

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0213

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Monday, 21 November 2011
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. Were in
13 open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning and welcome Prosecution team. I see Mr Scaliotti is part of the team
20 this morning. Good morning legal representatives of victims. Good morning the
21 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters,
22 court reporters.
23 We will continue today with the questioning of Witness 213. Before we bring the
24 witness in, I would like to ask Mr Haynes whether Mr Haynes has any estimation to
25 give us on the length of his questioning?

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1 MR HAYNES: I think we will finish today, but as I said the other day that's an
2 expectation rather than a promise, but judging by the progress we have made thus far
3 and what remains to be covered we should finish today.

4 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

5 I ask, please, the court usher -- court officer to turn into closed session for the witness
6 to be brought into the courtroom.

7 *(Closed session at 9.36 a.m.)Reclassified as Open session

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

9 (The witness enters the courtroom)

10 WITNESS: CAR-OTP-PPPP-0213 (On former oath)

11 (The witness speaks Lingala)

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

13 (Open session at 9.38 a.m.)

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

15 PRESIDING JUDGE STEINER: Thank you.

16 Good morning, Mr Witness.

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

18 PRESIDING JUDGE STEINER: I hope you could enjoy a little bit of your weekend,
19 in spite of the weather?

20 THE WITNESS: (Interpretation) Yes, Madam President, I did have a good rest
21 during the weekend.

22 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

23 THE WITNESS: (Interpretation) Yes, I am ready to continue, your Honour.

24 Thank you.

25 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still

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1 under oath. You understand that?

2 THE WITNESS: (Interpretation) Yes, I am aware of that, Madam President.

3 PRESIDING JUDGE STEINER: I also want you to be reminded of the protective

4 measures that were granted to you to protect your identity from the public, so please

5 don't forget our rules not revealing information in open session that could lead to

6 your identification.

7 And also, Mr Witness, let's bear in mind all the time the fact that we have interpreters,

8 court reporters, that need some time to complete the translation and the transcripts,

9 so we need to speak slower than normal and give the five-seconds rule all the time.

10 Is that fine with you?

11 THE WITNESS: (Interpretation) Yes, Madam President.

12 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

13 MR HAYNES: Thank you, your Honour, and good morning.

14 QUESTIONED BY MR HAYNES: (Continuing)

15 Q. And good morning to you, sir.

16 A. Good morning, Counsel.

17 Q. I am going to keep the introductions short today so that we can get to the

18 questions so that way we have a better chance of finishing today, okay?

19 A. (No audible response).

20 Q. Now, do you recall on Friday afternoon when we finished we were talking

21 about the visit of Mr Bemba to PK12?

22 A. Yes.

23 Q. Good. I want to talk about the visits in general. I think you have told us - and

24 please confirm that it is correct - that on each visit Mr Bemba landed at Bangui airport;

25 is that correct?

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1 A. Yes, that is correct.

2 Q. Was he always received at Bangui airport? In other words, were there people
3 there to meet him?

4 A. Yes, there were people to receive him in Bangui.

5 Q. And were they always the same people?

6 A. There were people who came to receive him. I did not know them, but they
7 were there as usual and they received him.

8 Q. It was perhaps a bad question. I didn't mean were they actually the same
9 persons, but did they appear to be from the same organisation on each visit?

10 A. People went to the airport and took him to the residence of President Patassé.
11 That is what I know.

12 Q. Thank you very much. Well, that is my next question. Did he go to the
13 residence of President Patassé every time he landed at Bangui airport?

14 A. Each time he came from the airport, he went to the residence of President
15 Patassé.

16 Q. And each time he went to the residence of President Patassé, did he go inside
17 the residence?

18 A. Yes, he went into the residence and even into the house, the home of President
19 Patassé.

20 Q. And how long did he stay there on each occasion?

21 A. About 30 minutes in President Patassé's house.

22 Q. So can we take it that, in terms of his arrival in Bangui, there is nothing about
23 any of the visits to distinguish one from the other? Do you understand?

24 A. He went to President Patassé's residence and they would have a conversation in
25 the house.

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1 Q. Thank you. Now, how many times did he go to PK12?

2 A. Only one time.

3 Q. Thank you. And PK22?

4 A. He went to PK22 once.

5 JUDGE ALUOCH: Sorry, sorry, excuse me. I'll let the witness answer that first. I
6 thought he had finished.

7 MR HAYNES: I think the answer is now on the transcript, Judge Aluoch, so --

8 JUDGE ALUOCH: In order to put this part of the evidence into perspective, can you
9 just establish what period you are talking about? All these visits, which year? If
10 the witness is able to tell us which year? I just want to put it into perspective, please.

11 MR HAYNES:

12 Q. Sir, did you hear the Judge's enquiry and can you answer that?

13 A. It was in 2003.

14 Q. Thank you. And in relation to the same period, how many visits were there to
15 Bossembélé?

16 A. He visited Bossembélé once.

17 Q. And, lastly, how many times did he visit Mongoumba?

18 A. Once.

19 Q. Can we come on now to the visit to PK22. Is it correct that that was about a
20 week after the visit to PK12?

21 A. If I'm not mistaken, it was about one or two weeks afterwards.

22 Q. How far was PK22 from the centre of Bangui?

23 A. It was 22 kilometres away from the capital.

24 Q. (Redacted)

25 A. It doesn't take more than 30 minutes to reach PK22.

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1 Q. And do you pass through PK12 on the way to PK22, or not?

2 A. (Redacted) All I

3 remember is (Redacted)

4 MR HAYNES: I'm sorry about this, your Honour, but two or three questions in
5 private session, please.

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

7 *(Private session at 9.52 a.m.)Reclassified as Open session

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

9 MR HAYNES:

10 Q. Sir, in relation to the visit to PK22, do you recall which other bodyguards
11 travelled (Redacted)

12 A. There were bodyguards of Mr Bemba's close protection unit.

13 Q. Well, the reason we are in private session - and I remind you we are in private
14 session - is so that, if you can, you can give me the names of any of the (Redacted)
15 (Redacted)

16 A. I really have no idea, but I know that there were bodyguards, but since I don't
17 remember I cannot give you their names.

18 Q. (Redacted)

19 (Redacted)

20 Q. So you can remember that (Redacted)

21 (Redacted)

22 A. (Redacted) the bodyguards of President Bemba and other MLC soldiers who
23 were in Bangui.

24 Q. So you have an image of that in your mind, but you cannot remember the
25 names or identities of any of the other bodyguards (Redacted) is

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1 that correct?

2 A. No, I no longer remember the names of the bodyguards.

3 MR HAYNES: Very well. I think we can now go back into open session.

4 PRESIDING JUDGE STEINER: If you allow me, Mr Haynes, before we go into open
5 session? Mr Witness, in this visit to PK22, was Mr Bemba alone? President Patassé
6 was not with him, or was he?

7 THE WITNESS: (Interpretation) President Patassé did not go to PK22, Madam
8 President.

9 PRESIDING JUDGE STEINER: Thank you.

10 MR HAYNES: Your Honour, before we -- can I follow that one up?

11 Q. Were there any elements of the security forces of the Central African Republic
12 with President Bemba on the visit to PK22?

13 A. There were officers of the Central African Republic who were in the convoy.

14 MR HAYNES: Thank you.

15 PRESIDING JUDGE STEINER: Court officer, please could we turn into open
16 session.

17 (Open session at 9.57 a.m.)

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

19 MR HAYNES:

20 Q. Can you help us as to what the road is like to PK22?

21 A. I really do not know about how to go to PK22. I cannot tell you that. (Redacted)
22 (Redacted) President Bemba of the MLC.

23 Q. Can you help us as to what sort of traffic was on the road?

24 A. There wasn't much traffic.

25 Q. How long was Mr Bemba at PK22?

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1 A. (Redacted) visited the troops and

2 encouraged them and then returned to Bangui.

3 Q. Can you help us with a description of the area at PK22? (Redacted)

4 A. (Redacted) in the area were dead bodies. Only dead bodies.

5 Q. I meant more in terms of the buildings, or the surrounding areas. Can you help
6 us as to what that looked like?

7 A. I have just given an answer to your question. I am not a native of Bangui. (Redacted)
8 (Redacted) the president of the MLC, who was visiting his troops, and (Redacted)
9 (Redacted) to take a look at the buildings or any other surroundings, so I am not in a
10 position to answer your question.

11 MR HAYNES: Your Honour, I think we better go into private session.

12 PRESIDING JUDGE STEINER: Mr Badibanga.

13 MR BADIBANGA: (Interpretation) I'm sorry, Madam President, I just wanted to
14 make sure that the text is correct. In the French version the question was in relation
15 to -- or rather the answer was in relation to PK12 and yet it appears that in the English
16 transcript reference is made to PK22. Mr Haynes' question was "Can you describe
17 the neighbourhood of PK12 and what could you see in the surroundings?" That is
18 the question I have on the screen, so I don't know whether we are talking about PK12
19 or PK22.

20 THE INTERPRETER: Madam President, from the French booth it was a mistake
21 from the interpreter. It was PK22 and not PK12.

22 MR BADIBANGA: (Interpretation) Maybe then we need to check with the witness
23 what he heard and what he was answering to, whether it was in relation to PK12 or to
24 PK22. That is the crux of my comment.

25 MR HAYNES: Certainly, but probably once we are in private session.

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1 PRESIDING JUDGE STEINER: Court officer, please.

2 *(Private session at 10.02 a.m.)Reclassified as Open session

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

4 MR HAYNES:

5 Q. Sir, I think my last question to you was wrongly translated. I was asking you
6 to describe the area of PK22. Can you do that for us?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Did he get out of the car in PK22?

11 A. He came out of the vehicle, then he went by what is referred to as la défensive.

12 He greeted the ministers and then went to talk with Mustapha.

13 Q. What do you mean by "the ministers"?

14 THE INTERPRETER: Rather he greeted the soldiers, correction from the interpreters.

15 He greeted the soldiers and then went on to talk to Mustapha. Correction from the
16 interpreters.

17 THE WITNESS: (Interpretation) I did not make any reference to ministers. Please
18 pay attention when I speak. This is what I said. When he arrived, he went by the
19 défensive and then later on talked to Mustapha. I did not mention the names of any
20 ministers.

21 MR HAYNES:

22 Q. I'm sorry, that's what was translated to me, but I accept you didn't say that. It
23 was just a mistake in translation. Do you understand?

24 A. Very well.

25 Q. In what way did he greet the soldiers?

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1 A. When he went by la défensive there were soldiers there, so he moved towards
2 them, greeted them and asked them how they were doing and so on and so forth, and
3 then he ended up by having a discussion with Mustapha.

4 Q. So he spoke to soldiers at PK22?

5 A. He greeted the soldiers and then went on. What I mean is that he greeted them.
6 He didn't bring them together to have a talk with them, but he went by la défensive,
7 greeted the soldiers and ended up having a discussion with Mustapha.

8 Q. What soldiers were they that he greeted?

9 A. They were MLC soldiers who were in Bangui for the operation.

10 Q. Were they ordinary foot soldiers, or were they commanding officers?

11 A. You see, wherever you have soldiers, you will have officers and commanders
12 who lead the operations of the troops on the ground. It is not possible to have only
13 ordinary soldiers at the battle-front.

14 Q. Did you know any of these people that he spoke to?

15 A. This is what I have told you already. The soldiers who were in the Central
16 African Republic were fellow soldiers in arms and some of them were people whom I
17 knew and who at the time were already in the Central African Republic.

