

Trial Hearing
Witness: CAR-OTP-PPPP-0213

(Open Session)

ICC-01/05-01/08

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 Judge Kuniko Ozaki

6 Trial Hearing

7 Friday, 18 November 2011

8 (The hearing starts in open session at 9.35 a.m.)

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

10 Please be seated.

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

12 open session.

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

14 case.

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

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

17 PRESIDING JUDGE STEINER: Thank you very much.

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

19 team, Mr Jean-Pierre Bemba. Good morning and welcome to our interpreters, court

20 reporters.

21 We will continue with the questioning of Witness 213, and for that purpose I ask, please,

22 court officer to turn into closed session in order for the witness to be brought into the

23 courtroom.

24 *(Closed session at 9.37 a.m.)Reclassified as Open session

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

26 18.11.2011

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1 (The witness enters the courtroom)

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

3 (The witness speaks Lingala)

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

5 (Open session at 9.38 a.m.)

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

7 PRESIDING JUDGE STEINER: Thank you very much.

8 Good morning, Mr Witness.

9 THE WITNESS: (Interpretation) Good morning.

10 PRESIDING JUDGE STEINER: Hope you had a restful night?

11 THE WITNESS: (Interpretation) Yes, your Honour, I did.

12 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

13 THE WITNESS: (Interpretation) Yes, your Honour, we can continue.

14 PRESIDING JUDGE STEINER: Before you start, I need to remind you that you are still
15 under oath. Do you understand that, sir?

16 THE WITNESS: (Interpretation) Yes, I'm aware of that.

17 PRESIDING JUDGE STEINER: I'm not going to remind you in details again about the
18 protective measures. I think now you are familiar with the system. I just want to
19 remind you one more time that you are expected to speak slower than normal, to give the
20 five seconds before starting any answer and not to mention in open session any
21 information that can lead to your identification. Is that fine with you?

22 THE WITNESS: (Interpretation) Yes, I do agree with you, your Honour.

23 PRESIDING JUDGE STEINER: So I will give back the floor to Defence. Mr Haynes.

24 MR HAYNES: Good morning, your Honour. Good morning to everybody in the
25 courtroom.

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1 QUESTIONED BY MR HAYNES: (Continuing)

2 Q. And good morning to you, sir.

3 A. Good day, Maître.

4 Q. Before I start, I just wanted to say something to you. Because I speak English and
5 because the translation of what you say takes a little time to come through on my screen,
6 it's my habit to watch the screen. I'm not being discourteous to you, that's what I'm
7 doing, so if I'm not looking at you it's because I'm looking at the screen. Do you
8 understand?

9 A. Yes, Maître.

10 Q. Yesterday, I thought you thought I was being rude to you. I wasn't. I'm just
11 waiting for what you say to appear on my screen.

12 A. Yes, that's fine.

13 Q. Okay. Now, before we move on I just want to sweep up a few things from
14 yesterday and I'm going to try just a handful of questions in open session. I don't think
15 they should reveal your identity, but if you feel in any way endangered by the answers
16 you might give then you must say so. Do you understand that as well?

17 A. Yes, I do.

18 Q. And the first question might be one that we have to be particularly careful of. You
19 were telling us yesterday about the (Redacted) I want to ask you,
20 were you given (Redacted) to which you could be (Redacted)

21 A. No, that's a private affair.

22 Q. Very well. We haven't yet looked at the interviews you had with the investigators
23 of the Office of the Prosecutor, but is it the case that those investigators told you about the
24 way in which Mr Bemba's lawyers were arguing his case?

25 A. Yes, they told me he had lawyers defending his cause and it's only right. It's a

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1 matter of justice that he should have such lawyers.

2 Q. But did they tell you that his lawyers were arguing that the command of troops in
3 the Central African Republic was the responsibility of the government of that country?

4 A. This is what they told me: They said that he had his lawyers who were defending
5 him.

6 Q. Why do you think they told you about the way in which his lawyers were arguing
7 his case?

8 A. Well, it's only normal. Someone who is accused must have the benefit of a defence
9 so that he can be defended.

10 Q. Well --

11 JUDGE ALUOCH: Mr Haynes, I'm not sure that the witness has understood your
12 question about the line of defence.

13 MR HAYNES: I entirely agree with you, and I'm going to show him some sections of his
14 interview where specific matters were put to him so that he does understand.

15 Could we have, please, on the screen Defence document number 2, at page 0372, and for
16 those following in English they'll need to look at page 0258.

17 THE COURT OFFICER: Document CAR-OTP-0056-0348, second redacted version, at
18 page 0372 is available on the screens and it's a confidential document.

19 MR HAYNES: We need to be at the bottom of the page. Thank you.

20 Q. Sir, can you see in the second entry on the page before you now a question from the
21 investigator beginning, "Le conseil de défense ..."?

22 A. Yes, I can see that.

23 Q. Do you remember --

24 PRESIDING JUDGE STEINER: Mr Haynes, please.

25 Maître Badibanga.

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- 1 MR BADIBANGA: (Interpretation) I apologise, your Honour. I just wanted to make
2 sure of something. The Registrar did say that it was a confidential document. I'm not
3 sure whether it can be seen on the outside? I note that we are in open session, so I just
4 wanted to make sure that, given that the document is a confidential one, it is not possible
5 to see it outside the courtroom. Thank you.
- 6 THE COURT OFFICER: Madam President, if I may? The document is confidential and
7 it would not be broadcasted and has not been broadcasted outside since it's shown on the
8 screen, even if we are in public session.
- 9 MR HAYNES: Certainly that was the practice, as I understood it.
- 10 Q. In English it reads, "Bemba's Defence counsel said that the MLC troops were under
11 the command of the Central African government. What do you think of this assertion?"
12 Do you remember being told that?
- 13 A. Yes, this question was put to me.
- 14 Q. And I want now, please, to move on to another document, and this is document 3 on
15 the Defence list, at page 0404 in the French on the screen for the witness, but for those of
16 us following in English, page 0314.
- 17 THE COURT OFFICER: Document CAR-OTP-0056-0387, first redacted version -- I am
18 sorry, second redacted version, at page 0404 is available on the screens. It's a confidential
19 document and will not be broadcasted outside this courtroom.
- 20 MR HAYNES: I suspect that needs amplifying a little bit for the witness to be able to see
21 it and we need to go down the page a little bit. Thank you.
- 22 Q. Sir, it's the last complete question you can see at the bottom of the page, and the
23 section in English reads, "Bemba's Defence counsel claims that Bemba didn't receive any
24 concrete information about the crimes that took place in the CAR during the operations.
25 What do you think of that -- of this assertion?" Do you remember being told that?

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1 A. Yes, this question was put to me.

2 Q. Now, before you attended the interviews with the Office of the Prosecutor in The
3 Hague in December of 2009, how many telephone conversations did you have with the
4 investigators?

