to Bangui, or rather to the CAR, and
12 from there he was going to tell all those troops that they had to go back to the axis
13 where René was killed. They had to open fire on everything that moved. So that
14 would be the answer, in a certain sense.

15 Q. Witness, I will now read out an extract from a public document that was
16 published in the Central African newspaper, The Echo of Central Africa. It's an
17 article or a press communiqué published at the time of the events in the CAR.
18 Tuesday, 31 December 2002 is the precise date. It was published by inhabitants of
19 Bossangoa, and I will read an extract out to you and then I will put my question to
20 you. This document is CAR-DEF-0001-0205 and I quote: "We, the daughters and
21 the sons of l'Ouham in general, and of Bossangoa in particular, feel anxiety and
22 troubled because in the land of our ancestors there has been an inundation of -- with
23 weapons of all calibres that come from the Zakawa terrorists and this is with the
24 complicity of our very own sons and their undisputed leaders, Bozizé François, or
25 rather undisputed leader. After the terrible failure of his coup d'état, these troops

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 disguised themselves as looters and sack the towns of Kabo, Batangafo,
2 Kaga-Bandoro, Sibut, Dekoua, Damara, Bambari and then Bozoum, et cetera. Many
3 powerless compatriots have gone to the bush. The hospitals looted, ransacked. The
4 educational infrastructure and administrative infrastructure have been looted and
5 ransacked. The SOCOCO (phon) factory has been looted and destroyed. The
6 machines and the lorries are taken to Chad. The daughters and sons of Bossangoa,
7 of l'Ouham, without any reason are killed or burnt alive. Elderly people and
8 adolescents, young girls, are raped. The clergy is killed and all this is done in
9 accordance with the firm instructions issued by Bozizé, whose real name is Bozwise
10 (phon) Yangouvonda, son of Bossangoa, born in Libreville." Witness, does all this
11 reflect any information you may have obtained during the events in question?

12 A. Maître, it is true you have read out that extract from the article. Perhaps you
13 can't understand what the relationship was between the editor and the governor
14 Patassé at the time. At the time they could perhaps have written that to cover-up for
15 the president, because when the Banyamulengue were in the field it was Patassé who
16 was in power. The date, it is true you referred to the date. I don't know, I'm not
17 trying to understand this, but what you have just said it's true. If you read it out,
18 you have read it out, but I've provided information that I know about Bossangoa, so
19 it's not for me to say "Yes, Maître." In any event, with regard to looting, killing and
20 rape in Bossangoa, I have provided you with all the information I have about this
21 subject.

22 If you like, the people who really provided me with information, there wasn't just one
23 person, (Redacted) but as for everything
24 else, well, you should see with the Chamber, with the Judges, after I have testified
25 you could perhaps discuss this in further detail, but as far as looting and rape is

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 concerned, as far as killings by the Banyamulengue are concerned, I think I have
2 provided you with all the information.

3 As for newspapers and so on and so forth, that's not my problem. I could be a
4 journalist for Jean-Pierre Bemba and then I'd just have to support Jean-Pierre Bemba,
5 even if he does things that are wrong. So this is a historical criticism. It concerns
6 the land, the State tendencies and so on and so forth. If you have to analyse all of
7 this, you will see that this author was pro-Patassé, something like that, so Maître, let's
8 not waste any more time on this. This is an article you have read out before the
9 Judges, before everyone participating in the proceedings, but there is nothing I can
10 say about it because I have never read this article.

11 I have just learned from you that there is an article that was published and that states
12 certain things about Ouham and so on and so forth, that's fine for you, but as far as I
13 am concerned I am telling you what is true. Thank you.

14 Q. Witness, since I have just read out not a press article to you, but a communiqué
15 that was drafted by the inhabitants, by people who lived in Bossangoa and had to flee
16 to the bush as a result of the crimes committed by Bozizé's rebels, my question is as
17 follows: Did you personally experience this in Bossangoa?

18 THE INTERPRETER: "Did you personally live in Bossangoa?", interpreter's
19 correction.

20 THE WITNESS: (Interpretation) Maître, I left Bossembélé to go to Bossangoa. It
21 was at night. Unfortunately, I could no longer continue because the CAR was
22 precarious. Well, the atmosphere wasn't always good and there were Seguin's
23 troops that advised me to return in the same vehicle. If it's necessary to return
24 perhaps, and wait for two or three weeks for my delivery, that's what was said more
25 or less.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation)

2 Q. Witness, have you already been to Sibut?

3 A. No, Maître, I've never been to Sibut.

4 Q. Can you remember (Redacted) as you did,
5 at the time of the events.

6 A. Yes, (Redacted)

7 (Redacted) I can remember that.

8 Q. When did you meet him for the last time?

9 A. Met him where, in Bangui, or during the events, or how exactly?

10 Q. Wherever that may have been, Witness?

11 A. After the events, we separated from (Redacted) Everyone had gone his own
12 way. He was courageous, because we almost -- we others almost died as well
13 because (Redacted) I came close to death. So he
14 had crossed over. I stayed on, so I was targeted on a number of occasions, but they
15 missed the opportunity, that I stayed there, but (Redacted) well, I remember it was
16 2011, I believe. Well, on one occasion in a taxi at (Redacted) I saw someone like
17 (Redacted) I think it was him, but that was a long time ago. I no longer saw him,
18 apart from when I was in the taxi, something like that.

19 Q. When was the last time that you met him during the events?

20 A. I remember that during the events, well, it was in Bossembélé. In Bossembélé,
21 on the day that Mustapha had received a phone call from Kamisi, allegedly saying
22 that the boat and the goods, the satellite dishes, the household appliances and so on
23 and so forth that he had sent to Mongoumba had been seized.

24 I remember that on that day, I believe that it was as if (Redacted) had returned from
25 Bossangoa, something like that, and I had spent the night not in Bossangoa, or rather,

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted) Thank you.
- 10 Q. (Redacted)
- 11 (Redacted)
- 12 A. Well, what have I just said, Maître? Why are you dwelling on this? (Redacted)
- 13 (Redacted) I'm asking you about this again, and later you'll tell me what the
- 14 time is. I'm telling you (Redacted) I have just confirmed this. Let's move
- 15 on, if you want me to finish my testimony today. Otherwise, I'll continue going into
- 16 the details and we'll have to spend more nights here.
- 17 Q. Have you already been to Mongoumba?
- 18 A. No.
- 19 Q. Did you witness the looting of the goods that were in the lorry with Mustapha's
- 20 partner? That's what you said.
- 21 A. If you want to know more about this, I'll give you the details. I wasn't present,
- 22 but I know the story very well. I am telling you again that it was in Bossembélé that
- 23 Mustapha received a phone call from Kamisi, who was in Zongo, so it was on that
- 24 day that Kamisi was in Zongo. He learned about the looting and Kamisi phoned
- 25 Mustapha.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 Mustapha then phoned Patassé. (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted) He came to Bangui 20 years
17 after his birth, to meet up with his parents or relatives again. His grandparents are
18 from Mongoumba. (Redacted) I said, "Look, tell your uncle to tell,
19 or rather to call rapidly or to send someone rapidly to Mongoumba to find your
20 grandparents, because in two or three days it will be hot in Mongoumba, (Redacted)
21 (Redacted)
22 (Redacted)
23 So if you want to understand me, fine, I gave this instruction to the little one, who
24 was to convey it to his uncle, (Redacted) I can even provide you with
25 the name. He's from Mongoumba. (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 (Redacted) and now that I'm speaking, at the time that I'm speaking I believe
2 that Maître Douzima and Maître Zarambaud may know this name because (Redacted)
3 (Redacted)
4 Two or three days later the grandparents went into the bush. They walked, then
5 searched for a vehicle for Bombayake. On the same day, or maybe on the same day,
6 when they arrived in Bangui, the little one said, "You were right. I told my uncle
7 what you said. He ignored the information you provided. The grandparents were
8 there. It seems that it was intense in Mongoumba." This was the little one who told
9 me about this. He told me how this attack had been launched by the
10 Banyamulengue. It was really intense, they did attack and thank God they managed
11 to save their lives. And now, a few days later (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted) I asked him what the consequences were,
17 what happened afterwards, and he said, "Well, when we crossed over there" -- follow
18 me carefully, Maître. "When we crossed over, when we went there, Kamisi sketched
19 out a plan. We took the boat, we were well armed and we progressed slowly and
20 arrived two or three kilometres from Mongoumba. It was at 3 or 4 o'clock and we
21 met a fisherman. We took him as a hostage, and when we arrived we advanced
22 carefully and slowly so that people wouldn't understand what was happening, and
23 when we arrived a few metres from our destination, well, we made him show us the
24 route through the bush. We took him as a hostage. This fisherman showed us the
25 route and we all advanced, went to the boat."