18 Q. Can you give us the names of any of the soldiers he spoke to in PK22?

19 A. He did not talk to the soldiers. He greeted them and then went on to have a
20 discussion with Mustapha. I do not know the names of the soldiers he greeted, and
21 you may want to know that these things happened a very long time ago.

22 Q. Where did he meet with Mustapha? In what sort of building, or structure?

23 A. The meeting did not take place in a building. It took place at la défensive and
24 this was not a house, or some house belonging to an individual. They were standing
25 up during that conversation.

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1 Q. Who else was present?

2 A. While he was talking to Mustapha, or rather before talking to Mustapha he
3 pulled him aside and that is when they started having their discussion.

4 Q. Well, that's what I want to know. He pulled Mustapha to one side. Who else
5 was part of this discussion?

6 A. The close bodyguards of Mr Jean-Pierre Bemba.

7 Q. How many of them?

8 A. There were ten of (Redacted)

9 Q. Why was it necessary for them to be there when he talked with his commanding
10 officer in the Central African Republic?

11 A. All those who work as close bodyguards have the duty to protect the figure of
12 authority, so when such a person is having a conversation with someone they need to
13 protect him, particularly in war circumstances, as was the case, so the bodyguards
14 have to be around their chief or around him.

15 Q. And thinking about that conversation between Mr Bemba and Mustapha, can
16 you now help us as to (Redacted) who was standing within earshot?

17 A. I do not remember the names of the bodyguards who were around him during
18 his conversation with Mustapha. I've already told you this several times. He had
19 many bodyguards and he did not go about with a single bodyguard. He would go
20 around with a group, or many bodyguards, as the case was.

21 Q. How long did the conversation with Mustapha last?

22 A. They had a discussion, but I do not know how long it lasted. I do not want us
23 to belabour this point. You have put a question to me and my answer is that he had
24 a discussion with Mustapha. After going by la défensive he called Mustapha aside
25 and they had a discussion and he put the following question to Mustapha, "Are the

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- 1 Central African soldiers in a position to fight this war?" And Mustapha said, "No,
2 Mr President, they are not able to do so." Mr Bemba then said, "It is their country
3 and if they are not able to do so then you must take everything to its end and you
4 must continue." Then Mr Bemba asked whether the enemy was strong or weak and
5 Mustapha answered, "Regardless, we shall do our work to the very end as requested
6 by the president," and then the president asked Mustapha whether he needed any
7 arms and Mustapha said, "No, Mr President, we are able to obtain weapons on the
8 ground." Then he went on to ask Mustapha whether the weapons and arms they
9 were able to gather on the ground would be brought back to Bangui, or rather that is
10 what he told him. Then he asked whether they had enough rations and Mustapha
11 answered, "Mr President, we are doing our level best." Then the president took a
12 suitcase and gave him -- and gave some money to Mustapha for Mustapha to obtain
13 some rations for the soldiers. This is the answer that I can give to your question.
14 Q. There's nothing else you want to add to that answer?
15 A. No, I have nothing else to add. After having the discussion with Mustapha, (Redacted)
16 (Redacted)
17 Q. Well, I'll come to that, but what about heading all the way to the border with
18 Chad? You don't want to add that to your answer?
19 A. Their mission entailed going right to the border with Chad and that is what they
20 did. The soldiers did what their leader had asked them to do; namely, they went
21 right to the border with Chad. They did their job to the very end.
22 Q. Well, I want to just now pick up on your last answer where you said that after
23 the discussion with Mustapha (Redacted) Do you recall that?
24 A. Yes, that is correct. After the discussion with Mustapha, (Redacted)
25 by road.

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1 Q. Sir, this is what you said the other day, and this is 14 November 2011, page 64 in
2 the English, lines 3 to 7, and in the French page 67, line 1 and following. You said,
3 "Who did ..." -- you were asked, "Who did Mr Bemba meet at PK22?" And you said,
4 "He met soldiers, our soldiers who had taken up a position there at PK22. There
5 were others who were stationed elsewhere. At PK22 there were the company
6 commanders and the others were already at the front. So at PK22, on that same day
7 (Redacted) Bossembélé and Mongoumba. I don't know exactly where they are,
8 but I can say that after PK22 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. After the discussion with Mustapha, (Redacted)

12 (Redacted) went back to Bangui, the

13 capital city.

14 Q. Well, plainly from the transcript we have of what you said the other day you
15 told the Court that (Redacted)

16 (Redacted) Why did you say that?

17 A. On that day, after he talked with Mustapha at PK22, (Redacted)

18 He did not go to Mongoumba, nor to Bossembélé.

19 Q. So when you said that on 14 November, was that a mistake?

20 A. I have just told you that he had a discussion with Mustapha at PK22 and
21 thereafter (Redacted)

22 Q. I know what you're saying now. I just want to know why you said something
23 different the other day. Can you help us?

24 A. I have told you that (Redacted)

25 Q. Okay. Well, I want your help with something else then, please, and we need to

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1 look at Defence document number 2 and the witness needs to have on the screen page
2 0367, and those of us following in English need to look at page 0253.

3 THE COURT OFFICER: The document CAR-OTP-0056-0348, second redacted
4 version, at page 0367 is available on the screens. It's a confidential document.

5 MR HAYNES:

6 Q. Can you see the very top answer on that page, sir?

7 A. Yes.

8 Q. And I'm not being unkind or unfair to you, but I think I need to check
9 something after a few of your answers on Friday. Do you have a difficulty reading
10 in French?

11 A. No, I have no difficulty.

12 Q. That's all right. I'm going to read to you in English what is written in French at
13 the top line. You were asked, "When did (Redacted), and your answer was,
14 "I think it was five days or a week after the first visit to PK12. This time around (Redacted)
15 (Redacted) Can you read that?

16 A. Yes, I can read it. However, what I am telling you today is that (Redacted)
17 (Redacted)
18 (Redacted)

19 Q. Well, I'll just put this question to you one more time. Can you explain to the
20 Court why it is that in December 2009 you told the investigators that (Redacted)
21 (Redacted) and you told the Court on 14 November that
22 (Redacted)

23 A. It was not on the same day. The day on which (Redacted) what I'm
24 telling you is that after that visit (Redacted)

25 Q. Because, as you have told us, (Redacted)

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1 (Redacted)

2 A. No, (Redacted) this was not on the
3 same day.

4 Q. Very well. Now, I appreciate that you cannot say whether (Redacted)
5 (Redacted)
6 (Redacted)

7 A. (Redacted)

8 Q. Thank you. And can you tell us now whether (Redacted)
9 (Redacted) any other places?

10 A. I have clearly stated that (Redacted) which I do not know, and it
11 was in a small craft.

12 Q. Okay, well let's break it down. Let's forget about Bossembélé and Mongoumba.
13 How many other places did (Redacted) go to?

14 PRESIDING JUDGE STEINER: Mr Badibanga.

15 MR BADIBANGA: (Interpretation) Madam President, I have been very cautious
16 and I desired to leave my learned colleague to expand his thoughts along the lines of
17 his questioning, but now it would appear that the Defence wants to deal with a
18 contradiction and it would therefore be only proper for the full picture to be given to
19 the witness and full information, particularly when dealing with this question of a
20 trip to PK22 and to other towns.

21 Mr Haynes referred to the transcript of 14 November, transcript which he mentioned,
22 but I would also want him to look at the transcript of the 15th in which we also raised
23 these issues with the witness. I would like for the record to show that on page 9 in
24 the French and the English version, transcript 187 of 15 November, I asked the
25 witness the following, "After the visit to PK12 and the conversation between Bemba

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1 and Mustapha, what did Mr Bemba do? Did he go to other towns and other areas?"
2 And the witness answered, "Immediately after PK12 (Redacted)
3 (Redacted) and I think this is consistent with the
4 witness's testimony. So if we are going to look at the various statements made by
5 the witness in this connection, it would be useful to look at this broader picture
6 because thereafter, the witness goes to explain that there was another trip to
7 Bossembélé and to Mongoumba, and if we want to look at page 9 of the transcript we
8 will be able to find the answers that I'm referring to. I thank you, Madam President.
9 PRESIDING JUDGE STEINER: Mr Badibanga, I agree with you that the whole
10 picture could be -- should be given to the witness in order for the witness to clarify,
11 but this part of the transcript that you just mentioned has nothing to do with the issue
12 at stake because here, you were quoting part of the transcript 187 and it deals with the
13 visit to PK12, not to the visit to PK22, so --
14 MR BADIBANGA: (Interpretation) I'm sorry, your Honour, unless I'm mistaken,
15 on page 9 of transcript 187 in the English version it is line 4 and I will read it in
16 English (Speaks English) "After the meeting that took place at PK22 and the
17 conversation between Mr Bemba and Colonel Mustapha, what did Mr Bemba do?
18 Did he go to other places or other cities?" After PK22 (Redacted)
19 (Redacted) (Interpretation) And if you continue, (Speaks English) "After
20 the trip to PK22, (Redacted) "Could you
21 give us the names of these cities?" "Mossembele and Mongoumba." (Interpretation)
22 In my examination I was careful to clarify the chronology of visits and I had insisted
23 on the witness to tell us whether after PK22 Mr Bemba came back to Bangui and went
24 back to Gbadolite and whether he returned to the Central African Republic later.
25 That is what Mr Haynes was talking about. Thank you.

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1 PRESIDING JUDGE STEINER: Of course I'll give the floor to Mr Haynes, but
2 exactly on page 9 of this transcript that you just quoted again, when he talks about
3 PK22 it appears that the witness said that "After PK22 (Redacted) ..." -- sorry, "Could
4 you give us the names of these cities?" "Mossemble and Mongoumba." So there is
5 some contradictions and I hope Mr Haynes has the opportunity to clarify these
6 contradictions. There are some contradictions.

7 MR HAYNES: There are and I'm not going to clarify them. This is a matter of
8 argument. The witness plainly has said different things at different times about the
9 trip to PK22, and the opportunity was there for the Prosecution on 15 November to
10 clarify the matter, because Mr Badibanga must surely have known on 15 November
11 that the previous day the witness had said what I have just put to him and if the
12 Prosecution, upon whom the burden of proof lies in this case, want matters clarified
13 they should do it themselves and after he got the answer at line 9 it was
14 Mr Badibanga's duty in my submission, and not mine, to clarify the witness why it is
15 that at that point in time he appeared to be saying something that was contradicted
16 not only by his answer the previous day, but by the answer I have just put to him in
17 the course of his interview. It's not for the Defence to clear up contradictions in a
18 witness's testimony, and that is the falsehood, that is the fallacy, at the heart of the
19 submission that has just been made to you. If Mr Badibanga wanted to clear this up
20 he should have done and he chose not to.

21 PRESIDING JUDGE STEINER: Mr Haynes, Mr Badibanga, if the Prosecution so
22 wishes will have opportunity to re-direct the witness in this point. More than that,
23 in the system that works here in this Court, all clarifications are needed for the
24 Chamber. So if you don't want to clarify it's of course it's your right, but the
25 Chamber, if the Prosecution does not do that, the Chamber will do it. You can

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1 proceed, please.

2 MR HAYNES: Well, I will answer that point, because I think in asking the witness
3 not once, not twice, but three times to see if he could explain why it was that on
4 14 November he appeared to be saying something quite different, as well as on
5 9 December 2009 he appeared to be saying something quite different, I don't know see
6 what more I can do to clarify than give him that opportunity, but I'll move on.

7 Q. Sir, before the lawyers had a discussion then, we were talking about the trips
8 that came after PK22, according to your account. Can you refocus on those events,
9 please?