5 A. If I'm not mistaken, I would say that we spoke on two occasions over the telephone.

6 Q. And I know this might be difficult, but can you recall the identity of the people you
7 spoke to on the telephone?

8 PRESIDING JUDGE STEINER: Mr Haynes, before the witness answers, I want to know
9 whether the identity of the investigator is a public information? I don't think so. Maybe
10 you have to answer -- to put this question in private session?

11 MR HAYNES: Well, certainly the witness can go as far as saying "Yes" or "No" at this
12 stage, your Honour, with respect, can't he?

13 PRESIDING JUDGE STEINER: I'm just trying to be cautious.

14 MR HAYNES: Yes.

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

16 *(Private session at 9.56 a.m.)Reclassified as Open session

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

18 MR HAYNES:

19 Q. Sir, can you remember who you spoke to on the telephone?

20 A. I spoke to (Redacted)

21 Q. And during those conversations were you similarly given information about the
22 way in which Mr Bemba's counsel was presenting his case?

23 A. No, we didn't go into details over the phone, so we did not speak about matters that
24 concerned Mr Bemba.

25 PRESIDING JUDGE STEINER: Mr Haynes, can we turn back into open?

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1 MR HAYNES: Absolutely.

2 PRESIDING JUDGE STEINER: Court officer, please.

3 (Open session at 9.57 a.m.)

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

5 MR HAYNES:

6 Q. Now that you've seen examples of what was being said to you in the interview, I
7 want to come back to the question that I asked just before we looked at those passages.

8 Why do you think you were being told about the way in which Mr Bemba's counsel was
9 putting his case?

10 A. Well, you're just doing your work and you were trained to defend the accused.

11 Q. But why do you think you were told that Mr Bemba's counsel claimed that he had
12 no concrete information about crimes being committed in the Central African Republic?

13 PRESIDING JUDGE STEINER: Yes, Mr Badibanga?

14 MR BADIBANGA: (No interpretation).

15 PRESIDING JUDGE STEINER: I totally agree with you. Is there any other way to put
16 this question without asking the witness to speculate on what was the investigator's
17 intention in doing something?

18 MR HAYNES: Absolutely.

19 Q. Did the fact that you were told that affect the way in which you gave answers in
20 your interview?

21 THE INTERPRETER: Mr Badibanga said, "The witness is being asked to speculate about
22 the witness's -- about the investigator's intentions." Interpreter's apologies.

23 THE WITNESS: (Interpretation) No, I answered their questions to the best of my
24 knowledge.

25 MR HAYNES: Thank you. I'm afraid we are now going to have to go back into private

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1 session.

2 PRESIDING JUDGE STEINER: Before we go back into private session, let's try to allow
3 our interpreters and court reporters to complete their job, because while I was speaking
4 your microphone was on and so my intervention was not registered. In the same way,
5 your question soon after that was not put in a complete way in the transcript. We need,
6 all of us, to remind of the five-seconds rule.

7 MR HAYNES: Yes. Is that a matter that will be corrected by the time that the transcript
8 is edited --

9 PRESIDING JUDGE STEINER: Yes.

10 MR HAYNES: -- or do we need to go back through the question again, your Honour?

11 PRESIDING JUDGE STEINER: If the microphone was not activated, the interpreters
12 were not able to register what I said. How is the proceeding, Mr Court Officer, in that
13 respect?

14 THE COURT OFFICER: Madam President -- Madam President, if I may? It depends
15 which microphone was not activated. If it was Counsel's, then it's impossible to have
16 heard what it was said unless if we listen to the audio tapes again, and if it was the
17 interpreter's microphone who was not activated then it's better if we can --

18 THE INTERPRETER: Message from the English booth: Yes, indeed, the interpreter's
19 microphone was not activated. Were we to be able to repeat the question, we would be
20 most grateful. Thank you.

21 PRESIDING JUDGE STEINER: Yes. So the interpreter asks, Mr Haynes, on page 9,
22 lines 4 and 5, your question is not complete. Could you please repeat that question for
23 the sake of the transcript?

24 MR HAYNES: I most certainly can, your Honour. The question at page 9, line 4, in its
25 full form should read, "Did the fact that you were told that affect the way you gave

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1 answers in interview?", and I don't believe there is a need for the witness to answer again.

2 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

3 Court officer, please turn into private session.

4 *(Private session at 10.03 a.m.)Reclassified as Open session

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

6 MR HAYNES:

7 Q. Sir, again just sweeping up a few things that we talked about yesterday, is it the
8 position that once you became a bodyguard you ceased to participate in combat?

9 A. That is correct. When I became a bodyguard I no longer took part in combat.

10 Q. And speaking not just on behalf of yourself, but on behalf of other people from your
11 unit, is it correct that nobody from that unit was sent to fight in the Central African
12 Republic?

13 A. Within the DPP, that is within the presidential security detail, nobody took part in
14 the fighting in the Central African Republic, with the exception of those individuals who
15 had left the battle-field, such as (Redacted) and those people (Redacted)
16 (Redacted) They had taken part in the Bangui operations, but other individuals
17 whom we were working with there never took part in the operations.

18 Q. Thank you. Well, we may come back to that. Now, I want to move on to the
19 meetings, and the first meeting that you told us about was the meeting with the Minister
20 of Defence of the Central African Republic. Do you remember that?

21 A. Yes, indeed.

22 Q. And when did you first learn that that man was coming to Gbadolite?

23 A. I can no longer recall the date of his arrival. However, I do know that the Minister
24 of Defence of the Central African Republic had come to Gbadolite.

25 Q. How did you know he was the Minister of Defence?

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1 A. I came to know this fact. I knew that he was the Minister of Defence, because (Redacted)

2 (Redacted) the Minister of

3 Defence for the Central African Republic was due to arrive at the airport and (Redacted)

4 (Redacted)

5 Q. And what was his name?

6 A. I do not know his name.

7 Q. Now, sir, I'm going to try again to go back into open session, so in relation to the

8 next series of questions can you try and avoid telling us (Redacted) at the time of

9 the visit of the Minister of Defence?

10 A. (No audible response).

11 PRESIDING JUDGE STEINER: Mr Witness, the Defence is saying that he will try to put

12 some questions to you in open session, but whether you feel comfortable and secure that

13 you are not informing (Redacted) Are you able to answer without

14 disclosing this information?

15 THE WITNESS: (Interpretation) It would be better were he to put these questions in

16 private session. I believe I would be relaxed in answering these questions in private

17 session.

18 MR HAYNES: Very well, it's perhaps better.

19 Q. What did he look like, the Minister of Defence?

20 A. I can't describe him. (Redacted)

21 (Redacted) I can't tell you

22 whether he was of small stature, whether he was portly, whether he was a large man. I

23 know that he was the Minister of Defence for the Central African Republic.

