

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0213

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

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

6 Trial Hearing

7 Tuesday, 15 November 2011

8 (The hearing starts in open session 9.34 a.m.)

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

10 Please be seated.

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

12 in open session.

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

14 case.

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

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

17 PRESIDING JUDGE STEINER: Thank you very much.

18 Good morning and welcome Prosecution team, legal representatives of victims,

19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and

20 court reporters.

21 We will continue this morning with questioning of Witness 213.

22 (Trial Chamber confers)

23 PRESIDING JUDGE STEINER: Before we bring the witness in, the Chamber has an

24 oral decision to be issued. It is a decision on -- I'm sorry, it will be issued, the oral

25 decision, during the break.

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- 1 I ask, please, the court officer to turn into closed session for the witness to be brought
2 into the courtroom.
- 3 *(Closed session at 9.37 a.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in closed session, Madam President.
- 5 (The witness enters the courtroom)
- 6 WITNESS: CAR-OTP-PPPP-0213 (On former oath)
- 7 (The witness speaks Lingala)
- 8 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 9 (Open session at 9.39 a.m.)
- 10 THE COURT OFFICER: We are in open session, Madam President.
- 11 PRESIDING JUDGE STEINER: Thank you.
- 12 Good morning, Mr Witness.
- 13 THE WITNESS: (Interpretation) Good morning.
- 14 PRESIDING JUDGE STEINER: Did you manage to rest during the night?
- 15 THE WITNESS: (Interpretation) Yes, I had a good rest.
- 16 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 17 THE WITNESS: (Interpretation) Yes, I'm ready. We can continue.
- 18 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
19 under oath. Do you understand that?
- 20 THE WITNESS: (Interpretation) Yes, I know that I am under oath.
- 21 PRESIDING JUDGE STEINER: I also want to remind you, Mr Witness, that you are
22 under protective measures, that your image and your voice that are broadcast outside
23 the courtroom are being distorted so that the public cannot identify you by your face,
24 or by your voice, but in order to keep the protection of your identity it is important
25 that in open session you don't mention any information that could lead to your

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1 identification. If you need to give any information that leads to your identification,
2 to the functions you exercised during the events, you just let us know and we go into
3 private session. In private session the public cannot hear anything that is said inside
4 the courtroom.

5 And finally, Mr Witness, the last reminder is that you need to speak slower than
6 normal and to give the five seconds before starting answering to any questions in
7 order to allow our interpreters and court reporters to complete the translation.

8 Is that fine with you, sir?

9 THE WITNESS: (Interpretation) Yes, that's fine.

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

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

12 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

13 Q. Good morning, Witness.

14 A. Good morning, sir.

15 Q. We made good progress yesterday and I'm going to do my best to allow us to
16 continue at this pace. We will respect the five-second rule, we will speak slowly, but
17 I think that with the precise questions and precise answers from you we should be
18 able to move ahead considerably.

19 Yesterday, we were running through a number of meetings linked to the operation in
20 the CAR and I proposed to you that we attach a time-line to these events. We began
21 by talking about the meeting with the Central African Minister of Defence, then we
22 spoke about a meeting between Mr Bemba and members of the General Staff in
23 Gbadolite, then we agreed that there was a series of further meetings in Gbadolite,
24 but we didn't go into those in detail. We then went on to a meeting between
25 Mr Bemba and the troops in Zongo, during a parade. That same day you said that

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1 there was a meeting with the officers still in Zongo, and then we started with the
2 meetings in the Central African Republic. You spoke about the meeting in PK12,
3 where Mr Bemba met the soldiers. There was then the occurrence at PK22 when
4 passing through and that's where we stopped yesterday.

5 You said that at PK22 (Redacted) passing through on your way to other destinations.
6 Were there any other places where Mr Bemba met the troops after passing through
7 PK22?

8 A. Perhaps I could come back to what we were saying yesterday when we finished.
9 After PK22, there was no other place (Redacted). The president went on to
10 the defensive, where there were other soldiers waiting to go to advance, and then he
11 called Mustapha aside to put a number of questions to him. These are the questions
12 that he put to Mustapha, "Are the Central African soldiers facing up to what's
13 happening on the front?" And Mustapha said, "No, they're not doing well at all,
14 president." He then asked Mustapha, "Do you need any supplies, any weapons, any
15 ammunition?" And Mustapha said, "I don't need any more weapons or ammunition.
16 We can get plenty of weapons and ammunition in the field." And the president said
17 to Mustapha, "You can pick up what you find in the way of weapons and other things
18 here and take them with you." He then said to Mustapha, "Do you have enough in
19 the way of food supplies and other equipment?" Mustapha said, "We're not getting
20 any help. We're getting by on our own," and then the president took out some
21 money from his suitcase and gave it to Mustapha for the food supplies for the soldiers
22 and he said to Mustapha, "Do whatever you can to get through to the border with
23 Chad."

24 Q. We're going to use what you've said in order to clarify the circumstances
25 surrounding the meeting. That discussion you've just told us about, where exactly

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1 did it take place?

2 A. That discussion took place at PK22.

3 Q. Could you tell us roughly how much time Mr Bemba stayed at PK22?

4 A. It's very difficult for me to say (Redacted), but the
5 discussion with Mustapha took some time. (Redacted) some time before
6 falling back to Bangui.

7 Q. You'll remember that yesterday Judge Aluoch asked you a number of questions
8 about the time (Redacted) at PK22 and that is why I would like to clarify things. Are
9 we talking about staying there for say three minutes, or for longer than an hour? We
10 don't need a precise idea, but a rough idea so that we know approximately how long
11 (Redacted).

12 A. (Redacted)

13 Q. We can see that you remember that Mr Bemba had a discussion with Mustapha.
14 Did he talk to the soldiers, or to other officers, or to any other people who were
15 present there?

16 A. After that discussion, he didn't talk to the soldiers. He just saluted them and
17 then took Mustapha aside to talk to him.

18 Q. What do you mean when you talk about "the defensive"?

19 A. Well, the defensive is where the soldiers were stationed. When they're in
20 movement we talk about the offensive, and when they're stationed somewhere before
21 continuing we refer to that as being the defensive.

22 Q. You say that he saluted the soldiers, leaving for the defensive. Is that what you
23 were referring to yesterday when you were talking about giving encouragement or
24 motivating the soldiers, or was it something else?

25 A. Absolutely. It was a question of encouraging them, encouraging the soldiers.

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1 Whenever they see their president coming to see them that boosts their morale, so the
2 president was encouraging them by moving through the area where they were on the
3 defensive.

4 MR BADIBANGA: (Interpretation) Your Honour, I would ask that we go into
5 private session, please.

6 PRESIDING JUDGE STEINER: Court officer, please.

7 *(Private session at 9.54 a.m.) Reclassified as Open session

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

9 MR BADIBANGA: (Interpretation)

10 Q. Witness, the exchange - the conversation - that you have just told us about
11 between Jean-Pierre Bemba and Mustapha, did it take place in public in front of
12 everybody, or was it to one side in private?

13 A. That conversation was off to one side. The president called Mustapha and
14 took him aside so that they could talk, but the security personnel were with him when
15 he was talking to Mustapha.

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. If I take your words, this is what you said: "These are the questions he asked
21 Mustapha," and I am referring to page 5 of today's transcript, as of line 8 in the French
22 version, and here it says, "'The Central African soldiers, are they facing up to things
23 on the front?' And Mustapha said, 'They're not doing well at all, president'." So to
24 clarify things for the record, Mr Bemba was asking about the military behaviour of
25 the Central African soldiers; is that correct? It's the Central African soldiers who are

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1 mentioned here?

2 A. Yes, that question did indeed concern the Central African soldiers. He wanted
3 to know whether they were coping as regards the battle and what was happening in
4 the field and Mustapha said they weren't doing well at all on the front. They were
5 having difficulties coping, and Mustapha added and said "Mr President, we're going
6 to continue our work right through to the end," and the president said, "Well, it's their
7 country. As for you, do the work that I asked you to do."

8 Q. I was showing -- I was making signs at you because you were quite fast and I
9 wanted to make sure that the interpreters were managing to follow. You then say
10 that, having answered the question about the behaviour of the Central African
11 soldiers, you say he then asked Mustapha whether you need -- whether he needed
12 any supplies in weapons and arms and Mustapha said "I don't need any more
13 weapons or arms," weapons or ammunition sorry. "We can get hold of things in the
14 field." Did Mustapha give a further explanation as to what he meant precisely by
15 that?

16 A. When President Bemba asked Mustapha that question, Mustapha said,
17 "President, I don't need weapons or ammunition because we can manage to get plenty
18 of other weapons and ammunition in the field," and the president said, "Well, if you
19 can manage to pick up weapons and ammunition in the field, please bring them back
20 to the capital, to Bangui."

21 Q. Did Mr Bemba clarify what was to be done with those weapons once they had
22 been brought back to Bangui?

23 A. Personally, I don't really know how to put this. In principle, in the Congo
24 when we were fighting, we brought back all of the weapons we got hold of. We took
25 them back home with us. As to what happened in the Central African Republic,

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1 I don't know. I don't know what happened with those weapons. I don't know
2 whether they were handed over to the Central African government, or not.

3 Q. Then you stated - and this is still on page 5 of today's transcript - that
4 "Mr Bemba asked Mustapha 'Do you have enough food and other supplies?' And
5 then Mustapha answered, 'We are not being helped at all. We manage as we can on
6 the ground'." And then you said, "The president brought some money out of his
7 briefcase and gave it to Mustapha in order for him to be able to get food for the
8 soldiers." Do you know how much money was given to Mustapha to cover food
9 expenses?

10 A. No, I do not know the amount, but he gave him an amount in dollars in order to
11 get food for the soldiers in the Central African Republic.

12 Q. Regarding that conversation you said, "And he added 'Mustapha, do whatever
13 you need to to make progress towards the border with Chad'." Did he give any
14 further explanations to explain what he meant by, "Do whatever is necessary in order
15 to get to the border with Chad"?

16 A. Well, Mustapha answered as follows: "Even though the enemy is strong and
17 even though we are weak, we will do our job and we will do it to the end."

18 Q. During that conversation, did they speak about the positions of the MLC troops
19 or the positions of the enemies they were fighting?

20 A. They did not talk about the positions of the MLC forces, or the enemy forces,
21 but Mustapha's answer to the president was that, "We would do our job against the
22 enemy in the Central African Republic."

23 MR BADIBANGA: (Interpretation) Your Honour, we can go back into public
24 session. I should have asked that earlier.

25 PRESIDING JUDGE STEINER: Court officer, please.

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1 (Open session at 10.04 a.m.)

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

3 MR BADIBANGA: (Interpretation)

4 Q. After the meeting that took place at PK22 and the conversation between
5 Mr Bemba and Colonel Mustapha, what did Mr Bemba do? Did he go to other
6 places, other cities?

7 A. After PK22 (Redacted)

8 (Redacted).

9 Q. As far as you know, did Mr Bemba make other trips to the Central African
10 Republic during the period of conflict; that is after the trip where he went to PK22?

11 A. After the trip to PK22, (Redacted) other cities in the Central African Republic.

12 Q. Could you give us the names of those cities?

13 A. Mossembele and Mongoba (phon).

14 Q. Witness, I would like to show you a map of the Central African Republic. Are
15 you familiar with maps? This would facilitate our understanding, if you could help
16 us with the map.

17 A. Yes, I will do my best. Please show it to me.

18 MR BADIBANGA: (Interpretation) Your Honour, with your permission, I would
19 like to ask the court officer to display a map of the Central African Republic. This is
20 document CAR-OTP-0030-0154 and this is a public document.

21 Q. Witness, you will see this document coming up on the screen in a moment and
22 if you're not able to read it we could also give you a paper copy.

23 THE COURT OFFICER: The document as referenced by counsel is available on the
24 screens and it's a public document.

25 THE WITNESS: (Interpretation) How am I going to show you?

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1 MR BADIBANGA: (Interpretation)

2 Q. Don't worry. Don't worry. We have a procedure, you will see, and it's going
3 to be fairly simple. For the time being, please take a look at the map to familiarise
4 yourself with it and to situate for example the DRC, the Congo and perhaps places
5 that you have been to in the Central African Republic. With the help of our court
6 officer, I'm going to ask you to put some marks on this map. I'd like to ask you to
7 indicate the cities where to your knowledge that Mr Bemba went, that is where you
8 were certain, and you will be using an electronic pen in order to mark these places
9 where you know Mr Bemba went. Is that okay?