10 A. (Redacted)

11 (Redacted)

12 Q. Thanks, but can we now leave that trip behind us and come on to the further
13 trips you say took place?

14 A. Ask me your question and please be clear, Counsel. Which trip are you
15 referring to?

16 Q. Well, let's deal with the town we know to be called Bossembélé. How did you
17 know (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. When (Redacted) a sign pointing in the direction of
22 that town, or a sign at the entrance to the town, or something like that?

23 A. (Redacted)

24 (Redacted) "You are indeed in Bossembélé."

25 Q. Okay, so you knew the name of the place (Redacted) because (Redacted)

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1 (Redacted) that was what it was called; is that correct?

2 A. (Redacted)

3 "You are in Bossembélé," and everything (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. So can we focus (Redacted) Bossembélé. Was that

8 closer to the centre of Bangui than PK22, or further away?

9 A. As far as I know, Bossembélé is a bit far away from Bangui.

10 Q. How far away?

11 A. I really do not have any idea about the distance, but I think it is quite far from

12 Bangui.

13 Q. Can you give us even an approximate idea of how long it took to drive to

14 Bossembélé from the presidential residence in Bangui?

15 A. I do not have any idea about the time that (Redacted) but I know that (Redacted)

16 (Redacted) I have no idea about the number of minutes. I cannot give you an

17 estimate of the time (Redacted)

18 Q. Do you think it was minutes, rather than hours, (Redacted)

19 (Redacted)

20 A. I have no idea. I cannot give you an answer to that question, but I can tell you

21 that (Redacted) Bossembélé. I do confirm that (Redacted)

22 (Redacted)

23 Q. Well, let's see what else you remember about it. Did President Patassé (Redacted)

24 (Redacted)

25 A. No, (Redacted)

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1 Q. We're still in private session, so can you help us with the names of any of the
2 (Redacted) bodyguards who made that trip?

3 A. I have no idea about the names of the (Redacted) bodyguards with (Redacted)
4 (Redacted) travelled with Mr Bemba and (Redacted) bodyguards whose names I no
5 longer remember, but (Redacted)

6 Q. Can you help us as to what the road to Bossembélé was like?

7 A. I do not know the road to Bossembélé. I have told you that I'm not a resident
8 of Bangui. (Redacted)
9 (Redacted) went to Bossembélé.

10 Q. You can't remember the names of any other towns (Redacted)

11 A. (Redacted)
12 (Redacted)

13 Q. You can't remember whether the route (Redacted)

14 A. My answer is clear. (Redacted) Bossembélé. I have nothing else to add.

15 Q. Can you help us as to what the town of Bossembélé looked like when (Redacted)
16 (Redacted)

17 A. I have answered you. I said that (Redacted) Bossembélé. Bemba went there
18 to encourage his elements. He told them to continue with their work to the end, and
19 (Redacted)
20 (Redacted) simply went there and

21 returned, so I don't have any information about livestock, for example, in this town.

22 Q. Well, no, let's try something a bit more prominent than that. Do you remember
23 if the town centre has a mosque, or a church?

24 A. That is what I just told you. (Redacted)
25 (Redacted) There is nothing else to add.

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1 Q. (Redacted) the hydro-electric power dam on the river at Boali?

2 A. I answered you. (Redacted)

3 (Redacted) not go there to visit Bossembélé town. (Redacted)

4 (Redacted) what was available in the town, what was in the town. (Redacted)

5 (Redacted) Mr Jean-Pierre Bemba.

6 Q. (Redacted)

7 A. Mustapha was in Bossembélé. He was the commander and he was with the

8 soldiers. He was at all the positions: Bossembélé, Mongoumba, PK22, PK12.

9 Mustapha was everywhere there.

10 Q. Can you help us with the names of any of the other unit commanders (Redacted)
11 at Bossembélé?

12 A. There were commanders in Bossembélé. I do not have their names.

13 Wherever there are soldiers there are also commanders to command those soldiers,

14 (Redacted)

15 (Redacted)

16 there to count the number of commanders, but Mustapha was there.

17 Q. (Redacted)

18 A. But those were our comrades in arms who went there for an operation, and

19 (Redacted)

20 (Redacted) a little time to discuss with our

21 comrades in arms when he was talking to other people also.

22 Q. So other than saying, "Good morning," (Redacted)

23 (Redacted)

24 A. (Redacted) they were accomplishing the task

25 that had been asked of them and that they would go right to the end, and that is what

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1 they did. They went right to the border with Chad.

2 Q. Is there anything else (Redacted)

3 A. (Redacted) they were

4 doing their job there. That was all.

5 Q. And can you help us as to the presence of Central African soldiers in

6 Bossembélé? Were there any?

7 A. (Redacted)

8 (Redacted)

9 Q. Okay, let's move on to Mongoumba. Can you help us with the length of time it
10 took (Redacted)

11 A. Instead of focusing on the time, let me tell you this briefly. (Redacted)

12 Bossembélé and (Redacted) Mongoumba. I do not know (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) with President Jean-Pierre Bemba.

16 (Redacted) the towns of Bossembélé and Mongoumba. There is absolutely
17 no doubt about that. I know those two towns. (Redacted) other towns, whose
18 names I no longer remember, and if I could remember them I would have told you.

19 Q. And I take it you don't remember anything about the road to Mongoumba?

20 A. I do not know the road to Mongoumba, but (Redacted)

21 Q. And you can't help us with anything about the town itself, what it looked like,
22 or what it's main features are?

23 A. I'm not a resident of Bangui. (Redacted)

24 (Redacted) I was never involved in any operation in Mongoumba.

25 How can I give you details about Mongoumba? In a nutshell, it is a town. That's it.

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1 I have no further details.

2 Q. You don't recall, for example, that it's a town on the River Ubangi and it's a
3 port?

4 A. (Redacted) Mr Bemba, who
5 had gone to visit his soldiers that he had sent to carry out an operation in the Central
6 African Republic. (Redacted) to visit the Mongoumba port.

7 Q. Do you know where Libenge is in the Democratic Republic of Congo?

8 A. We are talking about Mongoumba here. We are not talking about Libenge. (Redacted)
9 (Redacted) to Libenge, but here we are talking about the Central African Republic.

10 Please ask me questions about Mongoumba and I will answer you. Why are you
11 asking me questions about Libenge? What answers do you want me to give you?
12 Libenge is located in the DRC and not in the Central African Republic.

13 Q. Well, we may come back to that, but just to finish before the break, I'd like to
14 have a look at the two maps you have seen previously and the first is Defence
15 document 11.

16 THE COURT OFFICER: Document CAR-OTP-0056-0417 is available on the screens.

17 MR HAYNES:

18 Q. Sir, you have seen this before. Is it clear enough for you to see on the screen
19 there?

20 A. Yes, I can see the map.

21 Q. Can you see along the top there that there's a scale directly above the word
22 "Chad"?

23 A. Yes.

24 Q. And can you see that that scale shows us how we can work out what 250
25 kilometres on the map is?

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1 A. Yes, I can see that.

2 Q. And do you agree with me that Chad is due north of Bangui, isn't it?

3 A. Counsel, you are the one saying this. In fact you are showing me a map, but
4 this is what I can tell you. (Redacted) I do

5 not know what you mean. All this does not concern me. (Redacted)

6 (Redacted) This map does not mean anything to me. I did not come here
7 to study a map.

8 Q. Well, can you also see that Mongoumba is due south of Bangui?

9 A. Yes, I can see that here. I can see Mongoumba.

10 Q. When -- when Mr Bemba got to Mongoumba, was he angry with Mustapha?

11 A. The purpose of the visit to Mongoumba was to go and encourage the elements
12 who were involved in the operation on the ground. There was nothing else that was
13 happening there.

14 Q. Well, didn't he say, "Mustapha, what are you doing here? You're going in the
15 wrong direction."?

16 A. Let me tell you what (Redacted) Mr Bemba to
17 encourage the soldiers. The soldiers even went beyond there. They went to Chad
18 and even returned to the border between the Central African Republic and Chad.
19 They went there, they did their duty and then they returned. (Redacted)
20 (Redacted) him angry with Mr Mustapha. I never
21 heard about that.

22 MR HAYNES: Sir, thank you very much.

23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

24 Mr Witness, we'll have our break now. You can have some tea, rest a little bit.

25 We'll resume at 11.35.

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- 1 I ask, please, court officer to turn into closed session for the witness to be taken
2 outside the courtroom. In the meantime, we will suspend and resume at 11.35.
3 Would you like to say something, Mr Witness?
4 THE WITNESS: (Interpretation) Thank you, Madam President.
5 *(Closed session at 11.02 a.m.) Reclassified as Open session
6 THE COURT OFFICER: We are in closed session, Madam President.
7 THE INTERPRETER: Correction from the interpreter: The witness said, "I have
8 nothing to tell you, Madam President".
9 (The witness stands down)
10 THE COURT OFFICER: All rise.
11 (Recess taken at 11.03 a.m.)
12 *(Upon resuming in closed session at 11.37 a.m.) Reclassified as Open session
13 THE COURT USHER: All rise. Please be seated.
14 PRESIDING JUDGE STEINER: Welcome back.
15 Could, please, court usher bring the witness in.
16 (The witness enters the courtroom)
17 PRESIDING JUDGE STEINER: Can we turn, please, into open session.
18 (Open session at 11.39 a.m.)
19 THE COURT OFFICER: We are in open session, Madam President.
20 PRESIDING JUDGE STEINER: Thank you very much.
21 Mr Witness, welcome back.
22 THE WITNESS: (Interpretation) Thank you, Madam President.
23 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
24 THE WITNESS: (Interpretation) Yes, madam, I am ready. We can proceed.
25 PRESIDING JUDGE STEINER: Thank you.

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1 Mr Haynes, you have the floor.

2 MR HAYNES: Thank you very much.

3 Q. And welcome back, sir.

4 A. Thank you.

5 Q. I just want to finish off what we were talking about before the break and I think
6 we can stay in public session for this, but in order to have your proper comments I'd
7 like you to look at a document you've seen before. It's Defence document 24, the
8 rather bigger map of the Central African Republic, so if that could please be placed on
9 the screen for the witness.

10 THE COURT OFFICER: Document CAR-D04-0002-1286 is available on the screens.
11 It's a public document.

12 MR HAYNES: Thank you very much. Could we, as it were, focus on the quadrant
13 of the Central African Republic that has "Bangui" at the top and, as it were, the bottom
14 of the map at the bottom.

15 Q. Sir, can you see the map there with "Bangui" at the top and "Mongoumba" at the
16 bottom?

17 A. Yes, I can see it.

18 Q. And can you see that the road to Mongoumba from Bangui is not a direct road?
19 You have to take the road to Mbaiki and then turn left at a junction and head down
20 into Mongoumba. Can you see that?

21 A. Well, what you are showing me is not binding on me. What is binding on me
22 is the fact that (Redacted) Now, your reference to Mbaiki is not binding
23 on me. All I know is that (Redacted)

24 Q. But, sir, what is binding on you is that you have told us that the trip to
25 Mongoumba was by road from Bangui. Do you agree with that?

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1 A. No, (Redacted) by

2 helicopter. I never testified that (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) Did you not tell us

7 that?

8 A. No, I never provided you with that detail, but in answer to your question I want

9 to tell you that (Redacted)

10 (Redacted)

11 Q. That wouldn't be because you can see the aeroplane symbol on the map

12 underneath Mongoumba now, would it?

13 A. No, I am not being influenced by the map. (Redacted)

14 (Redacted)

15 Q. Why do you think just before the break I was asking you to describe the road

16 and how long it took you to get there by road? Why do you think I was asking you

17 those questions?