24 Q. Do you remember how old he was?

25 A. I know that he was somewhat aged. I know that he was not 18 years of age. He

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- 1 was not youthful.
- 2 Q. How was he dressed?
- 3 A. He was wearing a suit.
- 4 Q. Good. Did he come alone?
- 5 A. He was alone, but in the company of pilots.
- 6 Q. What sort of aeroplane did he arrive in?
- 7 A. He came on board a small carrier.
- 8 Q. What colour was it?
- 9 A. To my knowledge, this was a white small carrier.
- 10 Q. How many pilots were there?
- 11 A. There were two pilots.
- 12 Q. And what did they do?
- 13 A. The pilots remained at Gbadolite airport.
- 14 Q. How long was the Minister of Defence in Gbadolite?
- 15 A. He just spent a day there.
- 16 Q. How many hours?
- 17 A. They spent one or several hours there. They led discussions in the office.
- 18 Q. What you just said was translated as, "... one or several hours." Can you be more
- 19 specific as to the length of time he was there?
- 20 A. I did provide you with the answer. I said that he spent one or two hours there.
- 21 THE INTERPRETER: Says the witness.
- 22 MR HAYNES:
- 23 Q. (Redacted)
- 24 (Redacted)
- 25 Q. Who were they?

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1 A. These were soldiers from the intervention group and, whenever the jeep would go
2 out, soldiers from the intervention group would stay at the gate and then there were also
3 those who would get into the jeep itself.

4 Q. Can you give me the name of any soldier in that jeep?

5 A. No, I no longer recall their names.

6 Q. Where did the minister go (Redacted) in Gbadolite?

7 A. The minister went to the office in Colombie.

8 Q. In what room in Colombie did the minister go to?

9 A. It was in Jean-Pierre Bemba's office, where he was in the habit of working. This
10 was a house belonging to a gentleman by the name of Seti Yale.

11 Q. How long did the meeting last?

12 A. I have already provided a response to that question. I said one or two hours.

13 Q. And who else was in the room?

14 A. In the office there was President Jean-Pierre Bemba, the minister (Redacted) That
15 was all.

16 Q. Why was it necessary for (Redacted) there for one or two hours?

17 A. Well, this all depends on the person in command. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) the minister was already in his office, and (Redacted)

22 (Redacted) He arrived and he entered the office. Upon entering the office, well, the truth
23 be told that (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 A. This is what usually happens. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. And did they do anything other than speak?
- 25 A. No, they just talked.

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1 Q. You see, I'd like you to help us with something you said during the course of your
2 interviews. It's Defence document number 2, and the witness will need to be shown
3 page 0359 and those of us following the English will need to look at page 0246.

4 THE COURT OFFICER: Document CAR-OTP-0056-0348, second redacted version, at
5 page 0359 is available on your screens. It's a confidential document.

6 MR HAYNES:

7 Q. Sir, I just want you to help us with something. Can you see pretty much in the
8 middle of that page an answer of yours beginning "La rencontre ...", which in English
9 reads "The meeting with the minister took place beforehand, because Bemba first had to
10 sign an agreement before deploying his troops to Bangui." What were you talking about
11 there?

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. It was oral.

13 Q. Was there any mention of logistical support for this operation?

14 A. He spoke about the soldiers. He requested assistance for the Central African
15 Republic. In other words, the assistance meant that the soldiers would go on the ground
16 and benefit from the logistics: Rifles, bombs, military equipment, weapons.

17 Q. Was there any mention of the involvement of the Libyans?

18 A. No, (Redacted) mention of Libya.

19 Q. Was there any mention of the involvement of CEN-SAD?

20 A. Could you repeat your question, please? I'm afraid I didn't understand.

21 Q. Yes. Do you know what CEN-SAD is?

22 A. No, I don't know.

23 Q. (Redacted)

24 A. I am not familiar with that organisation and I did not hear about it.

25 Q. Thank you. Now, please try and tell us how long it was after the meeting with the

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1 minister that the troops were assembled to go to the Central African Republic in Zongo?

2 A. (No interpretation).

3 MR HAYNES: I didn't get any interpretation.

4 THE INTERPRETER: There was no interpretation from Lingala.

5 THE WITNESS: (Interpretation) Well, it wasn't long before the intervention took
6 place.

7 MR HAYNES: Thank you very much.

8 Q. Was it a few days, a week, or more than a week?

9 A. Well, according to myself it wasn't very long, that is between the point in time when
10 the minister arrived and the intervention in the Central African Republic.

11 Q. There were, according to you, quite a lot of meetings in between though, were there
12 not?

13 A. There were meetings with the Chief of Staff officers of the ALC in the Colombie
14 office and other meetings which took place in Mr Bemba's residence.

15 JUDGE ALUOCH: Mr Haynes.

16 MR HAYNES: Your Honour.

17 JUDGE ALUOCH: May I put a question for clarification, please --

18 MR HAYNES: Of course you may.

19 JUDGE ALUOCH: -- before we finish that first meeting?

20 This is the real-time transcript, it's page 18, lines 18, 19, 20, and particularly at line 18 the
21 witness's response, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 THE WITNESS: (Interpretation) Your Honour, (Redacted)

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1 (Redacted)

2 JUDGE ALUOCH: Thank you.

3 THE WITNESS: (Interpretation) Thank you.

4 MR HAYNES:

5 Q. Now, sir, how long after the visit of the Minister of Defence did MIG aircraft arrive
6 at Gbadolite?

7 A. There were meetings held, the Chief of Staff - that is the ALC Chief of Staff - and
8 following those meetings there were supplies that arrived from Libya that arrived in
9 Gbadolite. There was munition, support weapons, heavy weapons, MIG weapons, that
10 were sent by the Libyans to Gbadolite.

11 Q. Well, let's leave aside the whole arsenal. I'm only interested in the aircraft. How
12 long after that meeting did they arrive at Gbadolite?

13 A. The meetings didn't take long. (Redacted) he was waiting for
14 reinforcements from Tripoli and as soon as the reinforcements arrived it would be
15 transported from Zongo to the other side, and the reinforcements came from Libya and
16 arrived in Gbadolite.

17 Q. (Redacted) he was waiting for reinforcements from Tripoli?

18 A. (Redacted)

19 Q. And how long after that (Redacted) did the MIG aircraft arrive?

20 A. I don't remember exactly, but I do know that it was after (Redacted) that the
21 aircraft began landing in Gbadolite.

22 Q. How many aircraft were there?

23 A. To my knowledge, the aircraft that arrived in Gbadolite with weapons from Tripoli,
24 well, there were five aircraft, if I'm not mistaken. I'm referring to large carriers that
25 transported weapons.