10 PRESIDING JUDGE STEINER: Mr Badibanga, could you please give the ERN
11 number of the document that is being displayed?

12 MR BADIBANGA: (Interpretation) The document is CAR-OTP-0030-0154. 0154
13 at the end. Your Honour, if I may proceed?

14 Q. Witness, if you can, would you be so kind as to tell us where PK12 is situated?
15 Now, what you need to do is put the letter "B" next to the place where PK12 is
16 situated and we will know that Mr Bemba went there, and please put a circle around
17 the letter "B".

18 A. I can't see PK12 on this map.

19 Q. Well, we can explain that. How about PK22? Are you able to situate PK22 on
20 this map? In fact it's possible that PK22 or even PK12 for that matter is not
21 mentioned as such, but you may be able to tell us approximately where it is situated.
22 Do you understand what I mean?

23 A. (No interpretation).

24 Q. (No interpretation).

25 PRESIDING JUDGE STEINER: Maître Badibanga, just one moment. Are we

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1 having English interpretation?

2 THE INTERPRETER: Yes, the question was: "Please put the letter 'B' near Bangui
3 and the question was: "Does it correspond both to PK12 and PK22? Is it the same
4 place?"

5 PRESIDING JUDGE STEINER: You can proceed.

6 MR BADIBANGA: (Interpretation)

7 Q. I understand therefore that this first "B" that you have written on the map
8 corresponds to PK12. My question was: Is PK22 at the same place, or it's a little bit
9 further and perhaps you could indicate where PK22 is situated? I understand, of
10 course, that this is a map of the entire country and that it's difficult to situate and have
11 an idea of the distances here.

12 A. PK22 is also in the capital city, Bangui.

13 Q. Well, then we will use this first "B" to indicate both PK12 and PK22 where
14 Mr Bemba went. (Redacted) You mentioned
15 Mongoumba and Bossembélé, if I'm not mistaken?

16 PRESIDING JUDGE STEINER: Mr Haynes.

17 MR HAYNES: Your Honour correctly interjected that there was no translation of
18 Mr Badibanga's question about PK12 and PK22 being the same place. We haven't
19 yet had an answer to that question. It's at lines 6 to 8 of the English, "Does it
20 correspond to both PK12 and PK22? Is it the same place?"

21 PRESIDING JUDGE STEINER: We have the question advanced by the interpreter,
22 but not the answer, so Maître Badibanga when you ask, "Does it correspond to both
23 PK12 and PK22? Is it the same place?", Mr Witness, when you put the mark in the
24 map this mark for you means both PK12 and PK22?

25 THE WITNESS: (Interpretation) Yes, that's exactly the case. PK22 and PK12 are

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1 both in Bangui.

2 PRESIDING JUDGE STEINER: Are you satisfied, Mr Haynes?

3 MR HAYNES: Thank you.

4 PRESIDING JUDGE STEINER: Maître Badibanga, you can proceed.

5 MR BADIBANGA: (Interpretation) Thank you, your Honour. Indeed, I had

6 continued because the witness had stated that both places were in Bangui and

7 therefore I considered that the one indication covered both places.

8 Q. Witness, could you now indicate on the map the other places that Mr Bemba
9 visited, at least to your knowledge? Well, you've just written a "B." Could you tell
10 us where it is situated? I would like you to say it out loud.

11 A. Bossembélé.

12 Q. And the third "B," could you tell us what town this is indicating?

13 A. Mongoumba.

14 Q. In order to avoid having to carry out this exercise several times, are there any
15 other places - any other trips - that we have not discussed as of yet where you know
16 Mr Bemba went that you see here on the map, or are PK12, PK22, Mongoumba and
17 Bossembélé, have we covered the four places where Mr Bemba went in the Central
18 African Republic, at least to your knowledge?

19 A. Yes, (Redacted), but I don't remember the names.

20 Q. Witness, with the help of the court officer, I'd like to ask you to sign this map so
21 that it be recorded in our system. I no longer need this document on the screen, your
22 Honour, but I would like it to be recorded with the annotations made by the witness
23 and then I would ask that this document be entered into evidence as a map of the
24 Central African Republic and that we give it an EVD number.

25 Witness, please sign to the side.

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1 THE COURT OFFICER: Before the witness signs the document, if I may? The
2 document is being broadcasted right now, so if he signs the document everybody will
3 see.

4 PRESIDING JUDGE STEINER: So for the signing of the witness we turn, please, into
5 private session. The document will not be broadcast outside the courtroom.

6 *(Private session at 10.21 a.m.) Reclassified as Open session

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

8 PRESIDING JUDGE STEINER: Mr Witness, now you can sign the document, please.

9 The document will be uploaded and, court officer, give the document an ERN
10 number.

11 Mr Haynes.

12 MR HAYNES: I have absolutely no objection to this document going into evidence,
13 but are we also going to put into evidence the unannotated map?

14 PRESIDING JUDGE STEINER: Fair enough.

15 Maître Badibanga.

16 MR BADIBANGA: (Interpretation) Your Honour, we have no objection to that
17 request, but the non-annotated document was also part of the list of documents
18 communicated by the Office of the Prosecutor and we can now remove it from the
19 screen. We no longer need it for the rest of our examination.

20 PRESIDING JUDGE STEINER: Maître Badibanga, we are talking about two
21 different things: One thing is the list of documents communicated by the Office of
22 the Prosecutor and the other thing is documents submitted by the parties as evidence
23 for the Chamber to consider admissibility at a later stage. So are you submitting
24 CAR-OTP-0030-0154 into evidence, Mr Badibanga?

25 MR BADIBANGA: (Interpretation) Well, to be precise, your Honour, we are

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- 1 requesting that the document entered into evidence be the document
2 CAR-OTP-0030-0154, including the witness's annotations, as I explained a few
3 moments ago. That is the request on the part of the OTP. I heard the comment
4 made by the Defence, but we have not made that request. So we are requesting that
5 the annotated document be entered into evidence.
- 6 PRESIDING JUDGE STEINER: The Chamber has heard both parties and will decide
7 on the admission of both the unannotated and the annotated map into evidence. The
8 annotated map needs to receive an ERN number, court officer.
- 9 THE COURT OFFICER: Yes, Madam President. The annotated map, which will be
10 the modified version of CAR-OTP-0030-0154, will receive the ERN reference
11 CAR-ICC-0001-0077 and will be classified as confidential unless otherwise instructed.
- 12 PRESIDING JUDGE STEINER: Thank you.
- 13 Maître Badibanga, can we turn back into open session?
- 14 MR BADIBANGA: (Interpretation) Yes, your Honour, with your permission.
- 15 PRESIDING JUDGE STEINER: Court officer, please.
- 16 Mr Haynes.
- 17 (Open session at 10.26 a.m.)
- 18 MR HAYNES: Your Honour, I don't want to unduly prolong this, but can I just flag
19 up the practical difficulty of not putting the unannotated map into evidence? It
20 means that any questions that have to be asked have to be asked in private session,
21 because the annotated map has the witness's signature on it.
- 22 PRESIDING JUDGE STEINER: It's on the record, Mr Haynes.
- 23 THE COURT OFFICER: For the record, Madam President, we are in open session
24 since 10.26.19.
- 25 MR BADIBANGA: (Interpretation)

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1 Q. Witness, you spoke about two other cities that Mr Bemba went to between the
2 city of Bossembélé and Mongoumba. Which one did he go to first between those
3 two?

4 A. I don't remember (Redacted). I am not able to tell you, (Redacted)
5 (Redacted).

6 Q. Could we begin with Bossembélé. What was the purpose of the visit to that
7 city?

8 A. The purpose was to encourage the troops in the Central African Republic and to
9 boost their morale so that they continue and complete the task at hand.

10 Q. Who did Mr Bemba meet with in Bossembélé? Did he meet with anyone in
11 particular?

12 A. In Bossembélé, he met the soldiers who were on the front.

13 PRESIDING JUDGE STEINER: Mr Badibanga, if I -- I'm sorry to interrupt you. The
14 interpretation into French is too low and I can't listen properly.

15 MR BADIBANGA: (Interpretation)

16 Q. Witness, if you don't mind, let us go back over those two last answers. I also
17 noticed that the sound was very low. What was the purpose of the visit to
18 Bossembélé?

19 A. He went to encourage his soldiers who were carrying out a mission - their
20 mission - in the Central African Republic to boost their morale so that they continue
21 and complete the task that he had given to them.

22 Q. Then I asked you who Mr Bemba met in Bossembélé?

23 A. He met with the soldiers.

24 Q. Were there any officers among these soldiers, among these men?

25 A. When I referred to "soldiers," it was a general term. He met soldiers and

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1 officers. He met the commanders who were in the field.

2 Q. Was there an exchange - a conversation in fact - between Mr Bemba and the
3 soldiers whom he met in Bossembélé?

4 A. Yes, they had a conversation. He wanted to boost their morale. He said he
5 was firm about the work that was to be carried out in Bangui and they had to
6 continue with their work and complete their work. That is what he requested of
7 them.

8 Q. Under what circumstances did this exchange take place? Were all the troops
9 assembled at one place, or were the meetings in question of a more restricted nature?

10 A. He spoke to some of the soldiers because not all the soldiers could go to where
11 he was. There were certain soldiers who were in offensive positions, but these ones
12 here were in defensive positions.

13 Q. Do you remember how long this visit lasted?

14 A. I think these conversations lasted for an hour or two and then he returned.

15 Q. Where did he return to?

16 A. Later he returned to the capital, to Bangui, to President Patassé's place, and (Redacted)
17 then -- (Redacted) Gbadolite.

18 Q. Would you be able to say when exactly this visit in Bossembélé took place?

19 Let's say in relation to the visit to PK22, was it a few days later, a few weeks later, or a
20 few months later?

21 A. All these trips were made perhaps with a week between them (Redacted)
22 (Redacted). This didn't take up much time.

23 Q. Let's move on to the next visit. According to my calculations, it's the eighth
24 visit, the visit to Mongoumba that perhaps took place earlier or afterwards, because
25 you said that you don't know which one came first, but let's now deal with the visit to

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1 Mongoumba. Did Mr Bemba on that occasion also meet up with soldiers in
2 Mongoumba?

3 A. Yes, in Mongoumba he also met the soldiers and the officers who were in the
4 field. The situation was the same. He had gone there to boost troop morale and
5 these troops were fully engaged in an operation; in the operation they were carrying
6 out in the Central African Republic.

7 Q. Did this visit last for the same amount of time as in the case of Bossembélé,
8 roughly speaking?

9 A. On all these trips, he didn't spend much time there. He just spent a little time
10 there. He spoke to them and he would then return to the capital.

11 Q. We've seen that in the case of some of the previous visits Colonel Mustapha was
12 present. Was he present at any of the two visits, the Mongoumba or Bossembélé
13 visit?

14 A. Mustapha was there. He was in Bossembélé and in Mongoumba too.

15 Q. Could we therefore say, or rather I'll rephrase my question. Do you recall any
16 other visits that may have taken place in the course of the conflict, or have we been
17 through all of the visits? Having dealt with the Mongoumba visit, have we been
18 through all the visits made by Mr Bemba to the Central African Republic in the course
19 of the conflict?

20 A. There were other visits that took place in other towns (Redacted), but I do
21 not remember the names of these towns. This all took place a very long time ago, so
22 I no longer remember everything.

23 Q. Indeed, I'll just confine myself to the visits that you do remember with more
24 precision. So to summarise with regard to the other visits that you can't really
25 remember, do you remember whether we're talking about one or two visits, or were

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1 there far more visits than that in fact?

2 A. As far as I can remember, (Redacted), the name of which I no longer
3 remember.

4 MR BADIBANGA: (Interpretation) Your Honour, with your leave, I would like to
5 move briefly into private session.

6 PRESIDING JUDGE STEINER: Court officer, please.

7 *(Private session at 10.40 a.m.) Reclassified as Open session

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

9 MR BADIBANGA: (Interpretation)

10 Q. Witness, we are now going to go back in time to a certain extent and I would
11 like to speak about the visit Mr Bemba made to PK12. The reason for which I
12 wanted to move into private session is that I would now like us to deal with the issue

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 MR BADIBANGA: (Interpretation) Your Honour, the reference in the English
22 transcript, transcript 186, it's page 61 in the English transcript, lines -- or line 7 and
23 onwards.