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 We surrounded Mongoumba and when the order was issued, 'Open fire,' well, the
2 troops and everyone -- everyone advanced in certain directions and we arrived,
3 (Redacted)
4 (Redacted)
5 So we arrived. We seized the hostages to liberate them, in fact, and the inhabitants,
6 well, it was in the morning. There were others who had the opportunity to flee and
7 others hadn't had that opportunity. We understood the troops had abandoned their
8 positions and we started combing through the area, because when you take a town
9 you comb through it, you ransack it, because then they can steal things. For example,
10 when they steal money, they enter a house. They ask you for money and if you give
11 them money, they won't show it to the boss. They will put the money in their
12 pockets. So that's what they started doing. They started looting the property of the
13 inhabitants. They started raping people and people were killed in this assault.
14 That's the time when they took the red Suzuki vehicle and a car. I believe the car
15 was a blue one.
16 There was no ferry that could be used for a crossing. Everyone was running away.
17 They took two canoes, they transported the vehicle. Follow me carefully, Maître.
18 They transported it. They put two wheels in one of the canoes and the other two
19 wheels in the other canoe and they made the villagers help them and transport the
20 vehicle to the other side of Mongoumba, and it is this vehicle. Well, in fact, Libenge
21 is in front of Mongoumba. Zongo is not far away. A few days later this vehicle
22 went to Zongo, where Mustapha was; these two vehicles in fact.
23 So, Maître, if you want us to move on, I believe that I have provided you with all the
24 possible information, so do not try to dwell on this. Otherwise, we'll be falling
25 asleep again. So, my mind is full. I'll answer all the questions you put to me.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Please believe me. I think I have adequately answered your question.

2 THE INTERPRETER: The witness is kindly asked to slow down for the sake of the
3 interpretation.

4 MR KILOLO: (Interpretation)

5 Q. (Redacted)

6 (Redacted)

7 A. I don't know. Which (Redacted) are you referring to, because this took place a
8 long time ago? (Redacted)

9 (Redacted)

10 (Redacted) - I've forgotten - one of Mobutu's

11 troops at the time and he was in Bangui. I don't know if you're speaking about this

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Try and understand, Maître. This happened a long time ago. My memory is quite
23 good, given that I'm able to provide you with all these names. So these are the

24 names you have asked me about, or rather, (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) things like that.

3 Q. (Redacted) is the person I have in mind. Does that mean anything to
4 you now?

5 A. (Redacted) I have spoken about at length, well, I don't know his name.

6 I don't know if that's the (Redacted) or not, but according to the information that you
7 received from (Redacted), if that tallies or confirms the information I have provided
8 you with, then that's him, and if not, then it's a different (Redacted) Understand -- you
9 should understand that (Redacted) isn't a proper name. It's a name that can be used
10 for everyone.

11 MR KILOLO: (Interpretation) Your Honour, I note that it is now 11 o'clock.

12 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Mr Witness, we will
13 have half-an-hour break. You can have a coffee, a tea, take some rest. It's 11 o'clock.
14 We will resume at 11.30.

15 I ask, please, the court usher to accompany the witness outside the courtroom.

16 (The witness stands down)

17 PRESIDING JUDGE STEINER: The hearing is suspended.

18 THE COURT OFFICER: All rise.

19 (Recess taken at 11.00)

20 *(Upon resuming in closed session at 11.40 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Welcome back. Before we bring the witness in,

23 I was informed that the Prosecution would like to take the floor. Maître Badibanga.

24 MR BADIBANGA: (Interpretation) Thank you, your Honour, Honourable Judges.

25 The Prosecution would like to share a concern as to the way in which certain

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 questions are being put to the witness, and we are talking essentially about the last
2 series put to the witness by Defence counsel in which other people's names were
3 mentioned: (Redacted)
4 (Redacted)
5 Now, my intention is not to interfere with the line of questioning of the Defence, but
6 we are somewhat concerned about the way in which the questions are put to the
7 witness because he seems to deduct or infer from this that there are contacts between
8 some other people and the ICC.
9 Let me explain what I mean. Just before the break the witness said, (Redacted)
10 (Redacted) if this matches what I am saying
11 then it must be one and the same person." So the witness is inferring from the way
12 in which the questions are put to him that there has been contact either between
13 Defence and (Redacted) or else between (Redacted) and the ICC.
14 I would like to note that in this very same Court we have been confronted with an
15 identical situation, where at one point in time, as a result of the questions put by the
16 Defence, (Redacted) said at one time to Defence counsel, "Well,
17 what (Redacted) said to you was wrong, was a lie. I know he spoke to you, but it
18 was a lie," and so he had inferred this from the line or the series of questions that
19 there had been this contact between Defence and (Redacted)
20 It is a matter of security for a witness, and from the start of this trial it is important for
21 the witness not to know who are the other people who have witnessed; particularly
22 those who have pseudonyms, or have their voice and facial features deformed.
23 This measure applies not only to the public, but also to all the other witnesses, and if
24 additionally a witness himself has been granted certain protective measures, then all
25 the more so.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 So I don't have any objection to Defence counsel trying to find out or getting
2 confirmation for information, but it is of concern to me if the way in which the
3 questions are put that the witnesses are able to infer that such-and-such a person was
4 either already here, or will be coming soon, or even wrongly supposes that there has
5 been contact.

6 The importance isn't what actually happened, whether there has been contact with
7 the Defence or not. What is important is that the witness might infer that there has
8 been such contact and, when he goes back home in Bangui, he might talk about the
9 fact that he suspects (Redacted) of being in contact with Defence counsel.

10 All this is possible and could bring up some very difficult security problems, both for
11 the Chamber, VWU and for the Office of the Prosecutor. This was my concern and
12 this -- this way of questioning the witness is of great concern to us. I should have
13 also added that we seem -- we see the witness as being particularly nervous since this
14 morning, and so any information that might destabilise him is a further concern.

15 And, for instance, on the last point about (Redacted) we should note that he
16 has never mentioned that name and to the first question, he said, "No, I don't know
17 him. I do remember a certain (Redacted) I vaguely remember." I think the answer
18 was very clear. So insisting on this has meant that he has drawn unfortunate
19 conclusions. Thank you.

20 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. I must tell Maître
21 Kilolo that the Chamber saw with concerns the fact that Maître Kilolo was mentioning
22 two witnesses - although not saying that these are witnesses of the Court - but in a
23 way that really showed quite a familiarity with these two persons and that the
24 Chamber has seen it with concerns. So, in a way, I thank very much Maître
25 Badibanga to bring the issue to the attention of the Chamber because the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Chamber shares these concerns, and I would like to ask Maître Kilolo if Maître Kilolo
2 wants to say anything about that; otherwise, the Chamber will only recommend that
3 Maître Kilolo pays double attention when mentioning situations or information that
4 puts the witness together with other persons that can be seen as witnesses for the
5 Prosecution or for the Defence in this case.
6 You have the floor, Maître Kilolo, if you so wish.
7 MR KILOLO: (Interpretation) Thank you, your Honour. First thing, we believe
8 that we will finally finish by the end of this morning with this witness and have also
9 told the court officer about this already.
10 Secondly, taking an example without entering into the detail of what we have just
11 heard, but if we take the example of the witness (Redacted) who comes and
12 says right from the start that he received information speaking to me, according to
13 which (Redacted)
14 (Redacted) for several years, so sometimes we find ourselves in
15 situations where witnesses are simply off their top.
16 Some questions were asked because we were wondering about the obvious ties
17 between (Redacted) who all seem to have
18 been together and at one point in time we would want to know whether there was
19 some form of collusion or prior discussions between them about what should be said
20 before the Court. But I can assure you that at no moment whatsoever did we
21 directly or indirectly mention that any one of them might have been a witness
22 testifying before this Court.
23 And finally concerning (Redacted) well, the current witness himself in his testimony,
24 before he was cross-examined by the Defence, already mentioned the fact that he
25 knew him and, in fact, corrected my pronunciation of the name (Redacted) and

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 indicated that he knew the person well.

2 That being said, setting aside what the witness might imagine, I don't think that at

3 this stage the Defence can really be criticised for anything. That being said, of course,

4 we are fully aware of the security considerations for this witness in particular, who

5 seems to be very vulnerable from a psychological standpoint and seems to conjure up

6 a lot of things about what the role of a defence lawyer is to the extent that we

7 wondered whether he had been informed about the fact that the discussion is taking

8 place -- well, in complete transparency; that we have the whole file; that we know his

9 name, his profession and perhaps it is in this respect that the Office of the Prosecutor

10 might have provided more explanations about the procedure and the operation of the

11 Court to the witness and inform him that lawyers are under oath, and that we have

12 the obligation of secrecy on the basis of provisions pertaining to law and order.

13 If the Office of the Prosecution had explained all this clearly to the witness, then we

14 wouldn't have had the disturbance that we have experienced in the last few days.

15 PRESIDING JUDGE STEINER: I'm sorry, Mr Kilolo, just to inform the parties that

16 the Chamber sent to VWU a request that, during the break, VWU would have to

17 contact the witness again and to explain to the witness again that the witness's name,

18 profession, et cetera, is known to the Defence. The Chamber is on the assumption

19 that the witness was informed about that during the familiarisation process, but just

20 in case the Chamber instructed VWU to reinforce the witness about the information

21 and about the need to share with the Defence all information related to the case.

22 So we hope that the witness will come back now a little bit more - I don't

23 know - comfortable, but it's visible the level of stress that this witness is facing now.