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- 1 PRESIDING JUDGE STEINER: Mr Haynes, I think that if you are continuing with these
2 kind of questions we can turn back into open session.
- 3 MR HAYNES: Your Honour, the same thought was just going through my head.
- 4 PRESIDING JUDGE STEINER: Court officer, please.
- 5 (Open session at 10.42 a.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 MR HAYNES:
- 8 Q. I'm really not interested in carrier planes. I'm interested in the aeroplanes you
9 described as MIGs. What sort of aircraft were they?
- 10 A. They were large carriers that brought supplies.
- 11 Q. And were they all the same?
- 12 A. Yes, they were military colour.
- 13 Q. And where did the pilots come from?
- 14 A. I don't know where the pilots were from, but I know that the aeroplanes came from
15 Tripoli and landed in Gbadolite.
- 16 Q. And were they only used for transportation?
- 17 A. Those planes were used to transport equipment from Tripoli to Gbadolite.
- 18 Q. Well, I wonder if you could just explain to us something therefore that you said
19 during the course of your interviews, and to that end we need to look at Defence
20 document number 2 again, at page 369 for the witness on the screen and those of us
21 following in English at page 256.
- 22 THE COURT OFFICER: Document CAR-OTP-0056-0348, second redacted version, at
23 page 0369 is available on the screens. It's a confidential document and would not be
24 broadcasted outside this courtroom.
- 25 MR HAYNES: I've probably got a bad reference here so I'll put the question and I'll look

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1 for what I was looking for later.

2 Q. Were you ever aware that the MIG aeroplanes were used to drop bombs on the
3 rebels in the Central African Republic?

4 A. The MIGs were mounted in Gbadolite and from there they took off to go to the
5 Central African Republic.

6 Q. And do you mean they were used in bombing raids?

7 A. Yes. (Redacted) Bangui, Bemba asked Mustapha whether they had the
8 support of MIGs and Mustapha said, "Yes, they were using MIGs to bomb."

9 Q. Did you see their aeroplanes used to fly bombing missions?

10 A. Well, after they were mounted at the airport, they took off and (Redacted)
11 (Redacted)

12 Q. How often did they take off from Gbadolite airport, according to you?

13 A. This is what I would say: The MIGs were mounted in Gbadolite and then they
14 took off for Bangui, to carry out the task that they were to complete, and then in Bangui, I
15 know that President Bemba asked Mustapha whether or not they had the MIGs, and
16 Mustapha answered "yes," saying that yes, there are MIGs, and that they were being used
17 to bomb.

18 Q. But from your own observation, how often were they flying bombing missions from
19 Gbadolite?

20 A. The MIGs took off for Bangui, but they did not go back to Gbadolite.

21 Q. Were there any ground crew with the MIG aircraft?

22 A. No. The MIGs went to Bangui, and they were loaded with weapons and they
23 didn't come back. From Bangui, they did not go back to Gbadolite, they went back to
24 Tripoli, and then the Antonov, it was the Antonovs that transported the bombs and
25 ammunition to take them to Zongo.

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1 Q. Very well. Now, can we come to the meeting of the Chiefs of Staff. Where was
2 this meeting held?

3 A. Those meetings took place in Colombie, at the residence of Mr Bemba.

4 THE INTERPRETER: Correction from the Lingala booth: "... and also at Bemba's
5 residence."

6 PRESIDING JUDGE STEINER: Mr Haynes, I see you are changing slightly the subject so,
7 if you allow me, I want some clarification in the previous point.

8 Mr Witness, on page 22, line 22, you say, lines 23, 22 and 23, "As soon as the
9 reinforcements arrived it would be transported from Zongo to the other side, and the
10 reinforcements came from Libya and arrived in Gbadolite." So, the weapons and other
11 kind of weapons, whatever kind have you weapons, support weapons, they arrived in
12 Gbadolite. How they went, they were transported to Zongo?

13 THE WITNESS: (Interpretation) Your Honour, this is how it worked. Let me give
14 you some explanation regarding your question: The aeroplanes left Tripoli. They were
15 loaded with heavy weapons, rifles, handguns and all of this was taken to Gbadolite.
16 Then, from there, the Antonovs took the supplies from Gbadolite and took them to Zongo.
17 From Zongo the same supplies were transported across the river, you know, the river that
18 divides the two countries to Bangui. So let me repeat: From Tripoli, to Gbadolite, then
19 from Gbadolite to Zongo, and then at Zongo they crossed over the river to arrive in the
20 CAR in Bangui.

21 PRESIDING JUDGE STEINER: Thank you, I now understood. This, in this way, from
22 Gbadolite to Zongo and from Zongo by the river to Bangui, were there Libyan soldiers as
23 well? Or who was -- who was accompanying the weapons, the transportation of the
24 weapons?

25 THE WITNESS: (Interpretation) It was Captain Monpepe (phon), who accompanied

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1 the weapons. He was in charge of the transportation. He was in charge of fuel but also
2 the coming and going of the planes, such as the Antonovs, and so he went to Zongo and
3 then in Zongo, our soldiers were there and they took the weapons to Bangui. It was not
4 Libyans. The Libyans brought the MIGs to Gbadolite and then, from there, the supplies
5 went directly to Bangui. In other words, the Libyans involved were the pilots of the
6 MIG.

7 PRESIDING JUDGE STEINER: Are you aware on whether there was any Libyan detail
8 in Zongo to check or to follow on the transportation of their weapons?

9 THE WITNESS: (Interpretation) Your Honour, I am not aware of that, and I don't
10 agree that there were Libyan soldiers who followed the transportation of the weapons.
11 No, there were none. That was the responsibility of President Bemba and his soldiers.
12 It was not the responsibility of Libyan soldiers. The Libyans brought the supplies, and
13 then afterwards, it was President Bemba who controlled them.

14 PRESIDING JUDGE STEINER: But are you aware if any time President Bemba crossed
15 the river from Zongo to Bangui transporting, or accompanying the transportation of the
16 weapons?

17 THE WITNESS: (Interpretation) No, I never witnessed such an occasion. Nor did I
18 travel with him from Zongo to Bangui. Never.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 MR HAYNES: Your Honour, it's a little early but I was about to go on to the next event
21 chronologically, which is substantially in private session.