24 Q. Witness, since (Redacted)

25 (Redacted) is that

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1 correct?

2 A. Yes, that's correct.

3 Q. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MR BADIBANGA: (Interpretation) Your Honour, could we move back into open
11 session?

12 PRESIDING JUDGE STEINER: Court officer, please.

13 (Open session at 10.43 a.m.)

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

15 MR BADIBANGA: (Interpretation)

16 Q. Witness, during the visit you said yesterday that during Mr Bemba's visit to the
17 Central African Republic he went or he would go, or rather he would meet President
18 Patassé. Do you know what the purpose of the meeting was, or the discussions,
19 between Mr Bemba and Mr Patassé?

20 A. President Patassé told the president of the MLC what he could see in the field
21 and he said, "Why have your men committed these acts?" And President Bemba
22 replied and said, "I told you that I have a disciplined army and this army had to
23 perform its tasks in a very short period of time." President Patassé said, "Well, aren't
24 you aware of the fact that that's a problem?" And he replied, he told President
25 Patassé, that he would have to take care of the policies for peace in the country.

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1 Patassé shed tears (Redacted).

2 Q. You referred to an exchange between Mr Bemba and Mr Patassé and you
3 started by saying that Mr Patassé asked, "Why have your men committed these acts?"
4 Which acts are you referring to?

5 THE INTERPRETER: Interpreter's correction: At line 20 the witness said, "He told
6 Patassé that he would take care of the policies in his country."

7 THE WITNESS: (Interpretation) Patassé said that he had seen bodies in the
8 country, from the side of his residence up until PK12. He said this because he had
9 seen bodies along the road. These were the bodies of individuals who weren't in
10 uniform. These were the bodies of individuals who were in civilian clothing.

11 MR BADIBANGA: (Interpretation)

12 Q. Where was Mr Bemba when Mr Patassé saw these bodies?

13 A. He was with Patassé. They were together.

14 Q. So Mr Bemba also saw these bodies, did he? These bodies strewn along the
15 road?

16 A. Yes, he also saw these bodies.

17 Q. How did this conversation end? Since you have told us that the question was
18 posed, "Why did your men commit these acts?", Mr Bemba's answer was that his
19 army was a disciplined one and then Patassé emphasised the fact that this was a
20 problem and then Mr Bemba allegedly said that he himself would have to take care of
21 the policies to be pursued in his country, did this conversation continue in one way or
22 another? Was some sort of a conclusion reached?

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) He spoke to the troops.

2 Q. When speaking to the troops at PK12, do you know whether Mr Bemba
3 mentioned the bodies he had seen along the road?

4 A. He didn't speak about that. He didn't mention these bodies because he was
5 used to seeing bodies along the roads, but as far as I'm concerned I believe that it was
6 the first time that Patassé had seen such bodies, but Bemba didn't speak about them
7 before his troops.

8 Q. You say that the conversation started with this question posed by President
9 Patassé, "Why did your men commit these acts?", and Mr Bemba's answer was, "I've
10 told you that I have a disciplined army and this army has to perform its tasks in a
11 very brief period of time." Did Mr Bemba dispute the fact that these acts had been
12 committed by his soldiers from the MLC?

13 A. He didn't dispute the fact, but he said very briefly, "I've told you that I have a
14 disciplined army and this army has to perform its tasks within a certain period of
15 time. It's for you to concern yourself with the policies to be pursued in your country
16 now." He added nothing to that.

17 Q. You say that, having arrived at PK12, Mr Bemba did not mention the bodies that
18 he had seen along the road. Did he address the issue of discipline, or did he remind
19 the soldiers of disciplinary measures that were to be respected at PK12?

20 A. At PK12, he spoke to the troops. He did not mention the bodies. He
21 congratulated the troops for the work they had done. He told them, "I want you to
22 continue with this work and to complete the work." I heard nothing else. He didn't
23 reproach them with anything and didn't criticise them for anything. He
24 congratulated them for the work they had completed, he told them to complete the
25 work and he asked them to advance to the border with the Chad.

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1 Q. With regard to the bodies along the body -- along the road, were these bodies in
2 uniform?

3 A. No, (Redacted) were in
4 civilian -- were wearing civilian clothes, were in civilian clothing. All the bodies
5 were in civilian clothing; all the bodies along the road as far as PK12.

6 Q. And next to some of these bodies, were there any weapons?

7 JUDGE ALUOCH: Mr Badibanga, I'm sorry to interrupt you. The witness has been
8 talking about bodies. Can he give us an estimation of the bodies that he's talking
9 about? Were they ten, 12, many, many? Can you give us some kind of an
10 estimation of these bodies, please?

11 MR BADIBANGA: (Interpretation) I was going to deal with that, your Honour.
12 I had a series of questions I wanted to put for the purpose of identification.

13 Q. But, Witness, would you be so kind as to answer the question put by Judge
14 Aluoch. You said that there were bodies along the road that were not in military
15 uniform and these bodies were seen by Mr Bemba and Mr Patassé. As far as the
16 number of bodies is concerned, roughly speaking how many bodies are we talking
17 about? What would you say?

18 A. (Redacted) a number of bodies. I can't provide you with an estimate,
19 because (Redacted)
20 (Redacted)
21 (Redacted)

22 Q. So I take it that you are referring to a significant number. Perhaps you could
23 nevertheless make an effort to provide us with an estimate? Some might consider
24 the number of ten to be a large number. For others, 100 is not a large number. So
25 are we speaking about dozens of bodies, hundreds, a hundred bodies, a thousand

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1 bodies? Please try to provide us with an approximate estimate that would allow the
2 Chamber to have an idea of what took place?

3 A. I won't say that there were ten of them, or 20, or 100. As far as I know, there
4 were numerous bodies, a certain number of bodies, but I can't provide you with an
5 estimate.

6 Q. Were there any weapons next to some of these bodies?

7 A. (Redacted) There were no
8 weapons.

9 THE INTERPRETER: "Next to these bodies," interpreter's correction.

10 MR BADIBANGA: (Interpretation)

11 Q. What was the gender of these bodies? Were they just the bodies of male
12 individuals?

13 A. There were women and men, the bodies of women and of men. It wasn't as if
14 there were just the bodies of men.

15 Q. At any point in time, for example in the course of the conversation with
16 Mr Patassé, or when addressing the troops, or at any other point in time, did
17 Mr Bemba make any comments that concerned the presence of these bodies along the
18 road?

19 A. I don't remember anything of the kind. I never heard him mention these
20 bodies.

21 PRESIDING JUDGE STEINER: Maître Badibanga.

22 MR BADIBANGA: (Interpretation) Yes, indeed, your Honour. It is 11 o'clock. I
23 did notice that. We can have the break now. Thank you.

24 PRESIDING JUDGE STEINER: Mr Witness, we'll have a short break, half-an-hour
25 break, to allow you to rest a little bit, take a coffee. It's 11 o'clock. We will resume

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- 1 at 11.30.
- 2 Court officer, please turn into closed session for the witness to be taken outside the
- 3 courtroom, and in the meantime we will suspend and resume at 11.30.
- 4 *(Closed session at 11.00 a.m.) Reclassified as Open session
- 5 THE COURT OFFICER: We are in closed session, Madam President.
- 6 (The witness stands down)
- 7 THE COURT OFFICER: All rise.
- 8 (Recess taken at 11.01 a.m.)
- 9 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session
- 10 THE COURT USHER: All rise. Please be seated.
- 11 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
- 12 the witness in.
- 13 (The witness enters the courtroom)
- 14 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 15 (Open session at 11.37 a.m.)
- 16 THE COURT OFFICER: We are in open session, Madam President.
- 17 PRESIDING JUDGE STEINER: Thank you.
- 18 Mr Witness, welcome back.
- 19 THE WITNESS: (Interpretation) Thank you, your Honour.
- 20 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 21 THE WITNESS: (Interpretation) Yes, I'm ready to continue my testimony.
- 22 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.
- 23 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 24 Q. Witness, before we broke you were talking about a number of bodies strewn
- 25 along the roadside. Was that the only time that Mr Bemba was confronted with

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1 killings perpetrated by MLC soldiers in the Central African Republic?

2 A. That happened at PK12, PK22 and the two other places that I mentioned.

3 Q. We are going to continue systematically as we began, so let's move on to PK22.

4 What happened on that occasion? Did Mr Bemba see anything in the same way as at
5 PK12?

6 A. Yes, there were also corpses at PK22.

7 Q. Where were those corpses?

8 A. Those corpses were strewn along the roadside.

9 Q. Do you know approximately how many bodies there were along the roadside?
10 Could you give us an estimated number?

11 A. (Redacted) at PK12 by the roadside I would say
12 that there was a large number, but I cannot give you the precise number of corpses
13 (Redacted).

14 Q. Yesterday, when you were talking about PK12, you spoke about a cross-roads
15 with one road going to Chad and the other to Cameroon. The road we're talking
16 about here is which one? Was it one of those two roads, or was it a different road?

17 A. Here we're talking about the road that goes up to the border with Chad. The
18 other road that goes towards Cameroon, there was no attack that had occurred there
19 and for tactical reasons we had to avoid anything getting out of hand, but here we're
20 talking about the road that went up to Chad.

21 Q. Those bodies along the roadside at PK22, were they civilian or military bodies?

22 A. I've just said (Redacted)
23 (Redacted) wearing civilian clothes.

24 Q. In order to clarify things for the record, did Mr Bemba see those bodies along
25 the roadside at PK22?

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1 A. (Redacted)

2 PRESIDING JUDGE STEINER: Court officer, please could you turn briefly into
3 private session.

4 *(Private session at 11.44 a.m.) Reclassified as Open session

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

6 PRESIDING JUDGE STEINER: Maître Badibanga, could you please remind the
7 witness of certain codes that could be used in order to avoid this kind of answer.

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, the Presiding Judge has anticipated the request that I was going to
10 make of you. We are in private session and I'd like to remind you -- I mean, we've
11 all understood what (Redacted) was. We have fully understood that you were
12 talking about (Redacted). Everyone in the courtroom has
13 understood that. It is not necessary for that information to be spread outside,
14 because that might make it possible to identify you. In my question, as to whether
15 Mr Bemba saw the bodies, you could have said, "Yes, he saw them." It was not
16 necessary for you to say that (Redacted)
17 (Redacted).

18 You have to understand that the principle of the trial is that it be held in public
19 session. Much of the hearing is in public session and that's when I put most of my
20 questions to you. It's only in specific circumstances that we go into private session.
21 So in answering some of my questions, if you're careful, it should make it possible to
22 avoid this sort of thing and avoid us having to go into private session, if you've
23 followed me on this?

24 A. Yes, that's fine. Yes.

25 Q. In those circumstances you just say, "Mr Bemba saw," "Mr Bemba went," et

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1 cetera, et cetera, and then in private session we can ask you "How do you know?" and
2 then you can say "Because (Redacted)."

3 Your Honour, I think we can go back into open session.

4 PRESIDING JUDGE STEINER: Just to remind the witness that the Chamber has
5 always the possibility to order that the video and the sound in the parts that by
6 mistake you said something that you shouldn't are deleted, so don't be worried. Try
7 not to release information that would never be released in public session, but in case it
8 occurs the Chamber is attentive and will order the redaction of this information.

9 Court officer, we can turn into open session, please.

10 (Open session at 11.47 a.m.)

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

12 MR BADIBANGA: (Interpretation)

13 Q. Witness, was Mr Patassé also present during that trip to PK22?

14 A. Patassé was not at PK22.

15 Q. As far as you know, was Mr Bemba informed about the bodies along the
16 roadside and the fact that they might have been killed by MLC soldiers?

17 A. It was during wartime. According to me our men had declared that they were
18 the ones who had committed those acts, but he never spoke about it.

19 Q. Upon arrival at PK22, Mr Bemba, when he saluted the soldiers on the lines of
20 defence, on the defensive as you referred to earlier on, or during conversations with
21 Mustapha, did he make any reference to the bodies strewn along the roadside?

22 A. No, he didn't speak of them. He saluted the soldiers and Mustapha as well
23 and that was all.

24 Q. And during that conversation with Mustapha, in raising different subjects, did
25 he also raise the question of discipline?

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1 A. According to what I heard, he didn't say anything about discipline.