24 So I ask, please, Defence to be more cautious than ever, while concluding its

25 questioning to this witness. The Chamber would very much appreciate.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 Court usher, please bring the witness in.

2 (The witness enters the courtroom)

3 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

5 PRESIDING JUDGE STEINER: Mr Witness, there is a possibility the Defence will
6 conclude your questioning by lunchtime, so let's hope you feel free to go back home
7 even before the weekend. I'll give the floor to Maître Kilolo.

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

9 Q. Witness, did you personally see the murder of 32 people being committed in the
10 town of Damara?

11 A. No. But among those who were involved, (Redacted)
12 (Redacted) he himself in person showed me the mass grave in question.

13 Q. You are talking about (Redacted) is that
14 right?

15 A. (Redacted) that's right.

16 Q. Do you remember having said that you were aware of the crimes in Damara
17 through conversations with people who were travelling with you to Damara in the
18 bush taxis?

19 A. Yes, that's right, Counsel.

20 Q. Could you perhaps give us the names of those persons who supplied you with
21 that information, in view of the fact that the only one you mentioned has already
22 deceased?

23 A. When you take a seat in a vehicle, in a car, the people will talk about an incident
24 or they chat. Is it really necessary to remember their names? Yes, well, you might
25 make contact with these people but for me that was not useful and afterwards,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 everybody got off at their own place of destination and went their own way, so what
2 use is there in trying to find out their names and so on and so forth. I had taken a
3 seat, they chatted, I smiled. I spoke with them a little bit to encourage them to go on,
4 that's all there is to it, but their names, no.

5 Q. When you were in the car and that (Redacted) spoke to you about the mass
6 graves, did you get out of the car to go and see for yourself, to look at the corpses or
7 look at the mass graves?

8 A. (Redacted) How did this happen?

9 Some way along the road, what we refer to as the asphalt road, there were stains,
10 there were sort of rounded black spots, and it is there that (Redacted) -- well, we began the
11 conversation and, you see, he said "Do you see the spots over there? Those are the
12 people we burnt during the events." And I said "Burnt how," and he said, "This is
13 the area where we burnt quite a few people." And as we went further, he would say,
14 "Over there, well, there were banana trees and we buried 32 people." (Redacted)
15 (Redacted) gave me that information, so I took note of that. And we went back,
16 but I kept that for a long time in my memory and now I'm sharing it with you.
17 I had some of the information that the investigators already had, and you are asking
18 me another question, so I'm giving you additional information about this mass grave.

19 Q. Did you get out of the vehicle to visit or to go to the location of those mass
20 graves that you claim (Redacted) pointed out to you?

21 A. I was telling you that we were in the vehicle with (Redacted) and he was driving
22 slowly, and we didn't get out of the vehicle, but while driving in the vehicle, he
23 pointed out those places to me. Several years have gone by, but I still remember.
24 That is it.

25 Q. Did you see the dead bodies, or the corpses?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 A. People are buried, buried in a mass grave. When you say "buried," that means
2 that they are covered with earth. How am I going to see people who are covered in
3 that manner? Someone has to tell you that this is what happened. If you have
4 something in your pocket, I cannot know what is in your pocket until you pull it out.
5 Then I would know whether it is a handkerchief or a telephone. If you look at the
6 ground, or soil, and you're not told that two, three or four people are buried at this
7 particular location, how would you know? It is only someone who was present who
8 can point out to you that, "Oh, you see, next to that flag pole, or next to the Presiding
9 Judge, X number of persons were buried." That is how I became aware of this
10 information.

11 Q. How many times -- or how long after the collapse or the capture of Damara did
12 you travel on those two trips to Damara?

13 A. Damara? I went to Damara three times. Damara fell on the 7th,

14 7 December 2002, at 6 o'clock, (Redacted) I went to

15 Damara for the first time in a bush taxi. (Redacted)

16 (Redacted)

17 (Redacted) was, (Redacted)

18 (Redacted) and it is -- (Redacted)

19 (Redacted)

20 If you want further information, I can tell you (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) That is the answer, in detail,

3 that I can provide to your question, Counsel.

4 Q. Witness, were you an eyewitness to or, rather, personally -- were you personally
5 present at any rape, killing or act of pillage that took place in Damara?

6 A. Well, Counsel, things were not that easy in Damara. You see, when Damara
7 fell, as I said a short while ago, on 7 December, they came back at 6, 6 o'clock, and at
8 6 o'clock they started the mopping-up operation, and when I say "mopping-up
9 operation," you have to understand that it was not an easy operation.

10 They went into houses, and if they found a sewing machine, they would take it away;
11 if they found any foam mattresses, they would take them away; if they found any
12 cassava mills, they would take them away; if they found any young girls, they would
13 sleep with them and they would force them and rape them, and so that is what
14 happened during the mop-up operations in Damara, and that is how that young
15 mother of three children, under those difficult circumstances, with shells dropping
16 here and there, saved two of her children, and one of the children was left behind,
17 and the Banyamulengue then happened up on that two-year old child during the
18 mop-up operations and took the child to Mustapha, who christened the child (Redacted)
19 and that was (Redacted) during those events in the Central African Republic.

20 During those events, that child was still in Mustapha's custody.

21 You know that they spent a lot of time in Damara. I do recall that during those trips,
22 when I went in the bush taxis, I would notice that some of the inhabitants were there
23 and Mustapha was able to get some information and find out who the child's mother
24 was and maybe return the child to the mother, but he didn't do so. And around 15
25 March 2003, Mustapha took that child back to the Democratic Republic of Congo and,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

- 1 up to this very date, that child is still in the Democratic Republic of the Congo.
- 2 On 7 August 2011 - well, this is September - on 7 August 2011, this year, I
- 3 personally went to Damara and, unfortunately, I had left Bangui late in the afternoon,
- 4 at 3 p.m., and came back at 6 p.m, but I was able to meet (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted) and his name was mentioned to me and I hastily looked through the
- 8 documents and I couldn't find his name, because I had written down those things at
- 9 night and it was about 6 p.m., but I do remember the name. And I also have some
- 10 telephone numbers which relate to my recent meetings in Damara.
- 11 Allow me, also, to avail myself of this opportunity, for the benefit of Mr Zarambaud,
- 12 to say that the owner of the house that was looted in Damara was (Redacted)
- 13 (Redacted) and it was in that compound
- 14 that the headquarters was located. Thank you, Mr Zarambaud.
- 15 Q. Mr Witness, now I will try to conclude my questioning, and I urge you, please,
- 16 to answer my questions as specifically as possible. If you do not understand the
- 17 manner in which I have couched the questions, please say so and I will rephrase.
- 18 Question number 1: From October 2002 to March 2003, did you yourself personally
- 19 see any MLC soldiers raping a woman?
- 20 A. See with my own eyes? No. But the soldiers who, as they left to rape and
- 21 came back, yes. I said this the last time in my testimony. Some soldiers left in my
- 22 presence to go behind the school to rape girls and then they would come back
- 23 satisfied, having raped the girls, but I couldn't go along with them to participate or be
- 24 present at the site. The fact remains true that they raped.
- 25 Q. Question number 2: During the events from October 2002 to March 2003, were

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 you personally present at or, in other words, did you see with your own eyes any
2 MLC soldiers committing murder or killings of Central African civilians?

3 A. Well, Counsel, see? No. But at PK12, Ben-el-Aden was killing people during
4 the rapes. In Damara, you must have followed last time as the Prosecutor
5 questioned me about Coup-Par-Coup, who had killed people here and there or in the
6 prison, the makeshift prison. Yes, I was present at those circumstances. So I did
7 not participate, but I have reliable information about the killings.

8 Now, regarding those killings, you see, you never know whether they were
9 civilians -- yes, they were civilians. Maybe they were soldiers. When soldiers are
10 arrested, maybe they need to be kept and tried, to be held in prison and tried, but if
11 they are killed, if they are shot to death, what happens? That amounts to war crimes,
12 you who know the law. So that is the answer that I can provide, Counsel. I hope
13 you understand it. Thank you.

14 Q. Question number 3: During the same period, from October 2002 to March 2003,
15 were you personally present at or did you see with your own eyes MLC soldiers
16 stealing, or taking away, people's property? In other words, did you see any looting
17 or pillaging taking place in the Central African Republic during that period?

18 A. Mr Kilolo, I don't think we really need to talk about this. You know, the things
19 that were looted were big. They were huge. They were large objects which you
20 could see without any effort. Huge vehicles, or large vehicles, that would be taken
21 across later on, the President of the MLC, Jean-Pierre Bemba, will recover those items
22 and then Mustapha would write "Mustapha pe moto" and what have you. So all
23 those vehicles, all those items here and there, you know, the bulk of items, even goats
24 and cows and chickens, "kondo" in Sango, all of those items. So, Counsel, please, it's
25 shameful, really, really shameful, very shameful. That's the only answer I can give

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 you.

2 Q. Witness, you talked about property and vehicles, but did you see those vehicles
3 being looted; that is at the time of the looting proper, at the time at which the property
4 was being taken? I'm not asking you whether you saw any items with the MLC
5 soldiers, items which you refer to as having been looted. My question is to find out
6 from you whether you saw any act of looting being committed as it was committed?