22 PRESIDING JUDGE STEINER: When I interrupted you.

23 MR HAYNES: I didn't say that.

24 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

25 Mr Witness, it's almost 11 o'clock. We are going to have our break. You have some

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- 1 time, take some coffee, some rest. Our interpreters as well, they need to have a break.
- 2 It's almost 11 o'clock. We'll be back at 11.30.
- 3 I ask, please, court usher to turn into closed session for the witness to be taken outside the
- 4 courtroom.
- 5 *(Closed session at 10.58 a.m.)Reclassified as Open session
- 6 THE COURT OFFICER: We are in closed session, Madam President.
- 7 (The witness stands down)
- 8 THE COURT OFFICER: All rise.
- 9 (Recess taken at 10.58 a.m.)
- 10 (Upon resuming in closed session at 11.33 a.m.) Reclassified as Open session
- 11 THE COURT USHER: All rise. Please be seated.
- 12 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring the
- 13 witness in.
- 14 (The witness enters the courtroom)
- 15 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 16 (Open session at 11.35 a.m.)
- 17 THE COURT OFFICER: We are in open session, Madam President.
- 18 PRESIDING JUDGE STEINER: Thank you.
- 19 Mr Witness, welcome. Welcome back.
- 20 THE WITNESS: (Interpretation) Thank you, your Honour.
- 21 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 22 THE WITNESS: (Interpretation) Yes, absolutely. We can continue.
- 23 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.
- 24 MR HAYNES: Thank you, your Honour.
- 25 Q. And welcome back, sir.

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1 A. Good-day, Maître.

2 MR HAYNES: Sir, I'm going to respect your comfort by asking that we deal with the
3 next topic in private session?

4 PRESIDING JUDGE STEINER: Court officer, please.

5 *(Private session at 11.36 a.m.)Reclassified as Open session

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

7 MR HAYNES: Thank you.

8 Q. Sir, I want to move on now to talk about the meeting of the army commanders that
9 took place, you say, after the meeting with the Central African Minister of Defence. Do
10 you know what I'm talking about?

11 A. Yes, I can remember that quite clearly.

12 Q. And can you therefore help us now as to how long after the meeting with the
13 Minister of Defence it was?

14 A. I told you that I didn't know the dates, but this meeting did in fact take place.

15 Q. And in what building did it take place?

16 A. The meeting took place in the Colombie office, in Mr Seti Yale's residence.

17 Q. Is that the same room that you were describing the meeting with the Defence
18 Minister taking place?

19 A. No, it was in the same office, or rather it wasn't in President Bemba's office. It was
20 in the same office, but in a different large room nearby. That is where this meeting took
21 place.

22 Q. Thank you. What size was the room?

23 A. It wasn't all that big, but it was quite big. However, it wasn't very big.

24 Q. As big as the room we're now in?

25 A. No, this room is bigger. The room I'm referring to wasn't as big as this. It was

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1 about the length -- if you take the position where I am and go to the end of the room, it
2 was about that length.

3 Q. Okay. Can you give us an idea of how big you think that is in metres, for example?

4 A. Well, I couldn't tell you how large the room was in terms of metres. It was a fairly
5 large room, but I never knew what the size of that room was in terms of metres.

6 Q. And had you been in that room before?

7 A. I had already been in that room on a number of occasions.

8 Q. And what was its usual function?

9 A. That room was used for meetings of the political party, or the meetings of the ALC
10 General Staff.

11 Q. Thank you. And what furniture was in the room?

12 A. There was a large table and there were chairs as well.

13 Q. (Redacted)

14 A. Yes, indeed.

15 Q. Thank you. How many people in total were present, even approximately?

16 A. Jean-Pierre Bemba was present, the secretary-general of the party, Olivier Kamitatu,
17 the chief of the main staff, the G1, the G2, the G3, the G5 and Mustapha.

18 Q. And that is all?

19 A. Yes, that's correct.

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

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1 Q. Was he in your detachment?

2 A. I don't remember that any more, but I know that he was a soldier with whom we
3 worked, but I can no longer remember whether he was part of our detachment or whether
4 he was just one of the bodyguards. I can no longer remember this.

5 Q. But, in any event, Mr Olivier Kamitatu was there?

6 A. Yes, Mr Olivier was present.

7 Q. And what was the purpose of the meeting?

8 A. The purpose of the meeting was to assign tasks to each and every individual
9 present.

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted) Everyone had received orders from the
15 president, according to which everyone had to carry out their duties.

16 Q. (Redacted)

17 (Redacted) They were

18 assigned tasks and everyone had to perform his work and subsequently draft a report,
19 and in the end the president (Redacted) and he left.

20 Q. How long did the meeting take?

21 A. Well, I really wouldn't be able to say whether it took up to an hour, but one could
22 say in fact that the meeting lasted for an hour.

23 Q. And during that hour the (Redacted) was Mr Bemba; is that correct?

24 A. During that one-hour period, (Redacted) Mr Bemba (Redacted)

25 Q. (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 A. He assigned tasks to everyone. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Well, I think we all know by this stage in the trial what the functions of G1, G2, G3
9 and the G4 were, but what tasks were assigned to them?

10 A. I have just said the Chief of the General Staff was in charge of managing his General
11 Staff; the G1 had to concern himself with ALC administration; the G2 had to take care of
12 intelligence; the G3 was in charge of operations; the G4 was in charge of supplies; and the
13 G5 had to concern himself with morale.

14 Q. Well, let's just take one, supplies. What was said about what supplies would be
15 needed?

16 A. As for supplies, it involved supplying equipment, stating how much ammunition
17 was available, how many support weapons, the quantity of support weapons available.
18 It was also necessary to provide these weapons and collect weapons from Tripoli, or
19 rather weapons that arrived from Tripoli. That's what this person's work involved. He
20 also had to provide medical supplies, food and everything that concerned bureau number
21 4. These were the tasks of this individual. So this bureau was in charge of everything
22 that related to the operations.

23 Q. What was said about the purpose of the operation?

24 A. What I learned was that the operation related to the Central African Republic and it
25 was necessary to assist the elected president of the Central African Republic. (Redacted)

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- 1 (Redacted)
- 2 Q. (Redacted)
- 3 A. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 Q. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Q. (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. Can you help us as to who they were?
- 22 A. There were a lot of people. Do you think I can remember the names of everyone
- 23 we worked with after all the time that has passed? There were people who were part of
- 24 the bureau. There were people from the intervention unit who were at the residence.
- 25 There were those who were to accompany the leader in the bureau. There were a lot of

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1 people present and I can't remember the names of everyone.

2 Q. Just one would do. Can you remember (Redacted)

3 (Redacted)

4 A. I can't provide you with the names of the people who were present. There were a
5 lot of people there.

6 Q. (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 Q. Thank you. Now, at the time of this meeting, was Mustapha staying in Gbadolite?

4 A. After the meeting, Mustapha left Gbadolite for Zongo. (Redacted)

5 (Redacted) in Gbadolite since then.

6 Q. So after this meeting Mustapha never came back to Gbadolite; is that correct?

7 A. Yes, after the meeting that took place at the office and at the residence of President
8 Bemba, Mustapha did indeed leave. He went home and he went back to Gbadolite.

9 Q. Well, that may be a translation problem, but after this meeting, (Redacted)
10 (Redacted) did Mustapha leave Gbadolite?