2 Q. We're going to move on to other places. We're still in open session. Aside
3 from those two places, PK12 and PK22, were there other circumstances in which
4 Mr Bemba might have been confronted with the question of crimes perpetrated by the
5 MLC soldiers, as far as you know?

6 A. As far as I know, he was aware of everything that happened. (Redacted) a
7 number of different places where battle had been waged and he was aware of
8 everything that had happened in the Central African Republic, and what is more he
9 was there in the field at all times.

10 Q. Did Mr Bemba see or notice anything particular at Bossembélé; anything to do
11 with the crimes that we were talking about?

12 A. In Bossembélé, there were corpses.

13 Q. Where in Bossembélé were these corpses?

14 A. In the town. In the town of Bossembélé.

15 Q. Can you give us an indication - a rough idea - of the number of dead bodies that
16 we're talking about here?

17 A. I've told you that it's difficult for me to assess the exact number of dead bodies.
18 There were bodies, (Redacted), but I don't know how many of them there were.

19 Q. Were those corpses wearing military clothing?

20 A. Those bodies were not wearing military clothing. They were wearing civilian
21 clothing.

22 Q. Were there any weapons beside any of the bodies?

23 A. No, there were no guns.

24 Q. And what was the gender of the bodies? Were they all men?

25 A. There were women and men.

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1 Q. You note that I'm systematically trying to put the same type of question to you.
2 I didn't ask you the last two questions, when we were talking about PK22 just
3 beforehand, so perhaps we could go back in time. As regards the dead bodies along
4 the roadside at PK22 -- no, I'm sorry. What was the gender of the bodies along the
5 roadside at PK22? Were they just men?

6 A. There were women and men.

7 Q. And next to some of those bodies were there any weapons?

8 A. There were none.

9 Q. We were in Bossembélé. Let us come back to Bossembélé. Did Mr Bemba see
10 the bodies in the town of Bossembélé?

11 A. Yes, he saw them.

12 Q. Did Mr Bemba make any comment, or express an opinion, as regards the
13 corpses in Bossembélé?

14 A. He made no comment.

15 Q. You said that in Bossembélé Mr Bemba had come along to encourage the troops.
16 During the encouragement he gave, did he talk about those bodies, or did he make
17 any allusion to discipline?

18 A. He made no mention either of the bodies, nor of discipline. All he did was to
19 show his presence to boost the morale of the troops in the Central African Republic so
20 that they would continue the task at hand.

21 Q. We're going to move on to Mongoumba. In Mongoumba, was there a similar
22 situation? Was the situation similar to the one you've just described, or was it
23 different?

24 A. In Mongoumba there were also corpses; women as well as men.

25 Q. Where in the town of Mongoumba were those corpses?

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1 A. Those bodies were in the town of Mongoumba. I cannot give precise details as
2 I didn't carry out the operation and so I cannot say exactly where the bodies were, but
3 I know that they were within the town.

4 Q. Were they the bodies of soldiers?

5 A. I've just said that (Redacted). All of the bodies (Redacted)
6 were civilian bodies.

7 Q. Did Mr Bemba see those bodies?

8 A. Yes, he saw them.

9 Q. As far as you know, did Mr Bemba know who had killed those people?

10 A. As far as I know, I couldn't say. I don't know whether he was aware of that
11 particular situation. He is the only one who knows that.

12 Q. Did Mr Bemba discuss it with the soldiers, with the officers that he met with in
13 Mongoumba?

14 A. He came to boost their morale so that they continue the task that he had given
15 them in the Central African Republic.

16 Q. Witness, a moment ago we went through a series of questions, a sort of exercise
17 with the map. I'd like to do the same thing again, in particular as regards the
18 position -- the place where those corpses were.

19 Your Honour I would like to call up the map CAR-OTP-0030-0154, which is a public
20 document.

21 THE COURT OFFICER: The document CAR-OTP-0030-0154 is available on the
22 screens by pressing the button "PC1." It's a public document.

23 PRESIDING JUDGE STEINER: Mr Badibanga, just a clarification. When you first
24 displayed the map it's my recollection that you asked the witness to put some marks
25 in all places that you would refer to, or am I wrong?

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1 MR BADIBANGA: (Interpretation) Yes, I had asked the witness to indicate the
2 places that he had referred to when he referred to the places where Mr Bemba had
3 gone.

4 PRESIDING JUDGE STEINER: So you are not going to ask him to do again the same
5 thing?

6 MR BADIBANGA: (Interpretation) No. Your Honour, to be perfectly clear, I
7 wanted to ask the witness to indicate this time where the bodies were. Obviously, at
8 some point in time we would be able to compare the two maps and determine
9 whether or not Mr Bemba was indeed on-site at a place where there were corpses.
10 That's the purpose of this line of questioning.

11 Q. With the help of the court officer, Witness, this is going to be fairly quick. You
12 mentioned four places where corpses could be found either alongside of the road, or
13 in the town. Could you please now indicate using the letter "X" at those places on
14 the map, the same way you did earlier? Well, perhaps you could orally tell us where
15 you are writing the "X" so that we know what place this corresponds to?

16 A. Here is PK12 and PK22 that I've marked with an "X". The next "X" is
17 Mongoumba and this one refers to Bossembélé.

18 MR BADIBANGA: (Interpretation) Your Honour, of course we will have the witness
19 sign the document in closed session, but I wanted -- I would like to record this
20 document, first of all. The way we understand it is that this map indicates the place
21 where the crimes - the killings - took place perpetrated by the MLC soldiers and that
22 the accused was witness to, according to this witness.

23 With your permission, I would like to go into private session so that the witness can
24 sign this map?

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

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1 *(Private session at 12.07 p.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Mr Witness, you can sign the document.

4 I ask please then, court officer, that document needs not to be -- to be displayed any
5 more.

6 THE COURT OFFICER: Madam President, for the record the document as modified
7 by the witness will receive -- will be attributed reference CAR-ICC-0001-0078 and will
8 be marked as confidential.

9 PRESIDING JUDGE STEINER: It's not on the screens any more?

10 THE COURT OFFICER: Madam President, the document has been removed.

11 PRESIDING JUDGE STEINER: We can turn into open session, please.

12 (Open session at 12.08 p.m.)

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

14 PRESIDING JUDGE STEINER: Mr Badibanga, I presume you are submitting this
15 modified map as evidence?

16 MR BADIBANGA: (Interpretation) Yes, indeed, your Honour. We would like to
17 tender this document into evidence, with the annotations put on the document by the
18 witness, and of course then an EVD number be given to the document. Thank you.

19 PRESIDING JUDGE STEINER: For the time being, the document has been attributed
20 an ERN number.

21 Mr Haynes, any objection?

22 MR HAYNES: No, I can see it's a highly probative document with those four "X"s on
23 it.

24 PRESIDING JUDGE STEINER: Maître Badibanga, you can proceed.

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

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1 Q. Witness, I have finished with the map. We are going to continue. You
2 referred to bodies, or corpses, that could be seen. Were there any other types of
3 crimes or any other crimes, to your knowledge, that were committed by the MLC
4 soldiers?

5 PRESIDING JUDGE STEINER: Maître Badibanga, I am sorry. Since you are
6 changing the subject, I want to put a last question to the witness in respect of these
7 killings.

8 In any of these places you mentioned, (Redacted) any bodies of children?

9 THE WITNESS: (Interpretation) Your Honour, (Redacted)
10 (Redacted) there were men
11 and women.

12 PRESIDING JUDGE STEINER: Thank you.

13 I'm really sorry, Maître Badibanga. Maybe it's better if you repeat your last question.

14 MR BADIBANGA: (Interpretation)

15 Q. Witness, we spoke about bodies and corpses that were the result of killings. I
16 would like to ask you whether or not you know of other types of crimes committed
17 by the MLC soldiers in the Central African Republic?

18 A. They had committed other crimes: Rapes and looting.

19 Q. What do you know about the rapes?

20 A. There were friends of ours who were in an operation in Daha who spoke about
21 rapes that they had committed. They said they went from door to door to rape
22 women and children and they joked about it. They laughed about it, as they were
23 telling it.

24 Q. What was the scale of these rapes? I hope you understand my question?

25 A. Well, the rapes took place at a large scale because they said they would go into

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1 houses and rape the women in the Central African Republic.

2 Q. Did they rape certain women in particular who were identified, or was it more
3 random?

4 A. To my knowledge, and according to what colleagues who were on-site stated,
5 they raped the women.

6 Q. Do you know why they acted in that way? Do you know why they committed
7 these rapes?

8 A. They committed those acts in the Central African Republic, because they had
9 received an order from their chief telling them to commit such acts in the Central
10 African Republic. He had said, "Go there and do the task at hand. There you have
11 no brothers, sisters, relatives, family," and once a soldier received such an order all he
12 does is carry it out.

13 Q. Are you making a deduction here in saying this, or is this an explanation that
14 the soldiers gave you themselves?

15 A. The soldiers told us this.

16 Q. When they spoke about the rapes, did they say that they -- did they tell you
17 confidentially, or did they speak about it freely, openly?

18 A. I don't know exactly how they committed these acts. I don't know if it took
19 place in public, or in hiding. I can't say that because I was not present myself, but
20 they said that they raped women and young girls in the Central African Republic.

21 Q. Perhaps my question wasn't precise enough. You stated that those soldiers
22 talked about the rapes that they had committed. That's what my question dealt with.
23 In other words, when they talked about these rapes, did they talk about it
24 confidentially, in secret, or did they talk about it very openly? To put it another way,
25 were they afraid of admitting that they had committed rape?

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1 A. No, they were not afraid to talk about it. They said clearly that they had raped
2 Central African Republic women. They didn't say it in secret. They said it openly.
3 They joked about it and they talked about it without hiding anything.

4 Q. Are you referring to foot soldiers only who committed rape, or were there also
5 high-ranking officers involved in the rapes?

6 A. I never heard that the officers committed those acts. It was our colleagues who
7 talked about such things. The commanders, the officers, never spoke about
8 committing those acts. It was the soldiers who talked about it.

9 Q. Did the high-ranking officers, or rather were the high-ranking officers aware of
10 the fact that soldiers had committed rape?

11 A. The officers who had participated in the operation were aware of those acts.
12 They could not ignore such things because they were on-site.

13 Q. Did Mr Bemba know at one point in time or another that his soldiers were
14 committing rape?

15 A. Well, President Bemba was aware of everything that took place in Bangui. He
16 was informed of these things. He was better informed than I was myself, because he
17 was in charge of the operation in the Central African Republic, and therefore he was
18 aware of what was taking place on-site.

19 Q. Did Mr Bemba discuss this matter? I'm referring to the rapes. Did he discuss
20 it with any of the officers involved in the operation in the CAR?

21 A. Well, I never heard about that.

22 Q. You stated that the officers knew what had happened and you said that
23 Mr Bemba also knew, most certainly knew. Were any sanctions taken, or any
24 measures of punishment, against the soldiers who had committed these acts?

25 A. I never heard about any sanctions in the period 2000/2003; any sanctions against

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1 individuals who had committed crimes in the Central African Republic.

2 Q. I was waiting a moment to see the transcript come up on the screen. I have the
3 advantage of understanding your language, to a certain extent, and I'm afraid there
4 might have been a slight misunderstanding. I see here written on page 45, lines 4 to
5 7 in the French transcript, "I never heard about any sanction during the period
6 2000/2003 against individuals who had committed crimes." Was that the period you
7 referred to? Could you repeat the years you referred to a moment ago?

8 A. Yes, there was a confusion. I didn't refer to the year 2000. Those who were
9 punished, it was in 2002 by court-martial. In 2003, I didn't hear about anyone being
10 sanctioned in 2003 when our troops went into CAR. That needs to be corrected. I
11 didn't refer to the year 2000.

12 Q. You've just referred to a court-martial which took place in the year 2002. What
13 events, or what crimes, were the substance of that court-martial?

14 A. The court-martial set up in Gbadolite by the president of the MLC was involved
15 in judging certain individuals. I don't know whether it was for theft, or for rape,
16 or -- I don't know, but I do know that there was a court-martial to judge individuals
17 involved in an operation in the Central African Republic, and also people who were
18 in Ituri, and the court-martial involved those individuals.

19 Q. I'd like to remind you that we are in open session. Therefore, without
20 mentioning any names, do you know whether -- amongst those that you heard
21 talking about rape, do you know for certain that any of them were punished, judged
22 or sanctioned in any way?