7 A. Thank you for an explicit question, Counsel. Now, to see with my own eyes,
8 no, but I have told you that these are acts that were committed after a town had been
9 captured and by the time we got there they were already, so to speak, rich. The
10 vehicles were in their possession. I did not see them take the vehicles, but by the
11 time I saw them they had the vehicles. These are people who came to the Central
12 African Republic on foot, with nothing, but a few days later they were seen to own
13 vehicles and what have you. So I did not see them commit the act of looting, but I
14 saw them in possession of the items. So that is my answer, Counsel.

15 Q. Witness, we will now conclude. We have heard your testimony in this Court
16 over a number of days, and today you have acknowledged that you did -- you were
17 not personally present at any murder, or rape, or looting throughout the period
18 covered by the events that we are dealing with today.

19 So my question to you is the following, and I want to refer here to your statement to
20 the OTP which appears as the fourth document in the Defence list of documents,
21 CAR-OTP-0046-0368. This is a question that was put to you: (Redacted) during
22 those, or these last days, you have clearly indicated your desire to collaborate with us.
23 Why did you decide to cooperate with us?" Your answer: "First, I was opposed to
24 the inhumane acts committed by Jean-Pierre Bemba's soldiers. I condemned all
25 those actions that I have already mentioned. I did not encourage crimes against

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 humanity to be committed. Secondly, in spite of my efforts and my understanding

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Mr Witness, is this a correct reflection of your statement to the OTP on this matter?

6 A. Yes, obviously, Mr Kilolo.

7 Q. Witness, do you remember testifying before this Court to the effect that before

8 the end of the events, that is before 15 March 2003, you had never complained about

9 or denounced the crimes that you allege to have been committed today before any

10 judicial or legal authority in the Central African Republic, in spite of the judicial

11 proceedings that had been initiated in 2003?

12 A. Can you rephrase? Can you kindly rephrase your question, please?

13 Q. Legal proceedings were initiated relating to the crimes in the Central African

14 Republic committed in 2003, or rather in the year 2003, yet you never denounced,

15 complained about, nor informed the judicial authorities of the Central African

16 Republic of the things you mentioned. Do you recall or acknowledge that?

17 A. Counsel, let me remind you of something that I know. I was not aware of the

18 judicial proceedings allegedly initiated in 2003. It is only several years later that I

19 received a phone call from an investigator of the ICC asking for us to have a

20 discussion on these matters, and it is then that I found out that he had come to

21 investigate the events of 2002 and 2003. That is the answer I can give you.

22 In any event, I was not aware of that. It is true I was in Bangui, but I was not aware

23 of that. And that is normal, because even some of the victims, some persons who

24 were victims of these events, do not know to this date that there is even an office open

25 where people can file complaints against the Banyamulengue for the crimes they

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 committed.

2 So you cannot question this, Counsel. I swear that I was not aware of those judicial
3 proceedings. It is after the telephone call that I became aware. My concern was to
4 put my thoughts down in writing so that some day I could publish a book on those
5 barbaric acts. That is my answer.

6 Q. Does the name Bernadette Sayo ring a bell?

7 A. No.

8 Q. Witness, did you hear any appeals or calls being made over radio to victims,
9 like Radio Ndeke Luka, Radio Central Africa, calling on victims to come and make
10 claims, and these calls were made by a human rights NGO in the Central African
11 Republic?

12 A. Unfortunately I listened more to the RFI than local radio stations, that is RFI,
13 and even today that continues to be the case. I hardly listen to local radio stations
14 like Ndeke Luka, and so every now and then I would listen to music over those radio
15 stations which play music from 22 hours until morning.
16 So if I happened not to be playing my CDs, or anything like that, I can then listen to
17 music over the local radio stations. Then at about 4 a.m., if I am awake, I could listen
18 to news on the local radio station, but most of the times I would listen to RFI
19 unfortunately.

20 Q. Yet, Witness, you knew that President Patassé's enemy, during those events the
21 MLC troops had become the President of the Central African Republic from
22 March 2003. Did that not spur you on to denounce or report those crimes you had
23 heard about, although you did not see them happen with your own eyes?

24 A. Counsel, let me draw your attention to something. We are all gathered in this
25 courtroom today. Everybody is in a good moral state. Even the President of the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 MLC, Jean-Pierre Bemba, is here. We are all in a good moral state, because things
2 are calm.
3 You see, from 15 March you, or Zaireans of the DRC, the Democratic Republic of
4 Congo to distinguish it from the other Congo, you see, what could anybody have
5 done at that time, being a Congolese? Maître Zarambaud, Maître Douzima, they are
6 both here. They are Central Africans. They may say what they want to say about
7 what I am about to say now regarding those barbaric acts committed by the
8 Banyamulengue. That was not a point of pride for me, to come forward and indicate
9 that I was a Zairean or a Congolese. Instead, the best thing to have done at that time
10 was to keep quiet and be at peace with people, particularly going by your build and
11 your appearance.
12 So Bozizé was accompanied by Zakawa in his taking over of power. (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 He -- you know, I want to tell you as well, Counsel, that (Redacted) at the time.
19 (Redacted)
20 (Redacted) So the President Bozizé called
21 on the Zakawa and told them not to target (Redacted) who was
22 doing his job.
23 So there are other persons whose names I may not have mentioned during this
24 testimony, but (Redacted) on the phone I told him, "Please be careful.
25 (Redacted) and he

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 was not cautious enough and was picked up and locked up for about six months.
2 Maybe six months, maybe that is too much. About four months. He was kept for
3 about four months, and I had to contact (Redacted) once again to intervene so
4 that (Redacted) who had been locked up, could be released.
5 So, Counsel, maybe I have touched on a number of items in my answer, but I simply
6 wanted to point out to you that after Bozizé took power it was not easy for Congolese
7 to declare that they were Congolese. We had to hide in our shells, like snails, like
8 tortoises, so that we could peek out every now and then just to see what was going on.
9 I still have those sad and bad memories with me even to this date, because any
10 Congolese who made even a small mistake at that time would have been in trouble.
11 I want to tell you that, even to this day, people still refer to Congolese as
12 "Banyamulengue," and it's an insult that they use against Congolese in the Central
13 African Republic to this very day and people can testify to that. Thank you.
14 Q. Mr Witness, if you were really convinced, based on what you heard from people,
15 that the MLC soldiers had committed the most atrocious crimes how, then, do you
16 explain the fact that (Redacted)
17 (Redacted)
18 A. Thank you. Thank you, Counsel; I was expecting this question. A short while
19 ago I was telling you that I was (Redacted)
20 (Redacted) Now, I know that everyone here is not a Christian,
21 but according to the Bible, Paul, the apostle, was in the crowd of smokers, in the
22 crowd of those who were smoking and who were involved in evil. So I was there,
23 I was with them. (Redacted)
24 (Redacted)
25 (Redacted) But these people,

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 when you speak to them directly, you might get into trouble. If you tell them that
2 they are killing, they might be offended, but we had ways of telling them in order to
3 win their soul that this is what God would expect of you, this is what God wants you
4 to do. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) Thank

12 you.

13 Q. Witness, since you didn't think it was useful to denounce the atrocious crimes at
14 the time, the Defence's claim is that your real motive when collaborating with the
15 OTP was desire for vengeance, in particular because (Redacted)

16 (Redacted) What is your

17 response to this?

18 A. Thank you, Maître. When the heart is full, the mouth speaks. That's what
19 you understood and then you have to say this. Let me tell you one thing: I've
20 forgiven them for this act; (Redacted)

21 (Redacted)

22 (Redacted) but I haven't said this anyway. I haven't said this anywhere. (Redacted)

23 (Redacted) So, no, it's not a matter of vengeance. It's not as if

24 Jean-Pierre Bemba had (Redacted) to the Central African

25 Republic. No, you won't find that in my statement anywhere. I've told the truth,

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

- 1 (Redacted) and right up until the present I haven't asked for
2 anything because I was a victim.
3 I could also have gone to complain in an office for victims in Bangui because
4 (Redacted) but you will see that I didn't file a complaint against
5 Mr Bemba because of (Redacted) So I've forgiven him,
6 so you can wipe that out of your mind as of today. If this is your intention, wipe that
7 out.
8 I have no problems with Mr Bemba, I've just told the truth and nothing but the truth
9 and it's a compatriot Congolese brother, I have no problems with him, I have no
10 problems with Mustapha. In spite of what they did to me, I don't bear a grudge
11 against them or against you as his counsel. I swear that even after this trial, God
12 willing, if we meet we will shake hands. The family will continue as it is, so I really
13 have no problems with anyone. I can swear before God that that is the case.
14 Q. Did you discuss your testimony at (Redacted)
15 A. Maître, (Redacted)
16 (Redacted) that are taken every year -- this is done on a yearly
17 basis. I participated in it, (Redacted) but I made them understand on one occasion,
18 in the statement that I made, that (Redacted) but when
19 I was threatened I stated this.
20 At the time, (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) And,
25 in addition, when the Zakawa wanted (Redacted) well, you see, that is how it was that

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) so I informed them of the

3 fact.