18 PRESIDING JUDGE STEINER: Yes, Mr Badibanga?

19 MR BADIBANGA: (Interpretation) Madam President, I believe that Mr Haynes

20 cannot put this question to the witness because the witness cannot be able to answer

21 and tell what Mr Haynes is thinking about because it would amount to speculation.

22 Thank you.

23 PRESIDING JUDGE STEINER: It is pure speculation, Mr Haynes. Maybe you can

24 rephrase the question?

25 MR HAYNES:

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1 Q. Why, during five-and-a-half days of testimony, have you never mentioned
2 previously that (Redacted)

3 A. That question was not put to me. No one asked me that question. No one has
4 ever asked me that question. (Redacted)
5 Not by road, not at all. And the reason is the question was not put to me.

6 Q. Okay, well let's see what you're now saying about it. Where did (Redacted)
7 (Redacted)

8 A. As usual, Gbadolite, Bangui, the residence, the airport, Mongoumba, the
9 Mongoumba airport and then Patassé's residence.

10 Q. (Redacted)
11 (Redacted)

12 A. From Gbadolite, (Redacted) and from the

13 B. airport -- from --

14 THE INTERPRETER: From the booth: Would the witness be kindly asked to
15 repeat his answer which the interpreters did not get, Madam President? Thank you.

16 PRESIDING JUDGE STEINER: Mr Witness, the interpreters could not understand
17 the last part of your answer. Could you please repeat for them?

18 THE WITNESS: (Interpretation) Yes, Madam President, I will. This is what I
19 said: From Gbado, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR HAYNES:

25 Q. Where did (Redacted) in Mongoumba?

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1 A. (Redacted) in Mongoumba. Not in an airport, but in Mongoumba itself at a
2 location where the soldiers had raised a white flag somewhere in Mongoumba. That
3 is all I can say.

4 MR HAYNES: Can we go into private session, please?

5 PRESIDING JUDGE STEINER: Court officer, please.

6 *(Private session at 11.52 a.m.)Reclassified as Open session

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

8 MR HAYNES:

9 Q. I suppose I just better clear up with you. This was the only trip where (Redacted)
10 (Redacted) is that correct?

11 A. (Redacted) not by aeroplane. Let me repeat, (Redacted)
12 (Redacted)

13 Q. Well, let me be explicit. Are you now saying (Redacted)
14 (Redacted), or do you still say (Redacted)

15 A. Are you talking about Mongoumba, or Bossembélé? A short while ago we
16 talked about Mongoumba. Now your question relates to Bossembélé. So, Counsel,
17 could you be more specific in your questions?

18 Q. Yes, let's talk about Bossembélé. Did (Redacted)

19 A. (Redacted)
20 (Redacted)

21 Q. Okay. Who was in the helicopter firstly to Bossembélé?

22 A. There were ten bodyguards in the helicopter.

23 Q. Again, remember any names?

24 A. No.

25 Q. Other than the bodyguards, anybody else travelling with Mr Bemba?

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- 1 A. No, only Bemba, the pilot and the bodyguards. That was it.
- 2 Q. So no other soldiers from the Democratic Republic of Congo?
- 3 A. No, no Congolese soldiers. The Congolese soldiers, (Redacted)
- 4 (Redacted) In the helicopter there was Mr Bemba, the pilots and the bodyguards.
- 5 That is it.
- 6 Q. And no soldiers from the Central African Republic?
- 7 A. I have just told you that (Redacted) Bemba, the pilots and the
- 8 bodyguards. I think that answer is clear enough, isn't it?
- 9 Q. Yes, but I just want to be clear to compare it with what I certainly recall you said
- 10 earlier. (Redacted) then?
- 11 A. Yes.
- 12 Q. And where did (Redacted)
- 13 A. (Redacted) Not at an airport, but in Bossembélé town.
- 14 Q. And (Redacted)
- 15 A. Mustapha was there. (Redacted) There were also soldiers of the Central
- 16 African Republic and (Redacted)
- 17 Q. Sorry, I want to be clear about what you're saying. There were soldiers of the
- 18 Central African Republic in Bossembélé; is that correct?
- 19 A. (Redacted) a few officers. (Redacted) some officers in Bossembélé.
- 20 Q. What did (Redacted)
- 21 A. (Redacted) They were Central African Republic soldiers. What
- 22 (Redacted)
- 23 Q. Well, (Redacted)
- 24 A. They were in their country.
- 25 Q. I'm sorry, I forgot the five-second rule. (Redacted) they were Central

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1 African soldiers?

2 A. By their uniform. Their uniform is different from ours and I know what the
3 uniforms looked like. That's the answer.

4 Q. How did they look?

5 A. These were military uniforms, and the Central African soldiers wore ranks on
6 their epaulettes and we did not have any such ranks. That is the distinguishing
7 factor between the Central African soldiers and our soldiers; stripes on their
8 uniforms.

9 Q. Thank you. Anything else, such as whether they were wearing berets or had
10 any other markings on their uniforms (Redacted) in Bossembélé?

11 A. The Bangui soldiers had some insignia on their berets. Yes, that is correct.

12 Q. What colour were their berets?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. And what was the insignia on the berets?

17 A. That is what I just told you. (Redacted)

18 (Redacted) they had insignia on their berets.

19 Q. Very well. How long was the helicopter flight from Bangui to Bossembélé?

20 A. That trip was a bit long. I do not have any precise information about the
21 number of minutes (Redacted) I know that (Redacted)

22 (Redacted) That is all. I cannot tell you the exact time it took.

23 MR HAYNES: Okay. I think we can go back into public session.

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

25 (Open session at 12.04 p.m.)

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

2 MR HAYNES:

3 Q. So that we are clear, sir, the next questions I'm going to ask you are about
4 Mongoumba and not Bossembélé. Do you understand that?

5 A. Yes, Counsel.

6 Q. Can you help us as to how long the helicopter flight from Bangui to
7 Mongoumba was?

8 A. (Redacted) from Bangui to Mongoumba. That is why I told

9 you that I cannot give you any details about the time (Redacted)

10 (Redacted) the vice-president, who at that time was the president of the MLC.

11 Q. Well, help us with the meeting party then. Did the party that met the
12 helicopter in Mongoumba also include soldiers of the Central African Army?

13 A. (Redacted) in Mongoumba town itself, it was

14 not at the airport, and Central African soldiers were there. MLC soldiers were also
15 present.

16 Q. Which MLC soldiers?

17 A. But what type of question is that? These were the soldiers who were at the
18 front, soldiers at the battle-field in Mongoumba.

19 Q. Well, was Mustapha there?

20 A. Mustapha was in Mongoumba. Mustapha was also in Bossembélé.

21 Q. Were there any other commanders there (Redacted)

22 A. I cannot give you any names of the commanders who were in the field. There
23 were commanders there. I was not involved in the Central African Republic
24 operation to find out which commanders were there, but there were commanders
25 there in the field. Apart from Mustapha, other commanders were present.

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1 Q. Okay. Well, I want to come back to something we were looking at a little
2 earlier in your interview and see if you can help us with it. Those reading in English
3 will need to look at page 0253. For the witness, he'll need to look at Defence
4 document number 2 at page 367.

5 THE COURT OFFICER: Document CAR-OTP-0056-0348, second redacted version,
6 at page 0367 is available on the screens. It's a confidential document and will not be
7 broadcasted outside this courtroom.

8 MR HAYNES:

9 Q. Sir, do you remember we were looking at this page of your interview earlier this
10 morning?

11 A. (No interpretation).

12 Q. Well, we're going to come back to it and see if you can help us with some of the
13 things you were recorded as saying. The question and answer I read to you this
14 morning was the following, "When did (Redacted) And the answer, which is
15 the first one at the top of your page in French was, "I think it was five days, or a week,
16 after the first visit to PK12. This time around (Redacted) PK22 and Mossembele." You
17 were then asked, "Why do you think it was a week later?", and you said, "I remember
18 that (Redacted) And you
19 were asked, "What happened when (Redacted), and you said, (Redacted)
20 (Redacted)

21 (Redacted) MLC troops were still engaged in the offensive. I don't
22 remember any more whether it was Mongoumo, or Mossembele. I don't remember
23 which was first." And you were asked, "You said that crimes were committed in
24 Mossembele and PK22 and that you knew this because (Redacted)
25 What do you know about these crimes?", and you said, (Redacted) bodies on the road

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1 to Chad." You were asked, "What form of transportation (Redacted)

2 (Redacted) and you said, "A jeep."

3 Now, let's take this step-by-step. Where we see in that interview "Mongoumo", is
4 that the same as Mongoumba so far as you are concerned?

5 A. This is what I said. I am not a resident of the Central African Republic. The
6 following are the names of the localities (Redacted) I do not know whether it was
7 noted down correctly, but those are the towns (Redacted) Crimes had been
8 committed there by the MLC elements. There is no doubt about that. There were
9 dead bodies there. There is no doubt about that. MLC elements looted, killed and
10 perpetrated rapes. I have not invented anything. These things are true.

11 Q. That wasn't really my question. My question was: When you talked in your
12 interview about Mongoumo, are we to take it that you mean Mongoumba?

13 A. (Redacted)

14 Do not mislead me. (Redacted)

15 Q. What was the unit you were referring to in your interview, the security unit that
16 (Redacted)

17 A. (Redacted)

18 (Redacted) along with bodyguards of Mr Jean-Pierre Bemba.

19 Q. Well, please look at your answer in your interview. I think the French is
20 translated accurately into English, (Redacted) was there to
21 uphold security." What unit are you referring to?

22 A. He went to PK22 to visit. After that, (Redacted) As to
23 Bossembélé and Mongoumba, (Redacted) That is all. There is
24 nothing else to add.

25 Q. What was the MLC unit that was there in the Central African Republic that

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1 (Redacted) to Mongoumo, as you called it?

2 A. (Redacted) bodyguards on board a helicopter which belongs

3 to Mr Jean-Pierre Bemba. (Redacted) to Mongoumba.

4 Q. But the bodyguards came from Gbadolite, didn't they?

5 A. (Redacted) the bodyguards from Gbadolite.

6 Q. So that was not a unit of the MLC which was there to uphold security, was it?

7 A. There was no unit which was there to provide security for Mr Bemba. It was
8 his bodyguards who travelled with him right to Mongoumba, and on the ground in
9 Mongoumba the elements of the MLC, or Congolese Liberation Movement, were
10 there.

11 Q. (Redacted) Bemba use to travel along the road?"

12 "A jeep." What road were you talking about?

13 A. (Redacted) travelled

14 there in a helicopter. (Redacted) boarded a helicopter.

15 Q. It's quite hard to see bodies on a road from a helicopter, isn't it?

16 A. It is not difficult. There were dead bodies (Redacted) where he was
17 discussing with the soldiers there were dead bodies. There is no doubt about that.
18 In a helicopter, you overfly the town before landing. Even if you are high up in the
19 air, when you are going in to land you can see what is on the ground (Redacted)
20 (Redacted)

21 Q. (Redacted) travelled to Bossembélé and Mongoumba
22 by helicopter?

23 A. Sir, (Redacted) Mr Jean-Pierre Bemba and
24 his bodyguards. (Redacted)

25 (Redacted) Mr Bemba at the time of the

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1 events in Mongoumba and in Bossembélé. There is no doubt about that.