23 A. I know of one person who was judged relating to acts carried out in 2002 in the
24 CAR. That person was judged in Gbadolite.

25 Q. Was this person tried for rape?

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1 A. I don't know whether the case involved rape, or looting. I cannot tell you. I
2 don't know.

3 MR BADIBANGA: (Interpretation) Your Honour, I'd like to go into closed session,
4 or rather private session please.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 *(Private session at 12.27 p.m.) Reclassified as Open session

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

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, given that on occasion you referred to things that were told to you by
10 other individuals and sometimes I need more information, we are now in private
11 session. Could you give us the names of some of these soldiers who told you that
12 they had committed rape in the Central African Republic?

13 A. As regards 2002, I remember the name of the captain. It was Captain Willy.
14 This was the (Redacted)
15 (Redacted).

16 Q. So was it Captain Willy that you were referring to when you mentioned that
17 there had been a court-martial?

18 A. Yes, it was this captain, Captain Willy, who was tried for crimes committed in
19 the Central African Republic in 2002.

20 Q. Do you know his family name?

21 A. I don't know his family name, but (Redacted)
22 (Redacted) when Mobutu was in power, in the (Redacted), and he was a (Redacted).
23 (Redacted)

24 Q. What crime was he tried for by the court-martial in 2002, or rather by the
25 military tribunal in 2002?

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1 A. Well, I don't know exactly what crime he was tried for. I don't know whether
2 it was rape, or looting. I don't have any precise information about that.

3 Q. You've referred to the 2003 operation. Do you know of any names of
4 individuals who told you they had committed rape?

5 A. As regards the operation in the CAR in 2003, there were no military tribunals,
6 no court-martials, to judge the individuals. The soldiers came back and each
7 individual went back to his unit and there were no trials, but then at the end of the
8 rebellion we went to Kinshasa and no one was tried for what happened during the
9 2003 operation.

10 Q. So we have understood that no one was put on trial, but you said a while ago
11 that people told you about how they committed rape. I would just like to know the
12 name or the names of the individuals who told you that they had committed rape,
13 even if they weren't brought to trial?

14 A. These were (Redacted) waged war in the DRC (Redacted).
15 Amongst them, there was the (Redacted)
16 (Redacted) about how he would commit rape, kill people and commit
17 other kinds of acts in the Central African Republic.

18 Q. And what (Redacted) about are things that he himself experienced, is that
19 true? Is that what you have just said?

20 A. Yes, (Redacted) was involved in an operation, in the operation
21 in the Central African Republic, and (Redacted) these stories about things that had
22 happened in the Central African Republic. He would kill, rape and steal from the
23 population.

24 Q. Do you know what this gentleman, (Redacted), does now?

25 A. According to what I know, and knowing what happened in the DRC, I know

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1 that -- well, (Redacted) said that he had been arrested in the central
2 prison of Makala. That's what I know about this matter.

3 Q. Was he arrested for the crimes that he committed in the Central African
4 Republic? Is that why he is in the central prison today?

5 A. No, he wasn't arrested for what had happened in the Central African Republic,
6 but he was arrested after the events. After Jean-Pierre Bemba fled to the DRC, he
7 was arrested.

8 MR BADIBANGA: (Interpretation) Your Honour, we can move back into open
9 session.

10 JUDGE ALUOCH: Just before we move back, Mr Witness, the trial of Captain Willy,
11 I know you said you did not know for what crime he was tried, but did you know the
12 outcome of his trial? Was he set free? Was he imprisoned? Do you know the
13 outcome?

14 THE WITNESS: (Interpretation) When they were put on trial, when there was
15 this court-martial, Captain Willy was arrested and imprisoned in Berim (phon) in
16 Gbadolite.

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

18 (Open session at 12.35 p.m.)

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

20 MR BADIBANGA: (Interpretation)

21 Q. Witness, I have a series of questions about the trial you have referred to, the
22 court-martial in Gbadolite. We'll go back to that, but now I'd like to move on to
23 other crimes that you mentioned because you referred to looting. What do you
24 know about looting that was allegedly committed in the Central African Republic?

25 A. We know that there was looting. It was when our soldiers returned to the DRC.

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1 It was in Équateur that we found out about that. All the soldiers returned with
2 goods that had been looted in the Central African Republic and they were taken to the
3 DRC. These goods were taken by them to the DRC. These goods we had never
4 seen in the course of the rebellion in the DRC. We saw these things at the end, when
5 the troops returned to the Democratic Republic of Congo, and it is then that we saw
6 these goods that we hadn't previously seen.

7 Q. Did you personally see these goods?

8 A. Yes, we saw these things. They were placed at the disposal of the MLC and of
9 the ALC.

10 Q. You say that these goods were taken from the Central African Republic to the
11 Democratic Republic of the Congo. Where in the Democratic Republic of Congo?
12 To which town?

13 A. These goods passed through Zongo, Gemena and Gbadolite. They came from
14 the Central African Republic and they were taken to the towns I have mentioned.

15 Q. Did you yourself see these goods in Gbadolite?

16 A. Yes, I saw these things with my very own eyes, because when we were in the
17 DRC, in Gbado, well, these are goods that we had never previously seen in the town
18 of Gbado. I saw these things with my very own eyes.

19 Q. What sort of goods are we talking about, because you have been referring to
20 goods so far? Could you describe them for us? Could you tell us what sort of
21 goods they were?

22 A. There were vehicles, there were motors, motorbikes. That's what I saw.

23 Q. How do you know that these goods, these vehicles and motorbikes to be more
24 precise, had been looted in Bangui, or in the Central African Republic, because that's
25 what you said that they had been looted in the Central African Republic?

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1 A. When these goods arrived in Gbadolite, the people who were transporting them
2 said that they had come from the Central African Republic.

3 Q. This is clear, at least as far as where they came from, but how is it that you know
4 that these were looted goods?

5 A. We knew that these goods came from the Central African Republic, and we
6 knew that they had been looted because there were bullet traces on the vehicles and
7 everyone saw this and knew about this. This was news that was spread in Gbado.
8 According to these rumours, they were goods that had arrived in Gbadolite from the
9 Central African Republic.

10 Q. What happened to these goods in Gbadolite, to these vehicles and motorbikes?

11 A. These motorbikes and vehicles remained in Gbado for the benefit of the party
12 and, as for the other goods, when people left for Kinshasa for the transition some of
13 them took vehicles that they took to Kinshasa, to capitale.

14 Q. You said that these vehicles and motorbikes stayed in Gbado for the purpose of
15 the party, for the benefit of the party. I would like to clarify two issues for the sake
16 of the transcript. When you say "Gbado," what do you mean?

17 A. When I speak, when I say "Gbadolite," well, the goods from the Central African
18 Republic were placed at the disposal of the party and were used for the party's needs.

19 Q. So "Gbado" is an abbreviation which means Gbadolite, Witness?

20 A. Yes, when I say "Gbado" I do mean Gbadolite.

21 Q. And on two occasions you mentioned the party, the party's service department.
22 What party are you referring to?

23 A. It's the department for the MLC, the Movement for the Liberation of the Congo,
24 and it's also the ALC. So it was a unit that worked for the political party.

25 Q. What does it mean when you say that the vehicles were used for the party?

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1 A. When I say that they were put to use, it means that they were used for the needs
2 of the Movement for the Liberation of the Congo. It was used for the party.

3 Q. Did any individuals, in particular, receive these vehicles or take them? In
4 concrete terms how did this work? How did this function?

5 A. All those who'd come from the operation in the Central African Republic had
6 these goods. These goods belonged to them. But the vehicles that arrived, for
7 example, well, we saw, that these were used for the needs of the MLC. I don't know
8 who provided these goods so that they could arrive in Gbadolite, but they were used
9 for the operations and then these individuals brought their own goods with them
10 later.

11 Q. Let's start with the vehicles that were used for the purposes or for the needs of
12 the party. Who drove them?

13 A. Those who drove the vehicles were members of President Bemba's protection
14 detail. There were other MLC drivers who also used these vehicles.

15 Q. These drivers who used the vehicles, were they the official drivers of certain
16 individuals?

17 A. These drivers worked for the party, and they also worked for the ALC and the
18 MLC. They drove the vehicles.

19 Q. You say that members of President Bemba's protection detail drove these
20 vehicles. Did Mr Bemba know that the vehicles driven by members of his protection
21 unit were vehicles that had been looted?

22 A. He was informed of everything. When the vehicles arrived, he received a
23 report from the authorities. He was well aware of the fact that these vehicles had
24 come from the Central African Republic.

25 Q. Did Mr Bemba himself sometimes get into some of these looted vehicles? Did

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1 he sometimes get into some of these vehicles that had come from the Central African
2 Republic?

3 A. No, he never got into those vehicles. He had his own vehicles. It's members
4 of his security unit who used them. He never got into those vehicles because he had
5 his own vehicles.

6 Q. How many vehicles, approximately, were taken to Gbadolite? I'm referring to
7 these looted vehicles, these vehicles looted in the Central African Republic, naturally.

8 A. I don't know the number, but there were these vehicles and motor bikes.

9 Q. Do you know the make of these vehicles? Were they all of the same make?

10 A. The vehicles placed at the disposal of the security service, well, they included a
11 blue Pajero. The Chief of Staff had a Land Cruiser, which was white, and there was
12 a red motor bike.

13 Q. Did these vehicles have number plates?

14 A. No, they didn't have any number plates.

15 Q. Witness, I asked you a while ago whether or, rather, why in your opinion these
16 troops committed rape. I have the same question concerning acts of looting. Why
17 did the MLC troops engage in looting the goods of the inhabitants of the Central
18 African Republic?

19 A. Could you please repeat your question, because I didn't receive any clear
20 interpretation?

21 Q. I apologise. My question was in fact too long. In your opinion, why is it that
22 MLC soldiers committed these acts of looting in the Central African Republic?

23 A. In my opinion, if the troops engaged in looting when they were involved in an
24 operation, it's because they had received orders and they carried out their work and
25 they then returned to the Democratic Republic of Congo. They abided by the orders

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1 issued by their leaders.

2 PRESIDING JUDGE STEINER: Mr Badibanga, if I may ask for a clarification? Here,
3 on page 52, lines 24, 25, you mentioned, Mr Witness, that the Chief of Staff had a Land
4 Cruiser, a white Land Cruiser. What is the name of the Chief of Staff that had this
5 white Land Cruiser?

6 THE WITNESS: (Interpretation) It was General Dieudonné Amuli.

7 MR BADIBANGA: (Interpretation)

8 Q. Mr Witness, I'll now ask you a series of questions that I wanted to put to you
9 that also relate to the question put to you by the Judge. Apart from the General
10 Dieudonné Amuli, whom you have just mentioned, were there any other officers who
11 used looted goods for their own personal benefit?

12 A. The commanders who went to the CAR for the operation, well, when they
13 returned, for example Mustapha, he had his vehicle, and other goods. They didn't
14 all arrive in Gbado. There were commanders who were in Zongo and Gemena and
15 had their goods. Not all of them arrived in Gbadolite.

16 Q. When you say, I'll take the example of Mustapha, "he had his vehicle," was this
17 his very own vehicle or was this a vehicle that had been looted?

18 A. In my opinion, everything that they had taken from the Central African
19 Republic and brought back to the DRC and Équateur with them were looted items
20 because before they went to the Central African Republic they didn't have these
21 goods. When they returned they had these goods that we saw in the DRC.

22 Q. Apart from this vehicle that belonged to Mustapha, did Mustapha bring back
23 any other goods with him from the Central African Republic?

24 A. As for the goods that they received, well, those who could return a little earlier
25 returned with these goods. There were bicycles and smaller items, because all those

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1 who were involved in operations in the Central African Republic took advantage of
2 the opportunity, so they did have such items.

3 Q. Could you confirm what you said at page 55? There were commanders who
4 were in Zongo and in Gemena and they had their goods with them. Are you
5 referring, or rather, who are you referring to here because you mentioned
6 commanders in Zongo and Gemena who had their goods with them?

7 A. We don't know all the commanders or all the soldiers who were involved in the
8 operation but upon returning not all the vehicles in fact arrived in Gbadolite. There
9 were vehicles in Gemena and in Zongo as well but the commanders who had these
10 vehicles are commanders whose names I don't know, but there were goods in
11 Gemena and in Zongo and what I'm speaking about, what I'm referring to, the goods
12 I'm referring to, are goods in Gbadolite.