11 A. No, he didn't leave immediately.

12 Q. When did he leave?

13 A. I do not know when he left, but I do know that he left Gbado and he left Gbadolite
14 in order to go to Zongo.

15 Q. Well, do try. How long was he in Gbadolite for?

16 A. I have no clarification to that point. He was in Gbadolite and then subsequently he
17 left Gbadolite for Zongo. I cannot provide you with a specification in terms of time.

18 Q. Did you see him at Mr Bemba's residence after this meeting?

19 A. Who are you talking about, please?

20 Q. Mustapha.

21 A. When you put a question to me about an individual it would be preferable for you
22 to specify the individual in question, because when you don't mention an individual's
23 name it's quite a vague question. If you specify and provide me with the name
24 "Mustapha," then I can answer saying that I saw Mustapha at the Gbadolite residence
25 with G1, G2, G3, G5 and also Amuli, General Amuli, the Chief of Staff, was there at

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1 Bemba's residence.

2 Q. How many times and over what period of time did you see Mustapha at
3 Mr Bemba's residence?

4 A. I saw him when he came in the company of G1, G2, G3, G4, G5 and the Chief of
5 General Staff, General Amuli.

6 Q. Well, I don't want there to be any misunderstanding. The meeting that you have
7 just been describing to us took place at Colombie, didn't it?

8 A. Yes, the meeting did indeed take place at Colombie, and then afterwards, they were
9 welcomed at the residence; that is to say the individuals I have stated. Those who took
10 part in the meeting also took part -- in the meeting at Colombie also took part in the
11 meeting in Bemba's residence, because you asked me whether I had seen Mustapha in
12 Bemba's residence and that is my answer to that question.

13 THE INTERPRETER: Message from the English booth: Can the witness please be
14 requested to slow down? Thank you.

15 PRESIDING JUDGE STEINER: Mr Witness, the interpreters are asking you to try to
16 speak a little bit slower. Is that fine with you?

17 THE WITNESS: (Interpretation) Yes, I thank you, Madam President.

18 MR HAYNES:

19 Q. So when you say Mustapha and General Amuli and the G1, the G2, the G3 and the
20 G4 were welcomed at Mr Bemba's residence after the meeting, do you mean later the
21 same day as that meeting?

22 A. After the meeting in Colombie, the very same participants were received at the
23 residence of Mr Jean-Pierre Bemba, the president.

24 Q. And was that on the same day?

25 A. No, it was not on the same day.

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1 Q. When was it?

2 A. I believe that it was four or five days later that he received them at his residence.

3 Q. Okay, we're getting somewhere. And was that the only occasion on which he
4 received them at his residence?

5 A. With the exception of that occasion, he did not receive them another time.

6 Q. So after the meeting around the table in Colombie, there was only one occasion
7 when the same participants met at President Bemba's residence; is that right?

8 A. Yes, that is correct. On one occasion only, not two, not three.

9 Q. And was Mustapha in Gbadolite throughout that four or five-day period?

10 A. Yes, he was in Gbadolite.

11 Q. And it was only after that that he went to Zongo?

12 A. After having received them in his residence, Mustapha returned to Zongo.

13 Q. Thank you. You've led me into the next question. You say Mustapha returned to
14 Zongo. Is that where he had come from before the meeting at Colombie?

15 PRESIDING JUDGE STEINER: Mr Haynes, I think this sequence of questions could have
16 been put in open session. I don't see why we should continue in private session, unless
17 you can anticipate that you are going to put questions that would implicate the witness
18 identifying himself.

19 MR HAYNES: Your Honour, that's a very fair criticism. I was really erring on the side
20 of caution because the last time we were here the witness himself expressed a preference
21 for private session, but I do agree. We are now dealing with, as it were, the objective
22 movements of Mustapha which could properly be held publicly.

23 PRESIDING JUDGE STEINER: Mr Witness, we are going to open session so you just
24 refrain from referring to yourself and your function as bodyguard. Is that fine with you,
25 sir?

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1 THE WITNESS: (Interpretation) Yes, very well. Thank you very much, Madam
2 President.

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

4 (Open session at 12.14 p.m.)

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

6 MR HAYNES:

7 Q. Sir, you just told us that after he was received at President Bemba's residence
8 Mustapha returned to Zongo. Do you agree with that?

9 A. Yes, indeed.

10 Q. In saying he returned to Zongo, do you mean that is where he had come from to
11 Gbadolite?

12 A. No, I do not know where he was prior to coming to Gbadolite, but I do know that he
13 was in Gbadolite. I do not know whence he came from. However, I can say that
14 Mustapha came from Kampatusu (phon) because he was a commander of the C Brigade.

15 THE INTERPRETER: The interpreter did not catch the name.

16 THE WITNESS: (Interpretation) But I know that he came from that place to Gbadolite.

17 THE INTERPRETER: Could the name please be repeated?

18 MR HAYNES:

19 Q. Sir, for the sake of our record, could you tell us again slowly the name of the place
20 where Mustapha had come from?

21 A. Mustapha was on the road going for Bwende where the C Brigade was to be found,
22 and the village where he left, well, I'm not sure, but I believe that was on the way to
23 Bwende. That is where the C Brigade was to be found.

24 THE INTERPRETER: Message from the English interpreter: Could the name of the
25 place please be spelt? Thank you.

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1 MR HAYNES:

2 Q. Can you spell the name of the place Mustapha had come from for us, please? That
3 is just so it is clear in the record. It's not a test.

4 A. I believe that I said that I did not know the village where Mustapha was settled or
5 where the C Brigade was located, but I know that it was on the road to Bwende and near
6 Nakatusu (phon) and apart from what I have just told you I am unaware of any other
7 detail.

8 Q. Sir, can you spell for us Bwende and Nakatusu?

9 A. Well, it's not difficult to write now, is it? Bwende and Basankusu. You're capable
10 of that. It's something that's well pronounced and easy to write. Bwende and
11 Basankusu.

12 Q. Okay. Well, we'll have a look at our record and if it's not good enough we might
13 come back to this.

14 PRESIDING JUDGE STEINER: Mr Haynes, just be allowed to explain to the witness that
15 it's not Mr Haynes that is asking you to spell the names but the interpreters, is the only
16 reason why we are asking you if possible for you to spell these two names.

17 THE WITNESS: (Interpretation) Madam President, Bwende is not difficult to write, nor
18 is Basankusu. Basankusu and Bwende. I believe that the interpreter who is interpreting
19 me can help you.

20 PRESIDING JUDGE STEINER: The interpreter had asked me to help her, but it's fine.
21 Now you said very, very slowly and now we could understand the name.

22 Mr Haynes, maybe it's better that next time the interpreter asks for this kind of
23 clarification that you allow me to put it to the witness. Otherwise, the witness will think
24 that it is just for provocation.