2 Q. I just want to complete the section of questions about Mongoumba. Did (Redacted)
3 (Redacted)

4 A. There were comrades in arms who had taken part in the operations in the
5 Central African Republic.

6 Q. (Redacted)

7 A. They explained to (Redacted) what they had gone to do there after the order that
8 had been issued to them. They had been sent to go and accomplish a task in the
9 Central African Republic. They said they had killed, they had raped. It was like a
10 song. They were saying it because that was part of the orders that they had received
11 from their leader. "You leave your country and go to Central African Republic to
12 work," so they went there to implement the orders that had been given to them.

13 Q. (Redacted)

14 A. The soldiers were saying it. Even after they returned to the DRC, they were
15 talking about this freely. They said they killed, they raped and they stole, and this
16 could be seen. Everybody could see that after they returned. There is no doubt
17 about it.

18 Q. Well, you see, I've been checking with you at every location (Redacted)

19 (Redacted) and this

20 is the first time you've said they said anything like that. So I want to be clear: (Redacted)
21 (Redacted) were first told such things by soldiers?

22 A. (Redacted) speak with the

23 friends who were involved in that operation and that was visible. They perpetrated
24 those crimes. They did those things and it was at the orders of their leader. They
25 did all that. There is nothing to add.

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1 Q. I don't want there to be any doubt. Nothing like that was said (Redacted) in PK12;
2 is that right?

3 A. In PK12 they also said that.

4 Q. Nothing like that was said (Redacted) in PK22?

5 A. Counsel, we are beating about the bush. You are asking the same questions
6 and coming back to the same thing. (Redacted) corpses - dead bodies - in the Central
7 African Republic. Everywhere (Redacted)
8 (Redacted) They committed crimes. They killed, they raped and they looted.
9 They themselves said it; that is those soldiers who were part of that operation in the
10 Central African Republic. They said that in Bangui. They said it after they
11 returned to the DRC. It was like a song. They thought it was normal.

12 MR HAYNES: Well, we probably better go into private session now, if we can, your
13 Honour?

14 PRESIDING JUDGE STEINER: Let's turn into private session, please.

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

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

17 MR HAYNES:

18 Q. Sir, you have given us the name (Redacted) as being somebody who told you
19 (Redacted) the crimes he had committed. Can you give us any other name of
20 somebody who told you they had committed a crime in the Central African Republic?

21 A. Chief Warrant Officer (Redacted) told me about the crimes they perpetrated in
22 the Central African Republic. They killed, they raped and they stole. Amongst the
23 bodyguards of Jean-Pierre Bemba, there were soldiers who had taken part in the
24 operation in the Central African Republic. Today I no longer remember their names.
25 There were many of them in the security of Jean-Pierre Bemba who told stories about

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1 how they killed, they raped and stole. There was no doubt these were true things.

2 Q. How many crimes did (Redacted) confess to you he personally had
3 committed?

4 A. This is what (Redacted) told me: They went into the residence of the Central
5 African Minister for Education and, when they went in there, the person told them, "I
6 am the Minister of Education in Bangui." They asked him for money. He took out
7 some money and gave them, and these were euros. When (Redacted) and the others
8 took the money, they killed that minister.

9 He took the money, and news about that money spread around and Mustapha started
10 killing our own elements to find out who had taken that money. That bothered (Redacted)
11 very much, so (Redacted) went to see Mustapha and said, "Look I'm the one who has
12 the money. I have it with me." And Mustapha told him, "Very well, don't tell that.
13 Tell it to the comrades in arms. Give me that money and shut up." (Redacted) handed
14 over that money to Mustapha. It was in euros and (Redacted) did not know the
15 currency. There was a lot of money and, when they went back, in fact (Redacted) had
16 gone right to the border with the Chad - with Chad - and they returned in dispersed
17 groups. They crossed by ferry to Zongo, and when (Redacted) crossed in a canoe
18 this is what he told me before he left. When people were returning, anyone that they
19 found they would consider as an enemy and they killed them. So they committed
20 many crimes. When they were retreating, they killed many people while trying to
21 find a way to return to the DRC. Many of our elements died. They were killed by
22 arrows from civilians.

23 When (Redacted) returned, he went to look for Mustapha. He told me that he went on
24 that day to kill Mustapha, and when he asked his bodyguards the question Mustapha
25 came out of his house and he said, (Redacted), I thought you had died. Come let us

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1 discuss (Redacted) asked him the question about the money and he told (Redacted),
2 "Do not ask me that question any more about that money. Bemba is aware and,
3 (Redacted) do not bother yourself. Since we have been requested to send guards to
4 the president, I'm going to send you to the president. Take this money in CFA Francs
5 and go there." So when (Redacted) came to join -- to join the escort of Jean-Pierre
6 Bemba, he was telling us these things as a song, like a song. He told us, that is with
7 the other soldiers that we were with. He told everybody and he seemed to like telling
8 about what they had done. He said they had killed and they had raped and that they
9 had stolen everything that they could find in the Central African Republic.

10 Q. So when did he tell you this?

11 A. (Redacted) told me this when they arrived in Gbadolite.

12 Q. Thank you. And who else was there when he told you?

13 A. Many soldiers were present at Bemba's residence in Gbadolite, but he told this
14 story over and over again. It was something that was special to him. It was a point
15 of honour for him, and it related to their experience in the Central African Republic
16 which they considered to be some measure of honour and prestige.

17 Q. So when you say "many other soldiers," do you mean bodyguards?

18 A. Yes, I am talking about Mr Jean-Pierre Bemba's bodyguards. There were no
19 other soldiers there, and I'm referring here to the bodyguards; those who were close
20 bodyguards and those who worked in the intervention unit with Mr Bemba.

21 Q. So can you help us as to the name of any one person who was there when (Redacted)
22 told this story?

23 A. Many names: (Redacted) There were many of them. I have
24 forgotten some of the names. Some of them are still alive today and some may have
25 already died, but there were many in number at that time.

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1 Q. Well, I'm glad you mentioned that because you know, don't you, that (Redacted)
2 (Redacted) was arrested in Kinshasa in November of 2007?

3 A. I asked about (Redacted) and I was told that he was struck by a bullet in the
4 leg and that he was in the Makala prison. That is the information I have about him.

5 Q. Do you believe him to be alive, or dead?

6 A. I have no idea. I don't know the answer to that question. I was no longer in
7 Kinshasa. I got information through persons known to me who told me that (Redacted)
8 had been injured in the leg and that he had been taken to the Central Prison.

9 Q. I chose the word very carefully. I didn't ask you what you knew. I asked you
10 what you believed. Do you believe (Redacted) to be alive, or dead?

11 A. The most recent information available to me is that (Redacted) is at the Makala
12 Central Prison. I know nothing further than that.

13 Q. Now, how long after the return of the troops from the Central African Republic
14 did (Redacted) go to Kinshasa?

15 A. When the soldiers returned, I remember that it did not take long for (Redacted)
16 to go to Kinshasa to accompany Mr Jean-Pierre Bemba, who had just been appointed
17 vice-president of the Republic.

18 Q. The training programmes for bodyguards, which you told us about, do you
19 remember when they took place?

20 A. The training was handled by (Redacted) and others' group. They were
21 the ones who provided the training, but the training did not last long. Barely one
22 month after it started, they went into service. The training did not last up to two or
23 three months, no.

24 Q. Well, you told us about I think three courses: One in the year 2000, another
25 run by the Libyans and a third course. Do you remember in what years those other

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1 two courses were?

2 A. (Redacted) and the others were trained in 2003 at the time of a withdrawal. It was
3 at that time that Mr Bemba selected some soldiers who had experience, who had
4 experienced war, and it was at that time that (Redacted) and others were selected and
5 assigned to the DPP, the Department for the Protection of the President, in Gbadolite
6 and trained accordingly. (Redacted) did not take part in the training provided by the
7 French. He was part of the last group, the last group that came in, which was
8 trained.

9 Q. Do you recall the name of the officer in charge of the communication centre in
10 Gbadolite?

11 A. Those who worked in the communication services were (Redacted) in Kinshasa
12 and -- in Gbadolite, rather, and they were the same who were present in Kinshasa
13 along with Mr Bemba. (Redacted) (phon) was one of them, as well as another
14 captain who was part of it prior to the travel to Portugal. So I can remember that
15 there was (Redacted) and another one whose name I forget, who were in charge of
16 those services in Gbadolite.

17 Q. Well, it was (Redacted) (phon) I had in mind. Did (Redacted)
18 (Redacted) during the period of the intervention in 2003?

19 A. (Redacted) in the communications services. He was an
20 operator and (Redacted) He talked about what had happened in Bangui
21 and he said that it was a serious thing that happened in Bangui, that our soldiers were
22 at work, that it was a serious matter, but it was a confidential matter and that (Redacted)
23 (Redacted) part of history, although he didn't provide any details regarding the
24 information he provided, which he said was confidential.

25 Q. Did you have regular contact with (Redacted)

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1 A. (Redacted) in Gbadolite. Even from Gbadolite to Kinshasa, all
2 along (Redacted)

3 Q. And, so far as you 're aware, did (Redacted) had regular contact with (Redacted)

4 A. Whether it be (Redacted) or (Redacted) and (Redacted) used to
5 communicate with each other. That is what I have just told you. (Redacted)
6 (Redacted) used to
7 communicate with each other on a daily basis.

8 Q. Thank you very much. Now, the Central African Minister for Education, do
9 you know in what town he was allegedly murdered?

10 A. (Redacted) did not give me the name of the town. He simply told me that he had
11 (Redacted) but he didn't tell me
12 whether it was in Mongoumba, in Bossembélé, in PK12 or elsewhere. He simply
13 told me that they had collected some money and then killed him.

14 Q. Do you know whether the minister lived with his family?

15 A. I'm sorry, I do not know.

16 Q. Do you know whether he had any neighbours who witnessed this event?

17 A. I did not work in the Central African Republic. What I am narrating to you
18 here is what I was told by (Redacted). I don't know where he used to live. I don't
19 know the name of the town. I am simply telling you what (Redacted) told me.

20 Q. Well, was the event, so far as you are aware, reported in the press, on the BBC
21 or RFI?

22 A. I learned these things from (Redacted), not from the media, neither BBC nor RFI. I
23 learned these things - or I learned of these things - from (Redacted) who was involved
24 in the operations in the Central African Republic. (Redacted) told me these things
25 willingly, not under any form of constraint or duress. (Redacted) these things himself.

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1 Q. Well, let's leave (Redacted) to one side for a minute. Did any other soldier tell
2 you about the alleged murder of a Central African minister of government?

3 A. (Redacted) is the one who made that statement. No other soldier said so.
4 (Redacted) is the one who did in the Central African Republic.

5 Q. And did you ever hear anybody refer to such a story on any of your visits to
6 the Central African Republic?

7 A. You have asked me that question already and I have told you that it is (Redacted)
8 (Redacted) who told me the story. I did not hear it from anyone else. The other
9 soldiers talked about killings, about rapes, about how they had looted the property of
10 Central Africans, so this statement was made by (Redacted).

11 Q. Well, were you aware if President Patassé had complained to Mr Bemba about
12 the murder of one of his government ministers by the MLC?

13 A. When Mr Bemba went to see Patassé for a discussion, or when they had their
14 conversations by telephone, these would be matters that (Redacted)
15 so I cannot talk to you about whatever it is that they may have discussed in both
16 cases.

17 Q. Well, let's concentrate on your only source of information for this story. Did
18 (Redacted) tell you whether anything had been done to hide the fact that a minister
19 of government had been robbed and murdered?