4 Q. Why did you tell the OTP investigators that you agreed to having your
5 statement provided to the Central African government, provided that it was to the
6 government under President Bozizé, but not if the regime changed?

7 A. Well, in any event, Maître, Bozizé won't be there eternally. If the mandate is
8 respected, well, I think that he will cede his position and someone else will replace
9 him, but there are certain things that will be relevant for the government, that will be
10 in the archives. This is the case from generation to generation.

11 Any government can ask for my statement, to read my statement if necessary, and
12 this is what I understood quite recently when I arrived here in The Netherlands.

13 Even if I say that it shouldn't be provided to another government, well, I'd be
14 mistaken.

15 Here I am today, before the OTP, the Judges, the Defence and I am repeating what I
16 have said. Well, whether I want to or not, I have sworn to speak the truth and
17 nothing but the truth before the Court, before everyone. So the document has to be
18 transmitted from government to government and, really, that will be contained in the
19 archives of the CAR.

20 I think I have come here to defend a people. God can't see -- doesn't distinguish
21 people on the basis of their colour, their ethnic group, their race and so on and so
22 forth. I came here to tell the truth. It's not because Mr Jean-Pierre Bemba is a
23 Zairois or Congolese. I'm Zairois, but there were these inhuman acts were
24 committed by his soldiers and, as a result, I'm obliged to come and denounce this
25 before the entire world because this is the tribunal where we are present.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 At the moment, this is the tribunal which represents the world. Whatever happens
2 to me with regard to this truth, I will always be proud of what I have done because I
3 have spoken the truth and nothing but the truth. Thank you, Maître.

4 Q. Witness, your current status is (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) Do you still stand by your testimony given before the

8 Chamber, according to which (Redacted)

9 (Redacted)

10 A. Thank you, Maître Kilolo. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Which travel document --

21 PRESIDING JUDGE STEINER: Maître Kilolo, could you please, before continuing
22 with this line of questioning, inform the Chamber about the relevance of these
23 questions for the case at stake?

24 MR KILOLO: (Interpretation) Your Honour, the witness stated that after 15 March
25 he went (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 PRESIDING JUDGE STEINER: I think the witness has already said that he went (Redacted)
- 11 (Redacted) But if the witness wants to answer the question whether you used (Redacted)
- 12 (Redacted) you can answer. If you don't want to answer, you don't have to.
- 13 THE WITNESS: (Interpretation) Thank you, your Honour. I'll make Maître Kilolo
- 14 quite happy, so that when I leave this courtroom, he isn't worried.
- 15 Maître Kilolo, (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 MR KILOLO: (Interpretation) I will now ask you my last series of questions, but
2 could the court officer please show the following document on the screen:

3 CAR-OTP-0054-0569, which is an annex to the eighth document in the Defence's list, if
4 I'm not mistaken.

5 THE COURT OFFICER: Document CAR-OTP-0054-0569, it's available on your
6 screens, the first page, and it's a confidential document.

7 MR KILOLO: (Interpretation)

8 Q. Witness, does this document mean anything to you?

9 A. Yes, I drafted the document. I can see my signature there and I can recognise
10 my handwriting.

11 Q. Are these extracts from (Redacted)

12 A. Not at all. These are pieces of paper that -- well, in fact, I haven't respected the
13 five-second rule. I'll start again.

14 That has nothing to do with (Redacted) it's a piece of paper that the investigators
15 gave me because it was difficult for them to write certain names, (Redacted)

16 (Redacted) So they provided me with this sheet of paper for

17 (Redacted) as well, so if anything wasn't clear, I would write it down.

18 As the investigators were doing their work, they wanted to be sure about things, so
19 they asked me to sign something so that if this piece of paper was ever shown to the
20 Court, I'd be able to defend myself and say it's my writing, and that's why I signed it.
21 But it has nothing to do with (Redacted) Maître Kilolo.

22 MR KILOLO: (Interpretation) Could the court officer please show page
23 CAR-OTP-0054-0572.

24 Q. Witness, did you draft this?

25 A. Yes, Maître Kilolo, that's my handwriting and that's my signature there.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Q. Under what circumstances did you draft this text, if you don't mind saying?

2 A. Yes, I can remember the circumstances. It was in the room that I was in with
3 the investigators. It wasn't during the break, but I no longer know the exact
4 circumstances. However, you can see that there's an asterisk there, and I circled this,
5 and I wrote this down so as not to forget it so that I'd be able to inform them of what
6 was written there. And later, when they noted, when they saw that I was writing
7 something down, they asked me, "What are you writing?" And I said, "Well, I've just
8 written down a few things that have to do with Bossangoa," because they had to
9 return to The Netherlands. They no longer had any time and they had to cut things
10 short because they didn't have enough time. I also took the opportunity to write a
11 few things down very rapidly so that I wouldn't forget certain essential things.
12 When they asked me about it and I told them, "I wrote this down, because I saw that
13 you no longer have much time left, you have to leave and take a plane." They had to
14 go back to the hotel and prepare themselves to take the plane back, and they said,
15 "Well, look, you've written this down and, therefore, you have to sign it and then we
16 will show this to the Chamber and the Defence." I said, "No problem," and that is
17 how I signed this document. I can remember that. It was upon returning from
18 Bossangoa.

19 Q. Witness, did someone dictate this to you for it then to be conveyed to the OTP?

20 A. Well, can't you see that this handwriting -- well, I wrote this down very rapidly.
21 I took the opportunity to do so when they were discussing things, but it was two or
22 three years ago. I did this very rapidly to remember things, because I answered one
23 question and then I knew they were going to leave. So it wasn't something that was
24 dictated to me, I wrote this down.

25 You can see that there is a circled asterisk there, and here you have the items that I

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 was to tell them about. Because it wasn't just a minor interview for me, it was huge,
2 and I suffered during the interview, during the entire period of time spent with them.

3 Q. Witness, very briefly, could you give us a summary of what the contents of this
4 document are? What is it about?

5 A. (Redacted)

6 (Redacted) So that's what it's about. And there are certain things that I
7 forgot, you know, there are lots of things. There was a plane that had brought in
8 weapons from the DRC, it was (Redacted) who had brought them in. You have to ask
9 Mr Bemba about where these weapons came from, and so on and so forth. That's
10 one piece of information.

11 There's so much information, I didn't write everything down. So it's information.
12 You know, when it crops up, you write it down so as not to forget. So that would be
13 it. That's the information I've given to you. You won't find it in the documents
14 anywhere, but it was (Redacted) who was in Bozoum, when he came from Basankusu,
15 and there was a special plane, full of weapons, you know. So, there were so many
16 things, I didn't note everything down, but the main things were noted, Maître.

17 Q. Witness, we don't have many minutes left. I think that in five-minute's time it
18 will be 1 p.m.

19 I'm going to ask the court officer to show the seventh document from the Defence's
20 list, page CAR-OTP-0054-0543. Could we please focus on the middle of the page,
21 zoom in to the middle of the page.

22 Witness, I'm going to read out a very brief passage. This is what you said: (Redacted)
23 (Redacted)

24 (Redacted) At the time the Banyamulengue
25 troops had a system whereby they could recognise each other at night. If they were

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 driving at night, they would use their distress lights and that is how the troops
2 recognised each other."

3 Witness, the passage that I have just read out to you, does that passage tally with the
4 contents of the previous document that was shown on the screen, to the best of your
5 knowledge? I'm referring to the following document, CAR-OTP-0054-0572. Are
6 the contents identical?

7 A. The idea is the same, but as for the content, the substance, it's somewhat
8 different. The author of these two documents -- well, I am the author of the two
9 documents, so if it's similar it's not a problem because I wrote these documents. I
10 drafted them. I drafted them at home. I was writing a book, you know, as I said.
11 So perhaps these extracts I could clarify them, perhaps, so it might be similar to what
12 was in the document. It won't be surprising for you. Someone who writes a book
13 will re-read it so that the ideas contained there might be similar to the ideas in a
14 previous document. The author is the same. I am the author of these documents.
15 It's based on the original text that I drafted, if you like.

16 Q. What is surprising, Witness, is that you have -- you just made a declaration, a
17 statement to the OTP, in November 2009, and there were handwritten sheets of paper
18 that you drafted that contained the same information as the information that you
19 subsequently provided to the OTP. The question, therefore, is whether this is
20 information that was dictated to you that you may have written down so as not to
21 forget and not to forget things that you yourself did not experience? What's your
22 reaction?

23 A. Written by whom? Please be clear. If there's no answer, well, this
24 information was never dictated to me by someone else. I wrote this down. I
25 confirm this. I can confirm this. If you have no more questions, just say "Thank

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 you" and let's conclude, Maître. Let's not dwell on these things. I've answered all
2 of your questions, please.

3 MR KILOLO: (Interpretation) Your Honour, do you think we could have an
4 additional five minutes, perhaps?

5 PRESIDING JUDGE STEINER: Not more than five minutes. Otherwise we will
6 have to come back, because I still have oral decisions to be issued, Maître Kilolo.