25 MR HAYNES: Yes, I think he thought I was antagonising him and I wasn't, but thank

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1 you for your assistance.

2 Q. I was going to come to this later, but now we are there let's deal with it. Zongo, as
3 we all know, is on the River Ubangi, isn't it, opposite the city of Bangui in the Central
4 African Republic?

5 A. That is correct.

6 Q. Help us with Basankusu. How far is that away from Gbadolite?

7 A. There is a great distance between Basankusu and Zongo. How am I going to
8 explain this to you, because in order to get from Basankusu to Gbadolite is difficult?

9 Mustapha was commander of the C Brigade at the front on the road to Bwende.

10 Mustapha was from the C Brigade (Redacted)

11 (Redacted)-- brigades located close together near Basankusu. So if you go, we would
12 move forward on the Bwende road and they would move forward on the Balangala road.
13 So going from Basankusu to Gbadolite is only possible via air. It is not possible via road
14 or by any other means.

15 Q. Thank you. That's very helpful. And can we now deal with getting from
16 Basankusu to Zongo. How long a journey would that be?

17 A. I have no idea. I do not know what means of transport Mustapha used to go from
18 Gbadolite to Zongo. I do not know whether he used a helicopter or whether he went by
19 road. I have no idea.

20 Q. Very well. To your knowledge, did the MLC have military units on the River
21 Ubangi close to Zongo?

22 A. The E Brigade was stationed there and the general heading up this brigade was
23 called Nzambe.

24 Q. Thank you very much. We're not going to argue about that. And how far from
25 Zongo was the E Brigade based?

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1 A. Counsel, I have no answer to give you. I did not work within the E Brigade and
2 had I been operating with that brigade I would have been able to do that, but I never
3 worked with them.

4 Q. But in any event you would agree, would you, that the E Brigade was a lot closer to
5 Zongo than the C Brigade?

6 A. Yes, that is my opinion. The brigade nearer to Zongo was the E Brigade and the C
7 Brigade was somewhat further afield.

8 Q. Now, one further question of geography before we move on to another topic. Did
9 you ever travel from Gbadolite to Gemena?

10 A. Yes, I did go to Gemena on a number of occasions from Gbadolite.

11 Q. Please be careful, I'm only talking about the journey and the method of transport,
12 but did you always travel by one method when you went from Gbadolite to Gemena?

13 A. The journey from Gbadolite to Gemena was by helicopter, small carrier, or Antonov.
14 These were the means of transport that we had -- transport that we had at our disposal.
15 Maybe by road the vehicles might be able to leave from Gbadolite and reach Gemena.
16 Those are the means of transport that one might have used.

17 Q. Thanks very much. Again being careful, I'm only talking about the method of
18 transport, did you ever travel from Gemena to Zongo?

19 A. Counsel, I have already travelled from Gemena to Zongo.

20 Q. Did you ever take that journey by road?

21 A. Could you please put your question again?

22 JUDGE ALUOCH: Mr Haynes, just before you put the question again, does this -- when
23 you say "did you" is "you" here plural or "you" applies to him? Can you just, please?

24 MR HAYNES: I am really only enquiring at this stage in public session whether he ever
25 experienced the journey by road and can help us as to how far it was and how long it took

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1 by road, if that's sufficiently clear?

2 Q. Is it clear to you, sir?

3 A. Yes, I have already travelled from Zongo to Gemena and Gemena to Zongo, but I
4 don't know how long it would take, but I have travelled that -- between those two places.

5 Q. Right. On many occasions?

6 A. I have already travelled from Gemena to Zongo. I don't know how many times.
7 I don't know if I did that portion several times.

8 Q. Well, can you help us? Would it be correct that to travel from Gemena to Zongo by
9 road takes at least eight hours?

10 A. I have no idea about that.

11 Q. You'll have to forgive me, I don't understand why if you have taken this journey you
12 have no idea how long it takes. Can you help us?

13 A. I have never counted the number of hours it took. I have travelled between those
14 two places, but I didn't pay attention to how long it took from Gemena to Zongo. What
15 answer do you want me to give? I don't know whether it took one hour, or two hours, or
16 a whole week. I have no idea.

17 MR HAYNES: I see. Can we go into private session, please?

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

19 *(Private session at 12.32 p.m.)Reclassified as Open session

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

21 MR HAYNES:

22 Q. Sir, I want to come now to the trip (Redacted) Mr Bemba to Zongo. Do you
23 remember telling us about that?

24 A. Yes.

25 Q. And what I'm going to try to do is to ask questions about (Redacted) in that

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1 journey first in private session and then come to, as it were, what could be seen at Zongo
2 which I hope to do in public session. Do you understand?

3 A. Yes, I understand.

4 Q. And I will of course - and I am sure Madam President will - tell you when we go
5 into public session so that you are on guard. Is that okay?

6 A. Yes, fine.

7 Q. (Redacted)

8 (Redacted)

9 A. Well, would you be so kind as to be clear when you ask your question? Are you
10 referring to the (Redacted) the leader, or are you referring to other
11 individuals?

12 Q. (Redacted) please.

13 A. Yes, yes, that's it. Well, if you could be precise when you ask your question (Redacted)
14 travelled to go to Zongo. There were ten (Redacted)

15 Q. And can you give us the name of any one of the (Redacted)

16 A. I can give you one name. During that trip, there was (Redacted)
17 (Redacted)

18 Q. Thank you. Do you know where he is now?

19 A. (Redacted)

20 Q. Okay. Was there anybody else other than the (Redacted) on that journey?

21 A. (Redacted)

22 (Redacted)

23 Q. Do you know the name of the (Redacted)

24 A. No, I don't know the name of the (Redacted)

25 Q. And what sort of aircraft (Redacted)

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- 1 A. (Redacted)
- 2 Q. (Redacted)
- 3 A. I have no idea. (Redacted)
- 4 to Zongo.
- 5 Q. Yes. Well, that's why I was asking you the questions earlier. (Redacted)
- 6 (Redacted)
- 7 A. (Redacted)
- 8 Q. Well, I think I'm going to have to ask you to look at something you said in interview.
- 9 It's document number 2 and the witness will need to look at page 364. Those of us
- 10 following in English will need to look at page 250.
- 11 THE COURT OFFICER: Document CAR-OTP-0056-0348, second redacted version, at
- 12 page 0364 is available on the screens and it's a confidential document.
- 13 MR HAYNES: The witness will need to look at the top half to the middle of the page.
- 14 Q. Sir, can you see the question that begins "Vous avez dit hier ..."?
- 15 A. Yes, I have found it.
- 16 Q. So what you told the investigators was that (Redacted)
- 17 (Redacted) Why did you say that?
- 18 A. Well, I remember now. (Redacted)
- 19 (Redacted)
- 20 Q. (Redacted)
- 21 (Redacted)
- 22 A. (Redacted)
- 23 Q. Okay. I'm now going to come to, as it were, (Redacted) Zongo, and I'm going
- 24 to see if we can deal with the scene there (Redacted)
- 25 Do you understand?