20 A. In a nutshell, this is what (Redacted) told me: A Central African minister had
21 been killed, but before he was killed money was collected from him. The money was
22 handed to Mustapha. Mustapha intimidated, or rather ordered other soldiers to give
23 him the money, so in a nutshell the minister was killed after money was taken from
24 him. This is the story we were told by (Redacted)

25 Q. Well, you see, we've heard a lot of evidence in this case from people in the

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1 Central African Republic and not one of them has told us about the murder of a
2 government minister by the MLC. Can you explain why that would be?

3 THE INTERPRETER: From the Lingala booth: Madam President, would Counsel
4 be kindly asked to repeat his question which was not fully understood?

5 PRESIDING JUDGE STEINER: Sorry, Mr Witness, to interrupt you. Before you
6 give the answer, the interpreters are asking Mr Haynes to repeat the question please.

7 MR HAYNES: Yes.

8 Q. Sir, we have heard from a lot of witnesses from the Central African Republic
9 about the intervention of the MLC, and not one of them has recounted a story
10 involving the murder of a government minister by MLC soldiers. Can you explain
11 that?

12 A. I do not know the ministers in question. However, (Redacted) said that it
13 was the Minister of Education.

14 Q. I don't know if you are aware, but in 2003 an inquiry was carried out in Bangui
15 by the Chief Magistrate and Prosecutor of the Central African Republic and that
16 inquiry received evidence from many people and yet nobody seems to have
17 complained about the murder of a government minister. Can you explain why that
18 would be?

19 A. All I can say in that connection is that I was not involved in that matter. It is
20 (Redacted) who took part in the operations in the Central African Republic and he is
21 the one who made the statement. He said that they had killed a minister and had
22 taken money away from him and that the money was in euros. That is what he stated.

23 Q. Well, I want to put something to you in very clear terms. (Redacted) was one
24 of Mr Bemba's bodyguards and he was one of Mr Bemba's bodyguards throughout
25 the period of the intervention in 2003, wasn't he?

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1 A. Never. (Redacted) became Mr Jean-Pierre Bemba's bodyguard after the
2 withdrawal from the Central African Republic to the Democratic Republic of the
3 Congo. It is at that time that (Redacted) became Mr Jean-Pierre Bemba's bodyguard
4 and we worked in the same detachment. We worked together in Gbadolite and in
5 Kinshasa. At that time, he had come from Zongo through Gbadolite and had been
6 trained subsequently. Then we travelled from Gbadolite together to Kinshasa,
7 where the transitional government had just been set up. He was not initially a
8 bodyguard. He became a bodyguard later on when we were preparing to travel to
9 Kinshasa.

10 Q. I think you understand what I'm suggesting to you. (Redacted) was never in
11 the Central African Republic, was he?

12 A. (Redacted) went to the battle-front in the Central African Republic. I don't
13 know which brigade he belonged to but I know that he was at the front. It is when
14 he returned from the Central African Republic that he became Mr Jean-Pierre Bemba's
15 bodyguard. Initially, we did not work together in the security services of
16 Mr Jean-Pierre Bemba. By the time we went to Bangui I did not know (Redacted) yet, but
17 he was at the battle-front and it is when our men returned to the Democratic Republic
18 of the Congo that I got to know him, when he joined the group of bodyguards who
19 were then trained and sent on to Kinshasa. I hope that my answer is clear enough.

20 Q. Well, just let me clarify one aspect of it. Is it your answer that you did not
21 know (Redacted) at any stage earlier in the rebellion before 2003?

22 A. Please, listen to me attentively as I explain this to you. (Redacted) did not know (Redacted)
23 (Redacted) before. He was part of the operations in Bangui, during the war in Bangui,
24 and at that time I was working with Bemba but I did not know (Redacted). When the
25 troops finished their task or their mission in the CAR, they returned to the DRC, and

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1 it is at that time that (Redacted) came from Zongo to join the DPP. That is the
2 Department for the Protection of the President, the services that provided his
3 protection and security, and this was at the time we were getting ready to go to
4 Kinshasa. That is when I started working with (Redacted) and we continued working
5 together until we got to Kinshasa.

6 Q. One last question before lunch --

7 PRESIDING JUDGE STEINER: Mr Haynes, a short one, please.

8 MR HAYNES: Yes.

9 Q. You know he's dead, don't you?

10 A. I do not know. I do not know whether he is dead or alive. All I know of him
11 or about him is that he is supposed to be in the central prison. If you say that he is
12 dead, well, it is here and now that I am learning of it or finding out about it here, in
13 this Court.

14 PRESIDING JUDGE STEINER: Mr Witness, it's time now for our lunch-break. You
15 have time to take some rest as well. It's 1 o'clock. We will resume at 2.35.

16 I ask, please, court officer to turn into closed session for the witness to be taken
17 outside the courtroom. We will suspend and resume at 2.35.

18 *(Closed session at 1.03 p.m.)Reclassified as Open session

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

20 (The witness stands down)

21 THE COURT OFFICER: All rise.

22 (Recess taken at 1.03 p.m.)

23 *(Upon resuming in closed session at 2.39 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

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- 1 Could, please, court usher bring the witness in.
- 2 (The witness enters the courtroom)
- 3 PRESIDING JUDGE STEINER: Court officer, please could we turn back to open
- 4 session.
- 5 (Open session at 2.40 p.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Thank you very much.
- 8 Mr Witness, good afternoon and welcome back.
- 9 THE WITNESS: (Interpretation) Good afternoon, Madam President.
- 10 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 11 THE WITNESS: (Interpretation) Yes, I'm ready.
- 12 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.
- 13 MR HAYNES: Thank you very much, your Honour, and good afternoon.
- 14 Q. And good afternoon to you, sir.
- 15 A. Good afternoon.
- 16 Q. On any of the occasions that you were in the Central African Republic, did you
- 17 ever see Mustapha in or near a motor vehicle?
- 18 A. No, I never saw Mustapha inside a vehicle, or outside of it.
- 19 Q. (Redacted)
- 20 A. (Redacted)
- 21 Q. (Redacted) to Kinshasa, the vehicles which you noticed in Gbadolite,
- 22 which had come from the Central African Republic, were the blue Pajero, the white
- 23 Land-Cruiser and a red motorbike; is that right?
- 24 A. Yes, that is correct.
- 25 Q. And the only information you had about them was that they had come from the

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1 Central African Republic?

2 A. Those vehicles came from the Central African Republic.

3 Q. Now, unless I'm mistaken, the blue Pajero was driven by Mustapha when you
4 saw it, wasn't it?

5 A. Can you please repeat the name of the person who was driving that vehicle?

6 Q. Mustapha.

7 A. Madam President, I would like to request that we go into private session for me
8 to answer that question.

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

10 *(Private session at 2.45 p.m.)Reclassified as Open session

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

12 THE WITNESS: (Interpretation) In answer to your question, I will tell you the
13 following: Mustapha never drove the blue Pajero. It was the driver of Mr Bemba's
14 residence who drove that vehicle. There was Gilbert and other people so, in
15 summary, it was the drivers in Mr Bemba's residence who drove that vehicle and I
16 will repeat: I never saw Mustapha drive the blue Pajero. That vehicle was in
17 Gbadolite and it was driven by the drivers of the residence.

18 MR HAYNES:

19 Q. Did you see Mustapha in Gbadolite after the intervention in 2003?

20 A. After the intervention of 2003, Mustapha was in Gbadolite.

21 PRESIDING JUDGE STEINER: Mr Haynes, just one second.

22 Mr Witness, can we turn back into open session?

23 THE WITNESS: (Interpretation) Madam President, that will depend on the
24 question -- on the questions that Counsel puts to me. If everything is all right, then
25 we can revert to open session.

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1 PRESIDING JUDGE STEINER: Mr Haynes, what's your opinion?

2 MR HAYNES: Shall I try this question in private session?

3 Q. Did you see in what transport Mustapha arrived back in Gbadolite after the
4 intervention?

5 A. Mustapha had a vehicle at his disposal and I do not know the make of that
6 vehicle, but I can confirm that he had a vehicle he had taken from Zongo and that he
7 was driving in Gbadolite.

8 Q. Very well. The white Land-Cruiser, was that driven by General Amuli?

9 A. Yes, General Amuli drove that vehicle as well as his driver. His driver's name
10 was Alphonso.

11 Q. And did you see or were you aware who was driving that vehicle when it
12 arrived in Gbadolite?

13 A. No, I do not know the names of the people who brought that vehicle, but when
14 the vehicle arrived -- when the vehicles arrived, the blue Pajero was in Mr Bemba's
15 residence while the white Land-Cruiser was at General Amuli's place.

16 Q. Thank you very much. Now, just moving on, remind us: Do you know who
17 the commander was of the 2001 intervention in the Central African Republic?

18 A. No, I do not know the name of the person who was the commander of the
19 operation in 2001.

20 Q. And do you know the name of the commander of the operation in 2002?

21 A. No, I have told you before that I do not know the people who commanded the
22 operations in 2001 and 2002, but with regard to 2003 I know that it was Commander
23 Mustapha.

24 Q. Thank you. Again, something we've covered. I want to deal with the
25 question of antenna at Mr Bemba's residence. You agree, do you, there was a

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1 satellite dish on the roof?

2 A. Yes, there was a satellite dish which was not on the roof but on the ground; that
3 is on the terrace.

4 Q. Well, there was also an antenna on the terrace, wasn't there? There was one on
5 the roof and one on the terrace; do you recall that?

6 A. I no longer remember, but I can confirm that there was a satellite dish on the
7 ground, but what I would like to say is that these questions about the satellite dishes
8 will not help us very much. What is important here is what happened in the Central
9 African Republic. I believe that the questions related to the satellite dish are not very
10 important to me.

11 Q. And you might also recall there was a third satellite that was outside in the
12 compound. Do you recall that? So there's one on the roof, one on the terrace and
13 one in the compound?

14 A. To my knowledge, I am only aware of the satellite dish that was near the terrace.
15 That's all.

16 Q. Do you have any idea to what device or devices that satellite dish was attached?

17 A. I am not a technician. My job was to provide security for Jean-Pierre Bemba.
18 I'm not a technician. I did not learn about the mechanics of satellite dishes. The
19 only work that I did in the DRC was the work of a soldier. I am not a technician.

20 MR HAYNES: We are still in private session, aren't we?

21 Q. Just to complete as it were the state of your knowledge as to commanders, were
22 you aware who the commander of the brigade was in the Ituri area?

23 A. Here we are in the case relating to the Central African Republic. That is the
24 reason for our being here. I am appealing to you to ask me questions relating to
25 what happened in the Central African Republic. Ituri is of no relevance here.

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1 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me?

2 Mr Witness, if you know an answer, you should give the answer. It's for the Defence
3 to decide what they see as relevant or not for their case. If you don't know of course
4 you say, "I don't know," but if you know the answer just give the answer and then we
5 can advance as much as possible.

6 Is that fine with you, sir?

7 THE WITNESS: (Interpretation) Very well, Madam President. He is asking me a
8 question about the commander in Ituri. I would like to ask him which locality, or
9 which town, he is referring to in Ituri? If he gives me that clarification, then I will
10 answer his question.

11 MR HAYNES:

12 Q. Well, let's try Mambasa?

13 A. As far as I know, there was General Widi Divioka went to that area of Mambasa
14 for an intervention.

15 Q. Thank you. Now, just dealing with communications generally, in Gbadolite in
16 2003 there was no mobile phone network, was there?

17 A. No, but they became available towards the end of the year. Before (Redacted)
18 Kinshasa, the Vodacom company came and set up an antenna there.