7 MR KILOLO: (Interpretation)

8 Q. Witness, on the basis of the information that we have -- and here I am referring
9 for the benefit of the Chamber to document ICC-01/05-01/08-1660-Conf-Anx 1 of
10 29 August 2001. Now, on the basis of the information that we have, I would like to
11 ask you the following question: What did the Office of the Prosecutor promise to
12 you when you came in response to their call for co-operation?

13 A. Thank you, Counsel, for your question. The Office of the Prosecutor, well, he
14 was the one to send out the investigators. Initially the investigators would say to us,
15 "Of your own accord would you come? We are not going to force you. Would you
16 go of your own accord?" I would say, "Yes." "I hope you feel comfortable. If you
17 don't, you can stop," and they gave us to understand that there was not a single cent
18 of fees that was going to be paid because you had to leave your country to come all
19 the way to The Hague and that for that he would -- I would be paid a salary, or a
20 wage, or whatever. No, that was not the case.

21 I was told that I would go, I would testify, it would end and I would take a plane and
22 go back home. So there was no profit, no benefit, and they didn't accept any gifts
23 and they didn't give any gifts to me, nor did I give them gifts. So they were truly
24 neutral.

25 They didn't accept that I should call them using my own phone credits. They would

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 say to me, "Just call us and beep us, and if we can we shall call you back either
2 immediately or later on if you need any extra explanations." That's how we worked
3 with the Office of the Prosecutor.
4 I'm here of my own accord, and I tell you, brother, I left my whole family behind to
5 earn nothing at all here. There is nothing, nothing at all. Even my wife complained
6 about me volunteering to come to The Hague, and I said to her, "I want to go there
7 and say the truth and the whole truth so as to enable the task -- facilitate the task of
8 the Chamber and be sure that justice is done in relation to the events that took place
9 in the CAR." Thank you.

10 Q. This is my very last question, Witness. Let's set aside the idea of a wage, or
11 compensation. How much money, if applicable, did you get or do you expect to get
12 in the context of your testimony?

13 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor, but I have
14 already the answer to this question.

15 MR BADIBANGA: (Interpretation) Your Honour, yes. Of course we do object to
16 these particularly insulting questions first of all in respect of the witness, whose
17 integrity is being questioned on an imaginary basis and I really don't see any element
18 that could possibly justify the position of the Defence. It is also very insulting
19 towards the Office of the Prosecution, whose integrity is being questioned, and we
20 can under no circumstances whatsoever accept that.

21 PRESIDING JUDGE STEINER: Maître Badibanga, if there is any system to
22 compensate the witness for the days the witness spent in The Hague, this is an issue
23 that relates only to VWU and will be the same that will apply for the
24 Defence witnesses when the Defence witnesses come. So the tone in which the
25 question was posed to the witness is offensive and the Chamber does not accept this

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 kind of question.

2 Have you finished your questioning, or do you have something else?

3 MR KILOLO: (Interpretation) I have finished, your Honour, and I have already
4 provided the reference number for the document that we used to base our last
5 question on, which of course do not seek to offend the Office of the Prosecutor.

6 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

7 The interpreters and court reporters were kind enough to allow us a few more
8 minutes before the witness leaves the room, and first I'm going to use these few
9 minutes to issue an oral decision regarding (Redacted) presented by Witness 178.

10 When Witness 178 began his testimony on 30 August 2011, he stated that he had (Redacted)
11 (Redacted) with him that he wanted to give to the Chamber. According to
12 the witness, (Redacted) after he gave his statements to the Prosecution. The
13 witness explained that, (Redacted) This is a
14 quotation.

15 The Chamber explained to the witness that it would consider his request and would
16 rule on it in due course.

17 At the hearing on 6 September 2011 the Chamber explained to the witness that, if he
18 decided to provide (Redacted) to the Chamber, copies of it would need to be provided
19 to the Prosecution and Defence. The witness objected to this. (Redacted)
20 (Redacted)

21 (Redacted)

22 (Redacted)

23 It is self-evident that all items admitted into evidence in the case must be available to
24 the parties. This is true whether the item of evidence is submitted by a party, or
25 admitted by the Chamber proprio motu. It is similarly self-evident that, when the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 Chamber is considering whether to admit an item into evidence, that item must be
2 made available to the parties so that they may consider whether they object to its
3 admission. For these reasons, if the Chamber is to consider admitting Witness 178's
4 (Redacted) into evidence, the parties would need to be provided with copies of it.
5 As explained earlier, the witness has objected to (Redacted) being provided to the
6 Defence, citing security concerns. Because the Chamber has not seen (Redacted) it will
7 not second-guess the witness's judgment on this point. Given the witness's stated
8 position, the Chamber is not in a position to accept (Redacted) or to consider its
9 admission into evidence. Therefore, if (Redacted) cannot be provided to the Defence,
10 the Chamber will not consider its admission and will not require the witness to hand
11 over (Redacted) to the Court.

12 The Chamber also wants to inform the Defence and legal representatives that, at the
13 ex parte status conference held on 26 August 2011, the Chamber ruled that the
14 Prosecution would be permitted to meet with Witness 178 after he concludes his
15 testimony for the limited purpose of discussing with him and VWU issues related to
16 his security.

17 Mr Witness -- no, before. Prosecution, I really apologise for that. I forgot asking
18 the Prosecution whether the Prosecution intends to re-direct and I apologise for that.

19 MR BADIBANGA: (Interpretation) No, your Honour, we have no additional
20 questions for the witness, who I believe has already enormously contributed to
21 progress.

22 PRESIDING JUDGE STEINER: I'm sorry, I think everyone is feeling a little bit tired.
23 I received an email that Maître Badibanga requested the correction of a reference in
24 the transcript, but I can't find it. Could you please refer to it orally?

25 MR BADIBANGA: (Interpretation) Yes, of course, your Honour. In answer to the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 last objection I brought up, in the French version, page 65, lines 23 to 24, your answer

2 I believe was addressed to Mr Kilolo, whereas you said "Mr Badibanga."

3 PRESIDING JUDGE STEINER: Maître Badibanga, it's page 69, line 1, "Presiding

4 Judge: Maître Badibanga, if there is any system to compensate the witness ...", and

5 of course I was addressing Maître Kilolo and not you, Maître Badibanga. I apologise

6 for that as well.

7 Mr Witness, thank you very much for coming to The Hague, for leaving your

8 business, your family, to come and give testimony before this Court. Before you

9 leave the Court, the Chamber wants - as with all other witnesses in this case - to

10 express our thanks for the time you have taken to come here and to give evidence in

11 this trial.

12 In order for us to find the truth, it is critical that witnesses such as yourself are

13 prepared to give evidence and to assist the Judges in finding the truth, assist us on the

14 relevant issues related to the case. We are aware that this must certainly have been

15 inconvenient for you, tiring, stressing. You therefore leave us to go back home with

16 our thanks.

17 But, before you leave, the Chamber would like to ask you whether there is anything

18 you would like to address the Chamber, reminding you please not to address any

19 specific issue related to security. Is there anything else that you would like to

20 address the Chamber? You have the floor, Mr Witness.

21 THE WITNESS: (Interpretation) Thank you, your Honour. I, too, would like to

22 thank you for the efforts that were made to ensure that the discussions took place in

23 good conditions, and also I would like to thank the Office of the Prosecutor and the

24 Defence. I would like to thank them. I have nothing in particular to say. Thank

25 you, your Honour. Thank you, your Honours.

Trial Hearing
Witness: CAR-OTP-PPPP-0178

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Thank you very much. VWU will assist you from
2 now on and for some time after you -- for how long you need, so you leave us, but be
3 assured that the Court will continue monitoring your situation.

4 I ask, please, court officer to accompany the witness outside the courtroom. And
5 have a nice trip back home, Mr Witness.

6 THE WITNESS: (Interpretation) Thank you.

7 (The witness is excused)

8 PRESIDING JUDGE STEINER: I will -- since the court reporters and interpreters
9 were so kind, there's just one more short oral decision that needs to be issued before
10 the next witness starts giving testimony. It's an oral decision on the Prosecution's
11 request for protective measures for Witness 33.

12 On 6 July 2010, the Prosecution filed its corrigendum to the Prosecution's request for
13 protective and special measures for Prosecution witnesses at trial, (Filing
14 800-Corr-Red4). In this application, the Prosecution requests that the Chamber grant
15 protective measures to Witness 33, namely, the use of a pseudonym, face and voice
16 distortion and partial use of closed or private session. According to the Prosecution,
17 these protective measures are necessary to protect the witness in the place he resides
18 and since he fears to be threatened by those who suspect that they can co-operate
19 with the Court.

20 The Prosecution further argues that the requested protective measures are reasonable
21 and will ensure that the witness gives evidence free of fear. The Prosecution finally
22 submits that the accused has been giving fully identifying details and the complete
23 evidence -- sorry, that the accused has been given fully identifying details and the
24 complete evidence of the witness and, therefore, the measures will not cause
25 prejudice to the Defence.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0178

1 On 15 July 2010, the Defence filed its response to the Prosecution request, (Filing
2 830-Conf-Exp), in which it argues that there is no indication that a future and
3 proximate threat may be posed to the witness on account of his co-operation with the
4 Court and, therefore, opposes the requested protective measures.