13 Q. Did Mr Bemba know that these officers had also brought back looted goods
14 with them from the Central African Republic?

15 A. Yes, he knew about that. He had an intelligence unit, which worked within the
16 MLC, so he was informed. He received reports from Gemena and Zongo and
17 Gbadolite so there was an intelligence unit that provided him with information on a
18 daily basis. He was well aware of what was going on.

19 MR BADIBANGA: (Interpretation) Your Honour, it's 1 o'clock and I believe that we
20 could have our break now. Thank you.

21 PRESIDING JUDGE STEINER: Mr Witness, we will suspend now for our
22 lunch-break. You can have lunch and take some time for yourself, rest a little bit.
23 It's 1 o'clock. We will resume at 2.30.

24 I ask, please, court officer to turn into closed session in order for the witness to be
25 taken outside the courtroom. In the meantime, we will suspend and resume at 2.30.

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1 *(Closed session at 12.59 p.m.) Reclassified as Open session

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

3 (The witness stands down)

4 THE COURT OFFICER: All rise.

5 (Recess taken at 1.00 p.m.)

6 *(Upon resuming in open session at 2.33 p.m.) Reclassified as Open session

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

8 THE COURT OFFICER: Madam President, for the record we are in open session.

9 PRESIDING JUDGE STEINER: Thank you very much and welcome back. Before
10 we bring the witness in, the Chamber has an oral decision to be issued and it is an
11 oral decision on the legal representatives' request for questioning Witness 213.

12 On 3 November 2011, the Chamber received applications from Maître Zarambaud
13 and Maître Douzima on behalf of the victims they represent to question Witness 213
14 (Filings 1882-Conf and 1883-Conf).

15 Maître Zarambaud's application contains a list of 14 sets of questions. Maître
16 Douzima's application contains a list of seven questions.

17 On 8 November 2011, the Defence filed a response to the applications of the legal
18 representatives (Filing 1892-Conf) asserting a number of objections to the proposed
19 questions. Specifically, the Defence asserts that certain of Maître Zarambaud's
20 proposed questions will certainly be asked by the Prosecution, are repetitive,
21 speculative, leading, unclear, unrelated to the personal interests of the victims or the
22 charges, or are preceded by inappropriately long passages from the witness's
23 statements. The Defence also objects to certain of Maître Douzima's questions on the
24 grounds that they will certainly be asked by the Prosecutor, are unrelated to the
25 personal interests of victims, are leading, repetitive, unclear, or not possible for

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1 Witness 213 to answer.

2 Maître Douzima filed a reply to the Defence response on 9 -- I suppose it's 9
3 November 2011. Yes, 9 November 2011 (Filing 1895-Conf). In her reply Maître
4 Douzima notes that it is the practice of the legal representatives to refrain from asking
5 witnesses questions already asked by the Prosecution. She also argues that the
6 questions challenged by the Defence are designed to help reveal the truth about the
7 relevant facts and in particular to enable the victims to better understand why the
8 alleged crimes were committed.

9 Maître Zarambaud filed a reply to the Defence response on 11 November 2011 (Filing
10 1903-Conf). In his reply, Maître Zarambaud argues that the Defence objections to his
11 questions are premised on an overly narrow conception of the personal interests of
12 victims. Relying on jurisprudence from Trial Chamber I, Maître Zarambaud asserts
13 that his questions focus on the crimes mentioned in the decision confirming the
14 charges and that this link is sufficient to establish a personal interest on behalf of the
15 victims he represents.

16 Having considered the questions given, the reasons given, I am sorry, by Maître
17 Douzima and Maître Zarambaud as to why the personal interests of the victims they
18 represent are affected, the Chamber allows their applications to question Witness 213.
19 The Chamber does so on the basis that the witness may testify on the crimes allegedly
20 committed by the MLC in Central African Republic, as well as the accused's role
21 within the MLC and the accused's alleged knowledge of the events on the ground,
22 both of which pertain to the mode of liability for crimes that victims have allegedly
23 suffered.

24 Turning to the proposed questions, after considering the objections made by the
25 Defence and the observations of the legal representatives, the majority, with Judge

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1 Ozaki dissenting in part, allows the questions presented in the applications. Maître
2 Zarambaud's question 6 should be rephrased to reflect the fact that the person
3 mentioned in the quotation is not the same person referred to in the proposed
4 question.

5 Judge Ozaki dissents with respect to Maître Zarambaud's question 5.1, which she
6 should not allow for reasons explained in paragraph 13 of her partly dissenting
7 opinion on the order on the procedure relating to the submission of evidence (Filing
8 1471); questions 5.3 and 13 which Judge Ozaki finds leading; and question 14 which
9 seems incomplete and has an unclear purpose. Judge Ozaki also dissents with
10 respect to questions 3.1, 4 and 7 of Maître Douzima, which she finds speculative.
11 Finally, the Chamber instructs Maître Douzima to take care when asking question 6
12 not to reveal the identity of Witness 33.

13 Having said that, I ask, please, the court officer to turn into closed session for the
14 witness to be brought into the courtroom.

15 *(Closed session at 2.42 p.m.) Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: Mr Haynes.

18 MR HAYNES: Your Honour, I trust you'll permit me a wry observation pursuant to
19 your recent decision. Upon our calculation, these were respectively the 57th and
20 58th applications by the legal representatives to examine witnesses and in common
21 with I think virtually all of the others many of the questions involve a reading of
22 substantial passages of the witness's interview, none of which seem to be expressed as
23 controversial. Indeed, most of which are being read to the witness for confirmation.
24 We are driven in the Defence to note that on none of the 58 occasions that the legal
25 representatives have submitted such questions for, as it were, permission have the

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- 1 Prosecution made any observation on that practice, and we simply put this down as a
2 marker should in due course any objection be made to the Defence employing such a
3 method of questioning on the basis that they are being consistent. They are not.
4 They have throughout these proceedings acquiesced in the asking of such questions
5 by the legal representatives. I'll leave the matter there.
- 6 PRESIDING JUDGE STEINER: The Chamber takes notice.
- 7 MR HAYNES: Thank you.
- 8 (The witness enters the courtroom)
- 9 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 10 (Open session at 2.46 p.m.)
- 11 THE COURT OFFICER: We are in open session, Madam President.
- 12 PRESIDING JUDGE STEINER: Thank you very much.
- 13 Mr Witness, welcome back.
- 14 THE WITNESS: (Interpretation) Thank you very much.
- 15 PRESIDING JUDGE STEINER: Did you manage to take some rest during the break?
- 16 THE WITNESS: (Interpretation) Yes, I had time to rest.
- 17 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 18 THE WITNESS: (Interpretation) Yes, we can continue.
- 19 PRESIDING JUDGE STEINER: I'll give the floor back to Maître Badibanga, asking
20 Maître Badibanga to remind that we are in open session.
- 21 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 22 Q. Witness, we are going to continue this afternoon and, as the Presiding Judge has
23 said, we are in open session. If necessary, you can say that you wish to answer a
24 question in private session and at that point we will go into private session. The
25 MLC soldiers, did they receive a wage?

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1 A. We didn't have any wages. We received a form of payment as a ration.

2 Q. Does that apply to all of the MLC soldiers, including those involved in the
3 operation in the Central African Republic?

4 A. Even those who went into the Central African Republic were the soldiers of the
5 ALC. They just received a ration. They didn't receive any wages.

6 Q. This morning you told us that the soldiers admitted easily, or easily narrated,
7 how they had committed rapes. Did they speak with the same ease of cases of
8 looting?

9 A. Yes, they were ready to talk about that. They spoke about everything they had
10 done in the Central African Republic.

11 Q. At some point in time, did anyone give you an explanation as to the reason for
12 their committing these acts of looting?

13 A. No, they gave no explanation. They said that they had looted, they had killed
14 and had raped.

15 Q. Within the MLC, and more specifically within the ALC, were there any
16 instructions given or any reference made or mention made of discipline?

17 A. We had a code of conduct. It was an ALC code of conduct. There were rules
18 but, even though there were rules, there was still looting that occurred, there was
19 killing, and the rules of war were not always respected during the rebellion in the
20 DRC.

21 Q. Did you yourself have the opportunity to see that code of conduct?

22 A. When we were on the battle-field in the DRC, there were PCs whose task was to
23 explain the code of conduct of the MLC; in other words, not to kill, not to loot, not to
24 steal, to protect the population and their property. From time to time, PCs explained
25 all of this to the soldiers of the ALC. That's what happened at that time.

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1 Q. Yesterday, if I'm not mistaken, the Presiding Judge asked you whether you
2 knew what was the meaning of "PC." Do you remember today? You're talking
3 about it now. Has it refreshed your memory in any way?

4 A. I did try to remember, but I've not been able to do so, but they were people who
5 were there to boost the troop's morale and they encouraged the troops to continue on
6 the march towards the liberation of the Congo.

7 Q. Did you receive a hard copy - a hard copy version - of the code of conduct?

8 A. No, it was just something that was spoken. They were just words. We never
9 received a document about it. Even if we had been given a document, we were in
10 difficult times. We were marching. It was difficult to keep that sort of document.

11 Q. On page 63, lines 6 to 10, you've just said - and I'm reading out what you
12 said - "When we were on the battle-field in the DRC there were PCs who were
13 responsible for explaining the MLC's code of conduct, which was not to kill, not to
14 loot, not to steal." Do you remember what sort of sanctions were foreseen for such
15 crimes?

16 A. Yes, there were sanctions. I myself saw people who were sanctioned for
17 having committed rape, and in violation of the rules you were likely to be shot.
18 That's something that I saw in Gbadolite and elsewhere, but from time to time the
19 code wasn't applied because there were cases of looting, or killings, cases of
20 infringement of the rules of war, execution of prisoners of war for instance, within the
21 MLC.

22 Q. You've just quoted an example of a sanction - a punishment - for rape. Was
23 that just one soldier, or several soldiers, who were shot on that occasion?

24 A. In our brigade, I witnessed one case of a sanction. Once there was an
25 individual, one of our men, who had raped an elderly woman and that person went

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1 before a firing squad. I saw that in Gbadolite, I also saw it happening on the ground,
2 and that soldier - our fellow soldier - was executed.

3 Q. I think you've answered the following question, but I would like to put it to you
4 again just to be absolutely sure that we do have it on the record. That soldier who
5 was punished, that was for an act he had committed where? Was it a rape he had
6 committed in the Central African Republic, or during the operation in the Central
7 African Republic?

8 A. No, no, it was nothing to do with the Central African Republic. It was during
9 the rebellion in the DRC. It was in the Équateur province.

10 Q. If there was a code of conduct that was implemented, did you understand why
11 it was that the soldiers committed so many crimes as they did in the Central African
12 Republic?

13 A. In my opinion, I think that this code of conduct, which was applied in the DRC,
14 had it been applied over there in the Central African Republic, I think that all of the
15 individuals who had committed crimes would have been punished but, since the
16 chief had given them an order, no one was tried for crimes amongst those who went
17 to the Central African Republic. There were no trials. There was no judgment.

18 MR BADIBANGA: (Interpretation) Your Honour, if I may, I would like to show
19 the witness a document. The reference is CAR-DEF-0001-0161. This is a public
20 document. It's been qualified as such by the Defence. I believe there's already an
21 EVD number, which is D01-00024.

22 THE COURT OFFICER: The first page of document CAR-DEF-0001-0161 is available
23 on the screens and it's a public document.

24 MR BADIBANGA: (Interpretation)

25 Q. Witness, can you see the document on the screen?

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1 A. Yes, I can see it.

2 Q. Do you recognise this document? Does it look like something that you've seen
3 before in the past?

4 A. Well, since I joined the rebellion in the DRC, this is the very first time that I see
5 this document.

6 Q. Therefore, you cannot tell us whether or not this is the code of conduct of the
7 MLC that you've just referred to?

8 A. The code of conduct of the MLC? Well, we learned about it theoretically, but
9 we never actually saw the document. So this is the very first time that I have seen
10 this document here, here at the ICC.

11 Q. I shall not ask you anything as regards the identification of the document as
12 such, but I would like to examine one or two of the articles to tell us if you can help us
13 interpret the document.

14 Your Honour, could the court officer display page 4? The reference is
15 CAR-DEF-0001-0164. It's at the top of the page. That's the part we're interested in.
16 Fine. Yes, it is rather small. Perhaps we can enlarge it. That's better. Thank you.