19 Q. Well, you and I are not going to disagree about that, but during the period we
20 are concerned with there was no mobile telephone network, in other words during
21 the intervention; do you agree?

22 A. Yes, I agree with you.

23 Q. And so in order to make contact with other areas of the Democratic Republic of
24 Congo, or outside, you needed a wireless device or a satellite telephone; is that right?

25 A. Yes, they used satellite telephony. President Jean-Pierre Bemba had a satellite

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1 case that he used to communicate with the exterior. He also had Thuraya sets that
2 he used himself.

3 Q. Thank you. And he would use those for example to contact his family in
4 Europe; do you agree with that?

5 A. I do not know.

6 Q. Well, I'm coming on to that. How many times do you say you actually saw
7 him outside using a Thuraya?

8 A. Several times he would use the Thuraya and he would do so outside.

9 Q. And how many times do you say you heard what he was saying?

10 A. In Gbadolite, I heard him have a conversation with Mustapha from his
11 residence by Thuraya. I do not know what Mustapha said. However, we were able
12 to hear his answers and thus became aware that he was talking to Mustapha because
13 he mentioned Mustapha's name. Mustapha was reporting to him about those who
14 had been arrested and whether they were civilians or soldiers we do not know. We,
15 however, heard his name being mentioned and it was said that "We do not need those
16 people and those people have to be taken away because they were not needed". So
17 we understood that Mustapha was reporting to him and, when the president said he
18 did not need those people, that is what he meant. And in our country, in the
19 Democratic Republic of Congo, when it was said that the people were not needed it
20 meant that those people had to be executed, or had to be killed. So this is what I
21 understood from their conversation over the Thuraya system.

22 Q. Thank you, sir. That really was a very helpful answer, but I wanted to know
23 how many conversations you actually heard and do I take it that you only ever heard
24 one conversation that Mr Bemba had outside on a Thuraya; is that right?

25 A. He talked to Mustapha over the Thuraya, because he mentioned Mustapha's

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1 name during that conversation, and by the way, Mustapha was the only one -- or
2 rather Mustapha was leading the operations in the Central African Republic, so it is
3 when we heard his answers to what Mustapha was saying to him that we came to
4 understand that Mustapha had arrested some people and that they were talking
5 about prisoners of war and Mustapha was reporting to him on that situation. Then
6 the leader said "Get rid of Godjo (phon)," or "Execute them," which was to be
7 understood to be the intention. So we don't know whether these were civilians or
8 soldiers. In any event, what we heard was the president's answer to Mustapha over
9 the Thuraya system.

10 Q. Well, while we are there, not only did you not know whether they were
11 civilians or soldiers, you didn't know what nationality these people were either, did
12 you, from what you heard?

13 A. I have already told you that I do not know whether they were civilians or
14 soldiers, so I do not know.

15 Q. Thank you, but I just want to be clear. In (Redacted) of being Mr Bemba's
16 bodyguard, you only ever overheard this one telephone conversation; is that correct?

17 A. Please listen to me carefully. Bemba used the Thuraya phone for as long as I
18 was there, as well as the satellite telephone system. He used to communicate
19 through those devices, but speaking specifically about the conversation with
20 Mustapha, yes, he did so over the satellite phone, but what I'm referring to
21 specifically is the conversation he had with Mustapha during the war and at that time
22 Mustapha was in the Central African Republic.

23 Q. That I understand, but did you ever hear him outside talking to his wife?

24 A. Yes, he had external relations. He could talk with Saso (phon), Qadhafi,
25 President Bongo or even his family, his wife, who was in Belgium. So he had

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1 conversations with his family and with other persons he knew, such as President
2 Patassé and others, still.

3 Q. The satellite phone was linked to the satellite dish on the roof, wasn't it?

4 A. Really, I have no answer. I have already told you that I am not a technician, I
5 do not know how the satellite units are operated. I don't know what answer to give
6 you, except to say that I am not a technician.

7 Q. Okay. Well, I'll just give you one more chance. Can you tell us about one
8 other call (Redacted) during (Redacted)

9 A. I have no answer.

10 Q. Thank you. Did you ever have cause to send messages through the
11 communications centre yourself?

12 A. Who would I be sending the messages to and where? We did not send any
13 messages. None at all.

14 Q. Thank you. Do you have any idea how messages were sent and received
15 through the communications centre?

16 A. I am not an operator. It is the operators who know how to send and receive
17 messages. I have no idea how those things work.

18 Q. Thank you. Do you have any idea how messages sent and received through
19 the communications centre were recorded?

20 A. Someone would be speaking and the one in Gbadolite would write down what
21 was being spoken from the other end while the person from Gbadolite could speak
22 and the person at the other end would take down what was said. That is how it
23 happened.

24 Q. Did you ever have access to those recorded messages?

25 A. Everything was jotted down in a notebook and only President Bemba's

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1 operators had access to those notebooks. No one else had access to the books and no
2 one else was able to read them.

3 Q. So just to be absolutely clear, you never saw or read messages that came
4 through the communications centre?

5 A. The notebook left the operators' office to that of the commanders and then to
6 President Bemba's office and returned through the same channel. That is how it
7 worked and no one else had access to those notebooks.

8 Q. Thank you very much. Do you know how communications through the
9 communications centre were received in Bangui?

10 A. That was the job of the operators. The operator in Bangui would communicate
11 with the operator in Gbadolite and the one from Gbadolite will communicate with the
12 one in Bangui. That is what the operators did and that is how they proceeded.

13 Q. Do you know where the operator in Bangui was situated?

14 A. No, I was not part of the operations in the Central African Republic.

15 Q. Thank you. Do you know whether the communications operator in Bangui
16 was a Congolese or a Central African?

17 A. No. However, to my mind the operators who were there were of the ALC.
18 They were not operators from Bangui. They were of the ALC.

19 Q. Have you heard of the POCC in Bangui?

20 A. No, I do not know that.

21 Q. Do you know who the Chief of Staff of the Central African Army is?

22 A. No.

23 Q. Do you know how the FACA co-ordinated its own forces in the field during
24 these events?

25 A. No.

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1 PRESIDING JUDGE STEINER: Mr Haynes --

2 MR HAYNES: Yes.

3 PRESIDING JUDGE STEINER: -- don't you think we could go back into open
4 session for this series of questions, if you are continuing?

5 MR HAYNES: Your Honour, that is an absolutely appropriate observation and I am
6 very sorry. We should have been in open session a little while ago.

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

8 (Open session at 3.17 p.m.)

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

10 MR HAYNES:

11 Q. Do you know who gave orders to the Libyans to use their aircraft and where?

12 A. The aircrafts were assembled in Gbadolite and then they would fly off to the
13 Central African Republic. What I heard was President Bemba asking Mustapha
14 whether they had any fighter planes in Bangui. Apart from that I do not know who
15 gave orders in Bangui, particularly with regard to the Libyan aircraft.

16 Q. Thank you. Do you know how the forces of the Central African Republic were
17 co-ordinated with forces from other countries?

18 A. How would I know that? I was not part of the operations in the Central
19 African Republic. How do you expect me to know that?

20 Q. Do you know where the MLC troops got their transportation from?

21 A. I do not know. I did not participate in the Bangui operations. When
22 Mustapha received money for the military rations, he said that he was doing his level
23 best on the field, or on the ground, so he had nothing, but he was struggling to make
24 ends meet, and Bemba gave them money for the rations. Now, whether he was able
25 to get transportation on ground, or whether people were able to give him some

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1 assistance and what have you, well, that is what you say, but I personally do not
2 know anything about it.

3 Q. Do you know where the MLC forces in the Central African Republic got their
4 ammunition from?

5 A. Well, it is true that supplies for the military came from the Democratic Republic
6 of the Congo in the Équateur through the MLC. Any other supplies from Libya were
7 in Zongo, so if they needed any supplies of weapons, support supplies, those would
8 come in through Zongo or the Central African Republic.

9 Q. And do you know where the MLC forces got their intelligence from as to the
10 whereabouts and strength of the enemy?

11 A. The MLC services on the ground knew that Mustapha had already worked in
12 the DRC and it is not without reason that he was sent to the Central African Republic.
13 Everything was organised and the intelligence service provided the necessary
14 intelligence and then the troops will be committed thereafter. Yes, indeed, there was
15 an intelligence service working for them on the ground.

16 Q. I assume you would agree that Mustapha knows better than you how and from
17 whom he was receiving his orders in the Central African Republic?

18 A. There was only one man who gave instructions to Mustapha, and it was
19 Mr Bemba, neither Mr Patassé nor the Chief of Staff of the Bangui army. Mustapha
20 received his orders from Bemba and Mustapha was the one in charge of operations in
21 the CAR.

22 Q. Would you accept that the Chief of Staff of the FACA would know better than
23 you what role his troops played in the events?

24 A. I am a soldier and I have been involved in operations throughout my life and
25 I know what military manoeuvres are all about and I know how they unfold.

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1 Q. Have you ever been involved in military manoeuvres that involved forces from
2 a number of different countries?

3 A. Yes, in my country, the DRC, during the rebellion.

4 Q. And how were those various forces co-ordinated?

5 A. Let me tell you that I know how that happens, because I've already been
6 involved in it and the details are irrelevant. So please put your questions so that we
7 can make some progress. As for Bangui, it is Mr Bemba who commanded his troops.
8 It is not the army of the CAR that had control over the MLC or the ALC troops. It is
9 Mr Bemba who commanded, or led, his troops.

10 Q. Sir, have you ever taken part yourself in strategic military planning?

11 A. I was involved in the war in my country. We had Ugandans in the MLC and
12 they were in charge of commanding or leading operations on the ground during the
13 rebellion. When they left, the sector commanders took over and they were still
14 Ugandans and they were still commanding or leading the troops on the ground and
15 they were the ones prosecuting the war. I took part in a number of operations and I
16 have some experience in these matters. I am familiar with the manner in which
17 military operations are carried out on the ground.

18 Q. Have you ever commanded a tactical unit in combat?

19 A. In the DRC, yes, in a very serious operation.

20 Q. Have you ever set up a logistics chain?

21 A. Logistics is an area of specialisation for a group of people known as the land
22 forces. The land forces or ground forces deal with logistics.

23 Q. Have you ever managed an intelligence network?

24 A. Before any troops are committed, intelligence must be conducted to determine
25 the position of the enemy, the nature of the weapons the enemy has and the fighting

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1 ability of the enemy, and that takes place before the forces can advance. So the
2 intelligence service is the very core of the ground forces and so it is not possible to do
3 anything without the necessary intelligence forces.

4 Q. Sir, as an ordinary soldier, what was the highest rank you achieved?

5 PRESIDING JUDGE STEINER: Yes, Mr Witness?

6 THE WITNESS: (Interpretation) Your Honour, if we want to go into questions
7 related to military ranks, I would ask you if you would allow me to -- or if you would
8 allow us to go into a closed session.

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

10 *(Private session at 3.31 p.m.)Reclassified as Open session

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

12 THE WITNESS: (Interpretation) I am (Redacted)

13 (Redacted)

14 MR HAYNES:

15 Q. Sir, you're (Redacted) aren't you?

16 A. (Redacted)

17 worked for the vice-president, Jean-Pierre Bemba.

18 Q. As a bodyguard. That's right, isn't it.

19 A. Yes, indeed, I was a bodyguard.

20 MR HAYNES: There's just one last thing I want to ask you about and we need just
21 briefly to look at document number 1 on the Defence list and I think it's on the very
22 first page.

23 THE COURT OFFICER: Document CAR-OTP-0056-0315, third redacted version, is
24 available on the screens. It's a confidential document.