5 On 15 September 2010, the Victims and Witnesses Unit filed its observations on the
6 corrigendum to the Prosecution's request for protective and special measures for
7 Prosecution witnesses at trial, (filing 884-Conf-Exp). The VWU supports the
8 protective measures requested for Witness 33 and argues that these are necessary to
9 maintain and complement the current measures, security measures, already put in
10 place.

11 Pursuant to Article 68(1) and (2) of the Statute, Rule 87 of the Rules of Procedure and
12 Evidence, and Regulation 94 of the Regulations of the Registry, the
13 Chamber considers that, due to the circumstances of the witness, the protective
14 measures requested for Witness 33 are necessary, reasonable and proportionate.
15 The protective measures requested will enable Witness 33 to continue to live in his
16 community without the fear of being identified and, as a result, being threatened or
17 harassed.

18 The Chamber therefore grants the Prosecution's request for protective measures for
19 Witness 33 and authorises the use of a pseudonym, face and voice distortion and
20 partial use of closed or private session.

21 We will adjourn now for our lunch break, and we will resume at 3 o'clock with the
22 beginning of the testimony of Witness 33. This hearing is adjourned.

23 THE COURT USHER: All rise.

24 (Recess taken at 1.25 p.m.)

25 *(Upon resuming in open session at 3.03 p.m.)

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

- 1 THE COURT USHER: All rise. Please be seated.
- 2 THE COURT OFFICER: Good afternoon. Your Honours, Madam President, we are in
3 open session.
- 4 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I see a different
5 team in the Prosecution Bench, so for the record I'll ask, please, Mr Scaliotti to introduce
6 the Prosecution team.
- 7 MR SCALIOTTI: Thank you, your Honours, Madam President. The Prosecution team
8 is constituted this afternoon by Ms Petra Kneuer, senior trial lawyer; Sylvie Wakchom,
9 trial legal assistant; and Sylvie Vindinha, trial support assistant; and finally by myself,
10 Massimo Scaliotti, trial lawyer.
- 11 PRESIDING JUDGE STEINER: Thank you, Mr Scaliotti. Good afternoon, Defence team.
12 Also new faces in the Defence bench. Please, could you, Mr Haynes, introduce ... ?
- 13 MR HAYNES: Certainly, your Honour. Counsel here today are myself, Peter Haynes,
14 and associate counsel, Aimé Kilolo. We are assisted behind by Kate Gibson and Julien
15 Maton.
- 16 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. We will start today,
17 a very very short one-hour hearing, but we can at least start with the testimony of Witness
18 33 and I will -- Good afternoon, Mr Jean-Pierre Bemba Gombo, I'm sorry.
- 19 We will start with Witness 33 and for that purpose I ask, please, court officer to turn
20 briefly into closed session for the witness to be brought into the courtroom.
- 21 *(Closed session at 3.06 p.m.)Reclassified as Open session
- 22 THE COURT OFFICER: We are in closed session, Madam President.
- 23 (The witness enters the courtroom)
- 24 WITNESS: CAR-OTP-PPPP-0033
- 25 (The witness speaks French)

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Let's turn into open session, please, court officer.
- 2 (Open session at 3.07 p.m.)
- 3 THE COURT OFFICER: We are in open session, Madam President.
- 4 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon, Mr Witness.
- 5 THE WITNESS: (Interpretation) Good afternoon. Thank you.
- 6 PRESIDING JUDGE STEINER: You are most welcome to this Court. You will start
- 7 today giving your testimony, but before you start giving your testimony, I will ask the
- 8 court usher to facilitate you taking the oath. You probably have in front of you a card
- 9 with the wording of the oath. If not, court usher will bring it to you. Could you please
- 10 read for us the oath, Mr Witness.
- 11 THE WITNESS: (Interpretation) Thank you. "I declare solemnly that I will speak the
- 12 truth, the whole truth and nothing but the truth."
- 13 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Now that you have
- 14 taken the oath, can you confirm that you understand what the oath means?
- 15 THE WITNESS: (Interpretation) Yes, of course I do. I understand clearly.
- 16 PRESIDING JUDGE STEINER: Do you understand that you must give answers to
- 17 questions asked of you that are true and accurate, to the best of your knowledge and
- 18 belief?
- 19 THE WITNESS: (Interpretation) Yes, I understand very clearly.
- 20 PRESIDING JUDGE STEINER: Mr Witness, as the staff of Victims and Witnesses Unit
- 21 have explained to you during your familiarisation process, you will be questioned first by
- 22 the Prosecution, then by legal representatives of victims and finally by the Defence.
- 23 As you know, the Chamber has put in place some measures to protect your identity from
- 24 the public. You will therefore be referred to, during the course of your testimony, as
- 25 "Witness," "Mr Witness." Your name will never be mentioned. Your voice and also your

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 image that are broadcast outside the courtroom are being distorted so the public outside
2 this courtroom cannot identify you by your voice or by your image.
3 In order to ensure the protection of your identity, it is really important, Mr Witness, that
4 in the course of your testimony you refrain from giving any information that could lead to
5 your identification, for instance names of family members; your profession; where you
6 work; a meeting that you had with this or that person. If it comes to the point in which
7 you need to mention this kind of information, you let us know and we go into private
8 session. In private session the public cannot listen to you, cannot hear what you say. So
9 it's important that you help us in protecting your identity.
10 And, Mr Witness, because we speak different languages, there is interpretation so that we
11 can all understand each other. Because of that, it is important that you speak slower than
12 normal, as I'm doing now, in order to allow the interpreters to do their job.
13 It's also important that you apply what we call a "five-second rule," which is, when the
14 Prosecution or the Defence put a question to you, you need to count 'til five before giving
15 your answer. This is the time needed by the interpreters and court reporters to complete
16 the translation of the question, and the parties and participants will also respect the
17 five-second rule. When you finish your answer, they need to wait five seconds before
18 they put to you another question.
19 Because this can be seen as unnatural it's possible that you start speeding up, and then I
20 will have to interrupt you to remind you that you have to speak slower and to respect the
21 five-second rule. This is only for practical purposes, and I hope it will not discourage
22 you from speaking. You understand me?
23 THE WITNESS: (Interpretation) Yes, yes, I am comfortable with that.
24 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now, the Judges have some
25 questions to put to you before you start giving your testimony. Have you been given the

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 opportunity to read, or have read to you, the statement or statements that you made to the
2 Court?

3 THE WITNESS: (Interpretation) Yes, yes, that was done.

4 PRESIDING JUDGE STEINER: At the time when you made the statement, or statements,
5 did you do so voluntarily?

6 THE WITNESS: (Interpretation) Yes, very voluntarily.

7 PRESIDING JUDGE STEINER: Is the information that you provided in your statement,
8 or statements, true and accurate to the best of your knowledge and understanding?

9 THE WITNESS: (Interpretation) I relied on facts - real facts - that I was aware of.

10 PRESIDING JUDGE STEINER: In case the parties or the Chamber intend to introduce
11 your statement or statements as evidence in this case, do you have any objection?

12 THE WITNESS: (Interpretation) No objection.

13 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'll give the floor now to the
14 Prosecution. The Prosecution is the first one to start questioning you. Mr Scaliotti, you
15 have the floor.

16 MR SCALIOTTI: Thank you, Madam President.

17 QUESTIONED BY MR SCALIOTTI:

18 Q. Mr Witness, good afternoon. My name is Massimo Scaliotti.

19 A. Thank you.

20 Q. I represent the Office of the Prosecutor, I'm a trial lawyer, as I said, and I will lead
21 your questioning before the Judges. You heard Madam President giving you a number
22 of instructions, and I really kindly ask you to bear in mind very much those instructions
23 because this will be very helpful to facilitate your testimony and the work of everyone
24 here in this Court.

25 In particular I would like to remind you once again to speak very slowly, and from time to

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 time I will probably remind you of this because the rhythm that we have to follow here is
2 not the one of a normal conversation. As Madam President said, it can sound a bit
3 unnatural, but it's the only way that we can work here, especially for the interpreters.
4 During my questioning I will ask you different types of questions, including how do you
5 know the facts that you will state. This is a crucial question, because it's important to
6 establish the basis of your knowledge, especially for the benefit of the Judges. Therefore,
7 don't take this as an offence. It's simply for this reason that we have to establish your
8 basis of knowledge.

9 Another point I would like to make to you is that some of my questions may sound
10 repetitive to you. Again, it's not that I want to waste your time and keep asking the same
11 questions. It's simply that sometimes certain details need to be further clarified. This is
12 the reason why some questions can sound repetitive, but they are not.

13 One more point. I would kindly ask you to listen very carefully to my question and
14 before providing an answer, if you have one, please focustrate on the contents of those
15 questions. I'm recommending you this simply because it will facilitate your testimony
16 and especially a better understanding of your testimony. Moreover, we have to take into
17 account that it's not only the Prosecution asking you questions but, as Madam President
18 said, the legal representative of victims, the Defence and possibly also the Judges may ask
19 you questions, so it is important for me to stay within the time limit that was allocated to
20 the Prosecution.