17 Q. Witness, I would like to refer to the passage I'm interested in. At the top of the
18 page, under chapter 5.5, there is a list of crimes. It states here that "The following
19 crimes shall be punished with death, the death penalty." There is a list here: "The
20 assassination of a civilian, or another person," that's the first subpoint, and then the
21 last is "kidnapping and rape." I'd like to ask you whether or not you had any
22 knowledge of one case or cases where individuals were punished with the death
23 penalty for one or the other of these crimes, either assassination of a civilian or
24 another person or kidnapping and/or rape? Are you familiar with any cases related
25 to the operations in the CAR where those sanctions were applied?

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1 A. During the mission in the CAR, there were no cases, no examples of that; in
2 other words, no individuals who were convicted to the death penalty for rape. That
3 never occurred in the CAR, but rather in the RDC -- correction, in the DRC.

4 MR BADIBANGA: (Interpretation) Could the court officer display the next page,
5 please? This is page 5 and the reference is CAR-DEF-0001-0165. Again, I'm
6 interested in article 7 here. 7.1. Yes, that's the right spot.

7 Q. Witness, this article, 7.1, refers to a special case where an officer can be arrested
8 by a soldier, and there's a list of a number of circumstances where this could occur.
9 The first listed here is assassination. Do you have any knowledge of this article
10 being applied as regards the troops that were involved in the CAR? In other words,
11 do you know whether or not an officer was arrested or might have been arrested by a
12 soldier for assassination?

13 A. I never heard or saw any case of the kind in the Central African Republic, so the
14 things written here in the MLC code of conduct I never saw that happen or heard
15 about it.

16 MR BADIBANGA: (Interpretation) Your Honour, I no longer need this document
17 on display. However, the Prosecution may at some later point need to come back to
18 the document and enter it into evidence, but for the time being I no longer need it on
19 the screen.

20 Q. Witness, as regards looting, in keeping with the code of conduct or instructions
21 given, was looting punished in any way? Were there sanctions for looting, or not?

22 A. When the battle took place in the DRC, when we were attacking a place, during
23 the first day none of the commanders could have taken the booty away from the
24 soldiers, it belonged to them, and when we went into a town or a city the following
25 days anyone who took property belonging to a civilian would be arrested in keeping

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1 with the MLC code of conduct. That's how it happened. The commanders on-site
2 would say the following: "The chief commander of the ALC, Jean-Pierre Bemba,
3 gave orders and he said 'If you take a town, you may enter and take property like
4 goats, or pigs, or cattle, and any soldier who could make away with such booty could
5 keep it. He would not be punished or arrested for such acts'."

6 Q. This rule regarding the booty looted during the first days of a battle, you -- did
7 this apply generally, or did it apply specifically to a particular operation?

8 A. It was commonplace. It was usual practice. When a town was taken,
9 whoever found something, some booty, it belonged to him, and then afterwards,
10 some people might be judged according to whatever crimes they might have
11 committed.

12 Q. Now, this rule regarding impunity for the first day, did it apply only to looting,
13 or to any other types of acts that the soldiers might commit?

14 A. Well, as regards these rules, they applied only to looting. In other words, if a
15 soldier took property which belonged to civilians, the soldiers were tried before a
16 military tribunal.

17 Q. You did say that it was the commanders on-site, in particular the chief
18 commander, Jean-Pierre Bemba, commander of the ALC, who gave those orders? Is
19 that what you said?

20 A. Yes, that's correct. The brigade commanders, the battalion commanders and
21 the heads of the various units were to inform anyone and all the soldiers that
22 whenever a town was taken over, anything they could find, be it clothing, a spoon,
23 whatever, it belonged to them, but the next day, anyone who committed a crime
24 would be arrested in keeping with the MLC code of conduct.

25 Q. You referred to property that was looted in the CAR, which was taken back to

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1 the Congo. Now, are you referring to property that was looted the first day when
2 cities were taken over? Are you referring to property looted under the rule that
3 you've just mentioned?

4 A. I think that, yes, we could say that. In the DRC, the same individuals who
5 fought there fought on the other side and the same code of conduct applied. I could
6 give you an example. When they came to PK12, anything that they had collected by
7 way of war booty belonged to them, but I don't know whether the same thing took
8 place in the CAR because I wasn't there.

9 Q. Were all the soldiers in the ALC familiar with this rule regarding the booty that
10 they were allowed to take on the first day?

11 A. This rule was known by the foot soldiers, the most -- the lowest level soldier.
12 In other words, any time a town was taken over, the very first day anything they
13 found, anything the soldiers could find, belonged to them. It was their -- theirs for
14 taking.

15 THE INTERPRETER: Your Honour, the Lingala interpreter was not able to follow
16 the very end of the witness's answer.

17 PRESIDING JUDGE STEINER: Mr Witness, the interpreter could not follow the last
18 part of your answer. Would you be able to repeat? You said "In other words, any
19 time a town was taken over, the very first day anything they found, anything the
20 soldiers could find, belonged to them. It was theirs for taking." After that the
21 interpreter could not follow. Would you be able to repeat?

22 THE WITNESS: (Interpretation) I was saying that every time the soldiers took over
23 a town, the very first day we referred to war booty. In other words, any kind of
24 property they could find belonged to them. Any time a town was taken over, the
25 rule was that the very first day, the very first day the soldiers managed to control the

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1 town, anything they could find, any booty they could find, belonged to them, and no
2 commander could ever have taken it away from them. If the same soldiers did the
3 very same thing the next day, then he would then be punished under the MLC code
4 of conduct.

5 JUDGE ALUOCH: Sorry to interrupt you, Mr Badibanga, but I just want the witness
6 to clarify this on line 5, page 70, real-time transcript. "Any time a town was taken,
7 the rule was that the very first day," This word "the rule" was it a written rule or just
8 passed over from within the MLC? What does this mean, "the rule"?

9 THE WITNESS: (Interpretation) Well, it was a rule given orally to the commanders.
10 In other words, they were told "The very first day you attack a town, the war booty
11 belongs to whoever finds it," and the commanders were not allowed to take it away
12 from the soldiers. This was the case in the DRC. I was there. I participated in
13 battles in the Congo and this was commonplace.

14 MR BADIBANGA: (Interpretation)

15 Q. You said, Witness, that as of the second day the code of conduct was applied.
16 So as a follow-up to what Judge Aluoch has just asked, and to be absolutely certain
17 that we have a perfectly clear answer in the transcript, was this rule, to your
18 knowledge, was this rule in the written code of conduct?

19 A. I don't know, since I never saw the code of conduct as such. It's the very first
20 time that I've seen this document today, so at the time everything was said orally.

21 Q. When the PC explained the code of conduct to the soldiers, did they refer to this
22 rule that we could call "the first day booty rule"? Did this first day booty rule, was it
23 presented orally to you as one of the rules contained in the code of conduct?

24 A. The PCs said so, and it was the responsibility of the commanders who led their
25 men. They said "The first day, once they had taken over a town, you can take any

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1 property there that then belongs to you, but the next day, if you take something that
2 belongs to civilians, then the code of conduct will be applied," and therefore, that's
3 exactly what the PCs said.

4 Q. Earlier on, you said that the commanders said that the order as such came from
5 Mr Jean-Pierre Bemba. Did you ever hear Mr Bemba stating this rule himself?

6 A. No, I never heard him say that. However, the brigade commanders, the
7 battalion commanders, the sector commanders, they were the ones who gave the
8 orders who came from President Jean-Pierre Bemba and the orders stated that the
9 very first time soldiers took over a town they could take whatever property they
10 found. This was something that was spread over to all of the units. The orders
11 came from him.

12 Q. Since we're discussing the code of conduct, we referred to the fact that the code
13 of conduct was explained orally to the soldiers by the PC. Perhaps you can answer
14 this question, but if not just say "I don't know." Did the soldiers confess openly, or
15 rather you mentioned that they confessed openly having committed rape and other
16 crimes and looting. Why is it you've just stated that the code of conduct existed and
17 that it was applied in the DRC?

18 A. It is perhaps better to ask that question to the person who sent these soldiers to
19 the CAR because it is that person, and the members of the MLC, who had drafted the
20 code of conduct. He's the one who can answer that question regarding the code of
21 conduct.

22 Q. I'd like to come back to something you mentioned earlier this morning
23 regarding sanctions. You stated this morning that to your knowledge the only case
24 that you're familiar with was Captain Willy in 2002; is that correct? Is that what you
25 stated this morning?

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1 A. Yes, that's correct. This morning I said the following: It was Captain Willy
2 who was punished in 2002.

3 Q. Was Captain Willy tried alone, or were there other soldiers involved in the CAR
4 also tried?

5 A. I can't answer that question precisely. I don't know whether there were
6 soldiers who participated in the 2002 battle who were court-martialled in Gbadolite,
7 but I am familiar with the case of Captain Willy.

8 Q. Do you know whether Mr Bemba organised investigations on the crimes
9 committed in the Central African Republic?

10 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

11 MR HAYNES: I think that question needs to be a bit more specific. Are we talking
12 about the 2001 operation, the 2002 operation, or the 2003 operation?

13 PRESIDING JUDGE STEINER: Maître Badibanga, could you please clarify to which
14 period you referred in your question?

15 MR BADIBANGA: (Interpretation) I believe, your Honour, that my learned friend
16 is anticipating a wee bit. I wanted to ask the question in a general fashion to the
17 witness and, depending on his response, I would have restricted it a bit more. I
18 wanted to begin by asking him whether or not he was aware of Mr Bemba having
19 organised investigations into events that occurred in the Central African Republic.
20 Obviously, depending on the answer, it will become more precise.

21 PRESIDING JUDGE STEINER: Maître Badibanga, I think it would make everyone's
22 life easier if you asked the same question period by period.

23 MR BADIBANGA: (Interpretation) The result will be the same but, your Honour, I
24 will do so and rephrase my question.

25 Q. Witness, I'd like to concentrate on two of the operations you've referred to.

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1 You mentioned an operation in 2001 in the Central African Republic, another in 2002
2 and a third in 2003 in the Central African Republic. I would like to concentrate on
3 the operations in 2002 and 2003. Let us begin, if you will, with 2002. Do you know
4 whether or not Mr Bemba organised any investigations regarding crimes committed
5 in the Central African Republic in the year 2002?

6 A. In 2002, soldiers -- there were soldiers who were tried in Gbadolite in
7 relationship to operations which took place in 2002. Captain Willy, in particular.
8 The case concerned what had taken place in the Central African Republic and in Ituri
9 it was in regard with the individuals who had been brought before the court-martial.
10 That's what I know with regard to that year.

11 Q. When you speak about Ituri, could you be a little more precise? These events
12 in Ituri in general, or in certain precise locations in Ituri, if you remember this?

13 A. I'm speaking about Ituri, because there are people from Beni and Mambasa who
14 were put on trial.

15 Q. As far as you know, was there just one trial for the people from -- or was it the
16 same trial for people from Central Africa, for people who were accused of having
17 committed crimes in Central Africa and for people accused of having committed
18 crimes in Ituri, or were there different trials that we are dealing with?

19 A. As far as I know, there was one trial for people accused of crimes in the DRC,
20 or -- in the CAR, or in Beni and Mambasa. There was just one trial for all these
21 individuals.

22 Q. Could you remind us of the rank that Mr Willy had, his military rank, and you
23 have referred to this person?

24 A. He was -- he's a captain at the moment, but at the time he worked in the office.
25 He was a commander. In 2002 there was a rebellion so there were no ranks. He

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1 was a commander who worked in the intelligence department.

2 Q. And his current rank of captain, is that a rank that is higher to the title or rank of
3 commander that he had at the time, or is the rank of the same level?

4 A. The title of commander that he had when he worked in the intelligence bureau
5 was lower in relation to the rank of captain, because there were a lot of commanders
6 and there were a lot of people who were called "commander."

7 Q. And do you know roughly speaking when he was promoted to the rank of
8 captain?

9 A. I know that when these appointments were made in 2003, when the ranks were
10 conferred in 2003, prior to leaving for Kinshasa Captain Willy had already been
11 appointed to the rank of captain within the MLC. He had already been conferred
12 this rank. When we left for Kinshasa, his rank received within the MLC was
13 confirmed by the transitional government in Kinshasa.

14 MR BADIBANGA: (Interpretation) Your Honour, with your leave, could the court
15 officer show the following document on the screen? The reference is
16 DEF -- CAR-DEF-0002-0001. It's a document categorised or classified as a public
17 document by the Defence.