25 MR HAYNES: I'd like the witness to see the middle of the page.

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1 Q. Sir, this is the record of your interview with the Office of the Prosecutor in
2 December of 2009, and can you see that in the middle of the page it records the names
3 of your children?

4 A. Yes.

5 Q. And don't worry, we are in private session, and it records that your eldest
6 daughter was born on (Redacted) your next daughter was born on
7 (Redacted) and then your son, (Redacted) was born in (Redacted) Do you see that?

8 A. Yes, I can see that here before me.

9 Q. Did you not know the date of birth of your son in December 2009?

10 A. You're referring to the period of December 2009?

11 Q. Well, I can simplify it. You couldn't tell the investigators from the Office of the
12 Prosecutor what the date of birth of your son was when they interviewed you; is that
13 right?

14 A. My son was born -- well, I don't have the birthday. I can't think of the exact
15 birthday. You know that my child was born in (Redacted) and my wife was pregnant.
16 He was born in my absence. I didn't think it was an important issue, the date of
17 birth of my child. Really, it's not an important issue.

18 Q. You did know your wife was pregnant, did you, when (Redacted)
19 (Redacted)

20 PRESIDING JUDGE STEINER: Relevance, Mr Haynes, please.

21 MR HAYNES: Credibility. Credibility.

22 PRESIDING JUDGE STEINER: This is extremely distressing for the witness.

23 Credibility is too general in my view. I need a better explanation on the relevance.

24 MR HAYNES:

25 Q. Were you in touch with your wife after you went to (Redacted)

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1 A. I have no answer to give you. For any questions referring to my family, I
2 would ask you not to ask. It is not a matter which concerns us here. Please ask me
3 questions relating to what happened in the Central African Republic.

4 MR HAYNES: I have no further questions, thank you.

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

6 (Open session at 3.39 p.m.)

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

8 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

9 I ask whether Maître Badibanga has any further questions to put to the witness?

10 MR BADIBANGA: (Interpretation) Your Honour, no, we don't have any
11 additional questions to put. Thank you.

12 PRESIDING JUDGE STEINER: Judge Aluoch has some clarifications to seek.

13 JUDGE ALUOCH: And can I put this clarification in private session, please?

14 PRESIDING JUDGE STEINER: Court officer, please.

15 JUDGE ALUOCH: Mr Witness, I want to refer to -- sorry.

16 *(Private session at 3.40 p.m.)Reclassified as Open session

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

18 JUDGE ALUOCH: Thank you. I will seek two clarifications, one in private session
19 and the other one in public session. I think we can take the other one in public
20 session.

21 Now, this afternoon, as Mr Haynes was putting questions to you, Mr Witness, page
22 67 of the transcript, lines 9 and 10, he alluded to the fact that you were Mr Bemba's
23 bodyguard (Redacted) That's -- I want to seek a clarification on that issue of
24 (Redacted) Please can you confirm to the Chamber whether this (Redacted)
25 (Redacted)

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1 THE WITNESS: (Interpretation) No, this version comes from him. What has just
2 been said was (Redacted) I'll tell you what it was. I was the bodyguard of
3 Mr Bemba from (Redacted) was when I stopped being the
4 bodyguard of Mr Bemba.

5 JUDGE ALUOCH: Thank you. That takes me to your witness statement then,
6 CAR-OTP-0058-022, the English version, when a question was put to you by the
7 investigators when they say: "Do you roughly know the dates of the second
8 operation?" And your answer was: "No, I'm not very sure of the dates. I know
9 that the second operation ended in 2003, but it was before (Redacted) Kinshasa for the
10 transition."
11 Then the next question I'm interested in on the same page is: "How long did the
12 second operation in CAR last roughly?" And your answer was: "It took a long time,
13 maybe three to four months." And then the next question, I'm just reading this so
14 that I can make it clearer for you -- the next question from the investigator was: "Do
15 you know in what year the first MLC operation in CAR took place?" And your
16 answer was: "It was in 2002. So my question that I would like you to clarify is,
17 Mr Witness, were you Mr Bemba's bodyguard (Redacted) according to the answer
18 you are giving just now?

19 THE WITNESS: (Interpretation) No, I was a bodyguard of Mr Bemba in (Redacted)
20 (Redacted) It was in (Redacted)
21 So to take that up again, (Redacted)
22 (Redacted)

23 JUDGE ALUOCH: So concerning the evidence that you are giving in the course of
24 the morning hours today, the visits (Redacted) to Bossembélé, Mongoumba,
25 Bangui, PK12, PK22, these visits were in any event in 2003 and not 2002? I just want

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- 1 you to clarify that, please.
- 2 THE WITNESS: (Interpretation) All these trips were carried out in 2003.
- 3 JUDGE ALUOCH: Thank you very much. That's the question I wanted to ask you
- 4 in private session. Now I think the other clarification I can do it in public session.
- 5 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 6 (Open session at 3.45 p.m.)
- 7 THE COURT OFFICER: We are in open session, Madam President.
- 8 JUDGE ALUOCH: Mr Witness, I will put the question, but if you feel that you can
- 9 only answer it in private session, then you will let me know, please.
- 10 The basis of the question I want to ask you is from transcript 138 of 5 July 2011, this
- 11 year, and I'm asking this question because I think of the fact that you are a soldier.
- 12 Now, I want to ask you about the expression "Article 15" said to be used typically by
- 13 Congolese soldiers. Mr Witness, do you know what this "Article 15" means and do
- 14 you know what it applies to and is it a question you can answer in public session, or
- 15 do you want to go into private session? Thank you.
- 16 THE WITNESS: (Interpretation) To my knowledge, Article 15 means that
- 17 everybody is to go into the field. That is what it means, to my knowledge.
- 18 Everybody is to be deployed to the field.
- 19 JUDGE ALUOCH: Who would give this instruction? Who would normally give it?
- 20 THE WITNESS: (Interpretation) Article 15 is an order that I found in my military
- 21 career and which means that everybody has to go into the field and deal with it
- 22 themselves. That is an article I found in the army. How can -- what else can I say
- 23 on this subject? This is something that I found in military service.
- 24 JUDGE ALUOCH: Thank you. I just wanted to understand it, what it means, and
- 25 you say it means everybody go into the field?

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1 THE INTERPRETER: The interpreter corrects: It means everybody has to fight it
2 out for themselves in the field. Fend for themselves in the field.

3 THE WITNESS: (Interpretation) Article 15 means that everybody can fight for
4 their survival, that when you see something you can just take it, go with it. That
5 means that when you are in the field everybody has to fend for themselves.
6 Everybody can take whatever they want and go off with it. That's the reality that I
7 saw when I was in my military field, military career.

8 JUDGE ALUOCH: I am sorry to ask you further on this. What do you mean
9 everybody can go into the field? Everybody can take what they find? What does
10 that mean, please, just for a better understanding of this?

11 THE WITNESS: (Interpretation) Article 15 means -- Article 15 means the following:
12 If I am faced with a civilian, if he has something I can seize it. I can take it. I can go
13 off with it. That means that when you are in the field and you find the goods, you
14 can seize them and you can go off with them. Article 15 means that everybody can
15 take what they want from the field. Everybody fends for themselves in the field.
16 They can take what they want in the field. It's a free-for-all, basically.

17 JUDGE ALUOCH: Just one last question on this. To your knowledge, Mr Witness,
18 do you know whether this article was practised in the operations in Bangui, the
19 2002/2003 operations in Bangui?

20 THE WITNESS: (Interpretation) Your Honour, it is true that Article 15 was applied
21 in the Central African Republic. Yes, that really did happen. They did take the
22 goods and they went back with them to the Congo. I confirm that Article 15 was
23 applied in the Central African Republic. They took the property belonging to the
24 people from the Central African Republic. They crossed over the river with them
25 and they came back with them to the Congo. I saw that. I saw the soldiers who

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1 had done that as well as the military officers who had got goods and property which
2 they had seized from the Central African Republic.

3 JUDGE ALUOCH: Thank you very much.

4 THE WITNESS: (No interpretation).

5 PRESIDING JUDGE STEINER: Mr Haynes, any further questions?

6 MR HAYNES: No, thank you, your Honour.

7 PRESIDING JUDGE STEINER: Mr Witness, that concludes your testimony before
8 this Court. Before you leave the Court, the Chamber wants, as we did with all other
9 witnesses in this case, to express our thanks to you for the time you have taken to
10 come to this country and give evidence at this trial. In order for the Judges to find
11 the truth, it is crucial that persons like yourself are prepared to give evidence and to
12 assist the judges in the relevant issues of the case.

13 We are aware that this must certainly have been inconvenient for you. You stayed
14 here for a long time. You gave testimony for almost 20 hours, quite tiring, far from
15 your family, from your work. You, therefore, leave us to go home with our thanks.
16 Before you leave the courtroom, Mr Witness, the Chamber would like to know
17 whether there is anything that you would like to address to the Chamber? This is
18 the opportunity you have to talk, if you so wish.

19 THE WITNESS: (Interpretation) Your Honour, I just have a few points to say.
20 Firstly, I would like to say the following to the Counsel, I think I have forgotten his
21 name, and here I'm speaking about Mr Bemba's counsel. If I have followed you very
22 well before, even before you started with your questions, you asked me the question
23 as to whether the investigators had taught me how to come and testify before the
24 Court, but where it concerns this issue I didn't see the relevance of it. He asked a
25 simple question -- they asked simple questions with regards to houses and other

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1 things, but I was expecting hard questions, important questions, but I didn't receive
2 them. I think that that wasn't their fault. They are doing their work, but it was the
3 Prosecutor who keeps a lot of the information.
4 The second thing that I wanted to say is the following: I'm not an enemy of
5 Jean-Pierre Bemba. We have spent difficult moments together, as well as happy
6 moments, moments of joy, and if I am here it is because I want to help the work of the
7 International Criminal Court. We want to let international justice do its work as well
8 as possible.

9 I greeted -- I would like to say hello and goodbye to the Defence of Jean-Pierre Bemba.
10 I would also like to say goodbye to the Office of the Prosecutor, as well as to the
11 Chamber, representatives of victims. I would like to say, your Honours, may God
12 bless you, your Honours. It is not I who shall take the final decision, rather it will be
13 the three ladies who are before me who will take the final decision with regards to the
14 issue which we are dealing with today, and I would like God to bless the
15 International Criminal Court that its work may make it progress.

16 Thank you very much, your Honours. I would like to finish with that.

17 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, and we all wish
18 you a safe journey back to your home.

19 I ask, please, the court officer to turn into closed session for the witness to be taken
20 outside the courtroom.

21 *(Closed session at 3.57 p.m.) Reclassified as Open session

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

23 (The witness is excused)

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

25 (Open session at 3.58 p.m.)

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

2 PRESIDING JUDGE STEINER: Thank you. I would like to say thank you very
3 much to the Prosecution team, to the legal representatives of victims, to the Defence
4 team, Mr Jean-Pierre Bemba Gombo, to thank very much to our interpreters and court
5 reporters, to inform that we will resume on Monday, the 28th, at 9.30 in the morning
6 to start with the testimony of Witness 69. So, unless something out of the
7 programmes happens, we will resume only one week from now.

8 The hearing is now adjourned.

9 THE COURT USHER: All rise.

10 (The hearing ends in open session at 3.59 p.m.)

11 RECLASSIFICATION REPORT

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

13 ICC-01/05-01/08-3038 and the instructions in the email dated 9 May 2014, the version

14 of the transcript with its redactions becomes Public