21 It may be that during your testimony I will ask you to help us with the spelling of names
22 of individuals, of locations, and of course if you don't understand a question, please don't
23 hesitate to raise your voice and just let me know and of course I will repeat that question.
24 Is everything I have said so far to you clear?

25 A. Yes, very clear.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 MR SCALIOTTI: Thank you, Mr Witness.

2 Now, Madam President, I would ask for a private session so that we can start with the
3 introductory questions about the personal background of the witness. Thank you.

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

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

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

7 PRESIDING JUDGE STEINER: Mr Scaliotti, at least in the beginning of your questioning,
8 it would be useful if you remind the witness what exactly the private session means.

9 MR SCALIOTTI: Absolutely, Madam President. It was my intention, just before
10 moving back to public, to make again a sort of summary and remind the witness, if it is
11 convenient for the Chamber?

12 Q. Mr Witness, can you please tell us your full name?

13 A. My names are (Redacted)

14 Q. What is your date of birth?

15 A. I was born on (Redacted)

16 Q. What is your place of birth?

17 A. I was born in (Redacted)

18 Q. Can you explain in what country is (Redacted)

19 A. (Redacted)

20 (Redacted)

21 Q. What is your nationality?

22 A. I am of Congolese nationality.

23 Q. What is your civil status?

24 A. (Redacted)

25 Q. Do you have children?

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

- 1 A. Yes, I do have (Redacted)
- 2 Q. What was your last occupation; your last professional occupation?
- 3 A. My very last official occupation (Redacted)
- 4 (Redacted)
- 5 Q. When did you have that position? During what period of time?
- 6 A. I held that position (Redacted)
- 7 Q. What did you do before working for (Redacted)
- 8 A. (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Q. Let's try to proceed with order. You said that you were with (Redacted)
- 14 (Redacted) If you go back in chronological order, right before being (Redacted)
- 15 (Redacted) what position did you hold?
- 16 A. Let me provide some clarification. (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 What I mean is the following: (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted) as I mentioned, during the transition period; that is, the period which lies
- 23 outside of the period during which the rebellion took place.
- 24 Q. Thank you, Mr Witness. It's now much clearer. Maybe you said just -- you said
- 25 that probably, but just for the sake of clarity what does (Redacted) stand for?

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Another clarification, please: You mentioned the period of the transition. You
7 said that you held this position during the period of the transition. Can you clarify for
8 our benefit when did the transition period start?

9 A. I don't have the exact date, because one could say that the transition actually started
10 at the end of the Sun City negotiations; but I no longer remember the exact date.

11 Q. In fact, Mr Witness, it was not my intention to ask you for a precise date but just if
12 you remember the year when it started.

13 A. I believe that it was in 2004.

14 Q. Why did you stop working for (Redacted)

15 A. I didn't stop working for (Redacted) My mandate had quite
16 simply expired, and I was relieved of my duties.

17 Q. Now, proceeding further, in reverse chronological order, what did you do before
18 working with (Redacted)

19 A. Before working for (Redacted) as I have just said, I held the
20 position of someone, an official within (Redacted) for one month at
21 the most. And afterwards I was assigned (Redacted)

22 (Redacted) and this was as part of the Movement for the Liberation of the Congo.

23 Q. Can you please repeat in the context of what organisation you held these (Redacted)
24 (Redacted)

25 A. I held these (Redacted) within the Movement for the Liberation of Congo and

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 during the rebellion.

2 Q. You said that you occupied the position (Redacted)

3 (Redacted) Do you remember what month and what year?

4 A. You must forgive me, because I'm not very good with dates; but, if I'm not mistaken,
5 if my memory does not fail me, I held the position in (Redacted)

6 (Redacted)

7 Q. And when did you hold your position at (Redacted)

8 A. Well, after having held the position in (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. And do you remember until when you held that position?

12 A. I held the position of (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. You said you were (Redacted) and what was

16 your position for that month that you worked at (Redacted)

17 A. (Redacted)

18 (Redacted)

19 Q. During this period of time, (Redacted) until the transition started - so, in

20 other words, while you held these (Redacted)

21 (Redacted) - where were you based?

22 A. (Redacted)

23 (Redacted)

24 Q. Can you specify in what country is Gbadolite located?

25 A. Gbadolite is in Équateur Province, in the Democratic Republic of the Congo.

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 Q. Again proceeding back in reverse chronological order, what did you do before

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 Q. Before talking about (Redacted) can you talk about your education?

6 What education did you receive?

7 A. I obtained my State diploma, which is also called the Baccalaureat, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) Following the war and the FTL rebellion - the

12 AFTL rebellion (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Did you finally obtain your degree at the university?

16 A. I obtained a graduate diploma. (No interpretation)

17 PRESIDING JUDGE STEINER: Mr Witness.

18 THE INTERPRETER: Interpreter's apologies.

19 PRESIDING JUDGE STEINER: There is a problem with the translation into English.

20 We are not having translation into English, apparently.

21 THE INTERPRETER: The interpreter apologises; the microphone was off.

22 The witness said the following: "I obtained the diploma of a graduate (Redacted)

23 (Redacted) That diploma is a first level diploma. Having arrived at (Redacted)

24 I was to pursue my studies in order to obtain BSC or licence diploma, which would be a

25 second level diploma, but the second level diploma was one that I was not able to obtain,

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 as I suspended my -- " The witness stopped his testimony at that point.

2 PRESIDING JUDGE STEINER: Sorry, Mr Witness, now we have received the complete
3 translation of your answer. The last information you gave is that, "Having arrived at
4 (Redacted) I was to pursue my studies in order to obtain BSC, or licence diploma, which
5 would be a second level diploma, but the second level diploma, I was not able to obtain as
6 I suspended my -- " You can proceed from there. You suspended your?

7 THE WITNESS: (Interpretation) As I was saying, I suspended my studies, or I stopped
8 studying, rather, I stopped pursuing my second level studies on that occasion. I stopped
9 pursuing my studies in order to obtain a licence diploma, so I did not obtain this diploma
10 because I had decided to join the rebel movement that had only just been created in
11 (Redacted)

12 MR SCALIOTTI:

13 Q. What do you mean by "rebel movement"?

14 A. Allow me to go back to the matter of rebellion or, rather, to the instruction that I was
15 to receive. I omitted to say that my education, that I had also followed courses (Redacted)
16 (Redacted) but that was some time
17 after the period of the rebellion, so it was during the transition period. I also obtained a
18 diploma, a graduate diploma, as a result of the three years I had spent at that university.
19 If I may now answer the question about the rebel movement, well, when I say "rebel
20 movement," what I mean is the creation of a rebel movement for the purpose of fighting
21 the legally-established government.

22 Q. Did this rebel movement have a name?

23 A. The rebel movement did in fact have a name, which was the Movement for the
24 Liberation of Congo, the acronym of which is MLC.

25 Q. When did you join the MLC?

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Private Session)

ICC-01/05-01/08

1 A. It was in (Redacted)

2 Q. Can you explain the circumstances in which you happened to join the MLC?

3 A. When the Movement for the Liberation of Congo arrived (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. So what did you do after this conversation when you received the information about
9 the movement?

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 As I had just spent, or rather as I had just had a very bad experience in Bukavu, in South
15 Kivu, with Rwandan troops who maltreated me on a number of occasions, I was therefore
16 motivated - very much motivated - to join this rebel movement, which according to the
17 information I had obtained from (Redacted) had been created by a real Congolese person;
18 a Congolese person whose nationality wasn't questionable and a Congolese person who
19 didn't have an obscure political background. This was someone who was young and
20 who therefore -- and, therefore, I was interested and without any hesitation I accepted to
21 join the group.

22 Q. Mr Witness, you mentioned this Congolese who created the movement. Who was
23 this Congolese?

24 A. It was Mr Jean-Pierre Bemba, my ex-President.

25 MR SCALIOTTI: Madam President, it's 4 o'clock. I'm afraid we have to break for the

Trial Hearing
Witness: CAR-OTP-PPPP-0033

(Open Session)

ICC-01/05-01/08

1 day.

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

3 (Open session at 4.02 p.m.)

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

5 PRESIDING JUDGE STEINER: Mr Witness, because we had some delays in today's

6 session, we'll have to suspend now because we need to give some rest to our interpreters

7 and court reporters that have been working hard since early in the morning. We will

8 continue with your testimony tomorrow morning at 9.30 in the morning.

9 I thank very much the Prosecution team, legal representatives of victims, the Defence

10 team, Mr Jean-Pierre Bemba Gombo. I thank very much to our interpreters and court

11 reporters.

12 I will ask please, court officer, to turn into closed session for the witness to be taken

13 outside the courtroom. In the meantime, we are going to suspend and resume only

14 tomorrow morning at 9.30.

15 *(Closed session at 4.03 p.m.) Reclassified as Open session

16 (The witness stands down)

17 THE COURT OFFICER: We are in closed session, Madam President. All rise.

18 *(The hearing ends in closed session at 4.04 p.m.) Reclassified as Open session

19 RECLASSIFICATION REPORT

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

21 ICC-01/05-01/08-3038 and the instructions in the email dated 6 February 2014, the

22 version of the transcript with its redactions becomes Public