18 THE COURT OFFICER: The document as referenced by counsel is available on the
19 screens by pressing the button "PC1" and it's a public document.

20 MR BADIBANGA: (Interpretation)

21 Q. Witness, I don't think you have ever seen this document before?

22 A. It's the first time I've seen this document.

23 Q. I thought so but, nevertheless, I would like to check a certain number of issues
24 here, certain information. You can see that under 1, under number 1 in the
25 document, it refers to a case on looting, or in fact it says "I hereby transfer to you so

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1 that you can take action and for your information a dossier on looting, a case that
2 concerns looting that has been initiated against Lieutenant Willy Bomengo and
3 others." Now that you have this family name before you, would you say that this is
4 the same captain that you have spoken to us about?

5 A. This document does contain the name of Willy Bomengo and I see that it has
6 been signed by Obaba (phon) Mondonga. Mondonga wasn't a lieutenant-colonel at
7 the time in fact and Willy wasn't a lieutenant either, because in 2002 no one had any
8 ranks of any kind. If we go back to the time of the armed forces in Zaire, Mondonga
9 had the rank of second lieutenant, but here I note that it has been signed by
10 Mondonga as a lieutenant-colonel. So I think that this is not an authentic document,
11 because within the MLC people were only given ranks in 2003, not in 2002.

12 Q. For the sake of the transcript, so that the transcript is quite clear, is Willy
13 Bomengo the same Willy that you have spoken about?

14 A. Yes, it's the same Willy I have already spoken of. Willy Bomengo.

15 Q. Before we go further into the details of the document, I'd like you to tell me
16 what it means, what it means in the left-hand corner "OPS Ciel Ouvert Bangui," "OPS
17 Open Sky Bangui." Do you remember this?

18 A. I don't know what "OPS" means. I really do not know.

19 Q. This expression "Ciel Ouvert," "Open Sky," doesn't evoke anything for you; is
20 that correct?

21 A. If I make a little effort, a slight effort, I would say that "OPS" could stand for
22 "operation." That's what I think, but I can't really be sure.

23 Q. Very well. Could the court officer show us page 0002 of this document.

24 0002-0003 and I'm interested in the middle of the page. To facilitate your task,

25 Witness, I will read out the part that I want to put questions to you about. It's in

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1 bold and the sentence starts with "With regard to looting" -- I can't -- I don't know
2 whether you can see that, but this is what it says: "As far as looting is concerned, I
3 have no idea. The person who accused me should just prove the allegations he has
4 made against me, that have been made against me. What I know is that under the
5 order of the brigade I seized all the property that had been looted. I transferred
6 it -- transported it in three vehicles to the Colonel DD of the CAR. I'd like to point
7 out that these objects were put in the hands of Colonel Mustapha, who was then the
8 commander of Brigade E." Have you followed me so far? Do you know what the
9 letter "E" means, because reference is made to Brigade E?

10 A. With regard to what I can see here, Mustapha wasn't the commander of Brigade
11 E. It was rather Brigade C. He was commander of Brigade C that was in
12 Basankusu. He wasn't the commander of Brigade E.

13 Q. Very well. But is "E" an abbreviation, or it is just a matter of the brigade being
14 called "E"? As far as you know, would you say that "E" is an abbreviation?

15 A. In the DRC we had Brigade A, Alpha, Brigade Bravo, Brigade Charlie, the
16 Charlie Brigade, the Delta Brigade, and that's why we called them Brigade A, B, C,
17 Brigade E. That's how things worked.

18 Q. You stopped at letter "D" for Delta and the letter "E" doesn't mean anything for
19 you?

20 A. "E" meant Brigade E. In the rebellion, the last brigade was Brigade E.

21 Q. Very well. And it says, "I got hold of the goods that the troops of the 28th BN.
22 I got hold of the goods that the troops of the 28th BN." What does "BN" mean?

23 A. The 28th BN means the 28th Battalion. "BN" stands for "battalion."

24 Q. In this document, the person says that the looted goods were handed over to
25 Colonel Mustapha, and we have taken note of the comments that you made a minute

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1 ago of the reservations you had. What I would like to know is the following: Do
2 you know whether Colonel Mustapha ever drafted a report or a summary that was
3 addressed to Mr Bemba in which he mentioned looted goods that had been handed
4 over to him? And here the sentence says that these goods were placed in three
5 vehicles in order to be taken to Colonel Mustapha?

6 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

7 MR HAYNES: I think this is really unfair on the witness. He has no clue what this
8 document is. And I know what it is and I imagine Mr Badibanga knows what it is,
9 and there are all sorts of reasons why the person whose speech is being recorded in
10 this document might be saying what he's saying, but I think if this line of questioning
11 on this document is to go any further the witness ought to be told what it is being
12 quoted at him, because otherwise it's just unfair on him and the whole exercise is
13 pointless.

14 PRESIDING JUDGE STEINER: Maître Badibanga.

15 MR BADIBANGA: (Interpretation) Your Honour, the witness said straightaway
16 that he wasn't familiar with the document but what we are just trying to establish is
17 whether the witness is familiar with what the document is about, the subject the
18 document is about. The witness may very well have learned about the fact that
19 Colonel Mustapha had drafted a report for Mr Bemba and that mention was made of
20 three vehicles with looted goods, so I'm just using this document to put questions to
21 the witness. Since he has said that he isn't familiar with the documents I can't go any
22 further into the document itself, such as it has been provided by the Defence, but
23 I think that some information within this document could be made good use of.

24 PRESIDING JUDGE STEINER: You can proceed, Mr Badibanga.

25 MR BADIBANGA: (Interpretation)

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1 Q. Witness, what I'm interested in is whether you heard about Mr Mustapha
2 reporting to Bemba that he had been given three vehicles with goods looted in the
3 Central African Republic; that these vehicles had been handed over to him?

4 A. In any event, I have no idea about this report referred to by Mr Mustapha,
5 Commander Mustapha.

6 MR BADIBANGA: (Interpretation) I would like to ask the court officer to scroll up a
7 bit so that we can see question 7 and answer 7. That's perfect.

8 Q. Witness, I'll read out question number 7 and answer number 7. Question 7 is
9 as follows: "What do you say about the date for the start of the operations in
10 Bangui?" And answer 7 is as follows: "It was on 25 October 2002 precisely; that is
11 to say one day prior to my arrival in Bangui." From the very beginning you have
12 been speaking about operations in Bangui and we have had a difficulty with dates.
13 Can you relate this date to any of the operations, to the best of your knowledge?

14 A. In any event, with regards to the contents of this document, I think that it's
15 contestable, because Mustapha wasn't a colonel, Mondonga wasn't a colonel either
16 and Willy wasn't a lieutenant. They were all commanders. This is why I believe
17 that this is an inauthentic document. That's my opinion.

18 MR BADIBANGA: (Interpretation) Your Honour, I no longer need this document.
19 We don't need it on the screen any more.

20 Q. Witness, we have a few more minutes before the break and we'll use this time to
21 deal with another issue. On a number of occasions, you mentioned a variety of
22 individuals who had positions of responsibility within the MLC. I'd like to structure
23 this information to a certain extent. In 2002 and 2003, who were the leaders in the
24 ALC in fact?

25 A. The main commanders within the ALC -- well, the main commander was

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1 Mr Jean-Pierre Bemba, the commander-in-chief, and then there was General

2 Dieudonné Amuli and there were the G2s, G3s. There was the G2, in fact, the G3,
3 the G4 and the G5.

4 Q. Who was in command of the ALC troops? Who was in command of the ALC
5 troops, in general terms?

6 A. The ALC troops were under the command of the president, Jean-Pierre Bemba.

7 Q. To the best of your knowledge what was the role of the ALC Chief of Staff, and
8 you mentioned the name of Mr Dieudonné Amuli?

9 A. In my opinion, wherever there were soldiers it was necessary for an
10 organisation to be in place and a certain hierarchy had to be established because it
11 was a large army. Dieudonné Amuli was appointed the post of Chief of Staff and his
12 task was to exercise control over all the troops.

13 Q. I just want to be sure that I have understood you correctly. You have just said
14 that Dieudonné Amuli was appointed to the post of the Chief of Staff in order to
15 exercise control over all the troops, but with regard to my previous question you said
16 that the command of the troops was exercised by Jean-Pierre Bemba, the president,
17 and you make a difference between command of troops and control of troops?

18 A. The commander-in-chief of the ALC was the president, Jean-Pierre Bemba, so
19 that whenever there were any operations in the DRC in the course of the five years of
20 the war these operations were led by him. He was the head of the Movement for the
21 Liberation of the Congo. Amuli was the chief of the main staff. That was his
22 official title, but he didn't have real responsibility within the ALC. It was just the
23 president, Jean-Pierre Bemba, who had this responsibility. In his book, "The Path of
24 Liberty," it is said that Jean-Pierre Bemba led the operations of the ALC in the DRC.
25 If he was in the field, he was in charge of everything. He used his phonie to

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1 command operations. So he was the only person - the only leader - who was in
2 charge of the war in the DRC at the time of the rebellion. That is why I said that
3 wherever there were troops it's necessary for there to be a military structure, a
4 military hierarchy, so that everyone has a role assigned to him, but in fact everything
5 was under the control of that sole individual, the president himself.

6 Q. My very last question now this afternoon. You said during the five years of
7 the conflict in the Democratic Republic of the Congo this is how things
8 worked - functioned - in the Democratic Republic of the Congo. My question was:
9 Was it different in the case of the operation in the Central African Republic?

10 A. In my opinion, everything was the same. When I saw how the conflict was led
11 for five years in the DRC, well, I'm giving you my opinion. There was looting, rape,
12 there was no respect for prisoners of war, prisoners of war were killed. In fact there
13 was no respect for the laws of war, and I'm referring to the war in the DRC.

14 Q. Witness, as I have said, I have concluded for today. You haven't exactly
15 answered my question. In a word or two, could you just tell us whether it was also
16 Jean-Pierre Bemba who was in charge of the operations in the Central African
17 Republic and that was the case as you say in the Democratic Republic of the Congo?

18 A. Yes, I apologise. I didn't fully understand your question. Mr Bemba was in
19 charge of the operations in the Democratic Republic of the Congo for five years, and
20 in the CAR it was Mr Bemba who was in charge of the operations in the CAR.

21 MR BADIBANGA: (Interpretation) Thank you.

22 Your Honour, I have now concluded.

23 THE INTERPRETER: Interpreter's correction: Page 84, line 4, the witness said, "As
24 far as I know, one doesn't kill prisoners of war" and not "prisoners of war were
25 killed".

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1 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Do you have any
2 estimation to give to the Chamber on the -- on how long you still believe you are
3 taking for concluding your questioning?

4 MR BADIBANGA: (Interpretation) Your Honour, we have noted the schedule as
5 proposed for tomorrow's hearing and we expect to finish tomorrow morning. In
6 other words, we'll just need one session tomorrow morning in order to finish our
7 questions. I don't know whether it'll only just be a part of the session, but anyhow
8 we won't go beyond that session because we've covered most of what we wanted to
9 deal with anyhow.

10 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

11 Mr Witness, I think it's enough for today. You are entitled to take some rest now.

12 We will adjourn and resume tomorrow morning at 9.30.

13 I would like to remind the parties and participants that tomorrow we will have a
14 slightly different schedule. We are sitting from 9.30 to 11.30 and then in the
15 afternoon from 2.30 to 4.30, meaning two sessions of two hours each, and we'll be
16 sitting in Courtroom 1. From now on, until the end of this year's sitting hours, we'll
17 be in Courtroom 1.

18 I would like to thank very much the Prosecution's team, the legal representatives of
19 victims, I thank very much the Defence team, Mr Jean-Pierre Bemba, to thank our
20 interpreters and court reporters and once again thank you very much, Mr Witness.

21 I ask, please, the court officer to turn into closed session for the witness to be taken
22 outside the courtroom. In the meantime, we will adjourn to resume tomorrow
23 morning at 9.30 in Courtroom 1.

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

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

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- 1 (The witness stands down)
- 2 THE COURT OFFICER: All rise.
- 3 *(The hearing ends in closed session at 4.03 p.m.) Reclassified as Open session
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 6 ICC-01/05-01/08-3038 and the instructions in the email dated 9 May 2014, the version
- 7 of the transcript with its redactions becomes Public