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1 A. Yes, I understand.

2 MR HAYNES: Then on that basis I am going to ask Madam President if we can go into
3 public session?

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

5 (Open session at 12.43 p.m.)

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

7 MR HAYNES:

8 Q. Sir, you've told us that the airstrip at Zongo was created for the purposes of
9 transporting arms to the Central African Republic. Do you know when it was created?

10 A. The airstrip was created in order to facilitate the operation in the CAR.

11 Q. So how long before the arrival of Mr Bemba had the airstrip first been created?

12 A. The airstrip was built by soldiers and they did so for the purposes of the operation.
13 I don't know how long it took exactly, but I know it was soldiers who built it.

14 Q. And what had the airstrip been before the airstrip was created?

15 A. I don't know. I never lived in Zongo and I don't know what was there before.

16 Q. Okay. What buildings were on the airfield?

17 A. There were no buildings there. There were just some hangars that were built by
18 the soldiers just to protect themselves from the rain. You know, wherever you had
19 soldiers, they would build these structures. There were no formal buildings, as such.

20 Q. Well, that's what I wanted to ask you about. How many hangars were there?

21 A. I have no idea. I didn't count the number of hangars that were there.

22 Q. Well, let's keep it simple. Was there more than one hangar?

23 A. I would say the following: I have no idea. There were hangars there, but I don't
24 know how many. I know that he spoke to the officers in a hangar, but I can't be any
25 more precise than that.

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- 1 Q. Well, let's concentrate on that one. What was that hangar constructed from?
- 2 A. They were hangars made of wood. They didn't have any bricks there.
- 3 Q. Okay. Did they have, or did it have, a roof?
- 4 A. The roof was made of straw, as was customary there.
- 5 Q. And how high was the hangar?
- 6 A. Frankly, I have no idea. I can't tell you how high it was.
- 7 Q. How long and wide was it?
- 8 A. I have no idea. I don't want to give you false information. I have no idea as to the
- 9 height, or the length, or the width of the building.
- 10 Q. Do you have no image in your mind of this hangar where the meeting with the
- 11 officers took place?
- 12 A. Yes, it was at the airstrip. That's where the hangar was situated.
- 13 Q. In relation to the hangar, where were the soldiers?
- 14 A. The soldiers were on duty. They were waiting to carry out their mission. They
- 15 were not all in the same place. They were in small groups, as usual. They were in a
- 16 defensive position, because they weren't moving. They were in a defensive position.
- 17 They were stationed, if you will, where they had little huts that were used for their own
- 18 housing.
- 19 Q. So in addition to a hangar there were little huts on the airfield; is that right?
- 20 A. Wherever you have soldiers, they would -- they would organise a shelter for
- 21 themselves.
- 22 Q. Give us some idea how many little huts there were on the airfield?
- 23 A. My mission did not involve counting the number of huts. (Redacted)
- 24 (Redacted) My task was not to count the number of buildings. That was not my
- 25 mission.

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1 Q. Very well, but we're getting a picture now. You have told us there were
2 two-and-a-half to three thousand men there. Over what sort of area were they
3 distributed?

4 A. Well, there were 2,500 or 3,500 and they knew how to organise it when they were in
5 a battle-field. That's not a question that should be put to me. When you have 2,500 or
6 3,500 soldiers, they know how to organise themselves. I didn't go there to find out how
7 they were organised.

8 Q. Well, the airfield. In total, how big an area was the airfield?

9 A. Counsel, it was an airstrip. It was an airstrip, not an airport. There was a landing
10 strip. Imagine what it looked like. It was an airstrip.

11 Q. Well, we may not need to imagine how it looks like, but Antonovs land there.
12 They need about two-and-a-half kilometres to come to a stop. Would you agree that the
13 airfield in total was about nine square kilometres in size?

14 A. Counsel, I can say the following: I cannot accept your suggestion there.

15 Q. Were the soldiers spread all over the airfield?

16 A. When the leader was to arrive, the soldiers had to gather together for the parade.
17 They were not spread out all over. They were assembled.

18 Q. How did Mr Bemba address them? Did he have a megaphone, or a public address
19 system?

20 A. When there's a parade, you don't use a megaphone. He just spoke directly to the
21 troops.

22 Q. Did anybody else speak to them?

23 A. He spoke to the troops and he spoke to the officers.

24 Q. Did General Amuli say anything to the troops?

25 A. General Amuli was there in Zongo. We found him there. He is the one who gave

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1 the military honours to the head of the ALC; that is Mr Jean-Pierre Bemba.

2 Q. That might not have been accurately translated. What do you mean by "He gave
3 the honours to Jean-Pierre Bemba"?

4 A. Well, when I spoke about military honours, paying respect, I -- he was reporting to
5 the chief as to the number of soldiers who were present and saying who was present, who
6 was ill, who had been sent elsewhere. These things take place during a military parade.
7 So when the leader came General Amuli stood at attention and he reported on the
8 situation of the troops, and then General Amuli introduced the chief, introduced the
9 leader, and the leader spoke to the troops. That's how it happened.

10 Q. Okay. So General Amuli spoke to the troops to introduce the chief? Is that what
11 you're saying?

12 A. That's correct.

13 Q. Did Mustapha speak to the troops?

14 A. Well, it was General Amuli who spoke, and after reporting the chief then spoke to
15 the troops and afterwards he, the chief, spoke to the officers and we went back. I don't
16 know whether Mustapha spoke to the troops afterwards. Perhaps he did, because they
17 were to go off on an operation together.

18 Q. Thanks. Just two more things before we get to have lunch. Were there any
19 aircraft on the airfield?

20 A. Well, when we were there, there were no other aeroplanes there. There was just
21 the helicopter that we had arrived in. There were no other planes at the airstrip in
22 Zongo.

23 Q. Were there any vehicles on the airfield?

24 A. Counsel, I did not see any vehicles at the airstrip. There was just the helicopter that
25 (Redacted)

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1 Q. And, lastly, how were the soldiers dressed?

2 A. The soldiers were wearing battle fatigues. Some were wearing civilian clothes.

3 There was a mixture, because -- well, we weren't really interested in military uniforms
4 because, you know, it's not the uniform that helps you fight. So each person had their
5 own uniform. Some were just wearing uniform shirts, with a civilian pair of trousers.

6 There was a mixture.

7 MR HAYNES: Thank you very much.

8 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

9 Mr Witness, we'll have now a longer break. You look tired. You have some more time
10 to have your lunch, to take some rest. It's a little bit after 1 o'clock. We will resume at
11 2.35.

12 Court officer, please turn into closed session for the witness to be taken outside the
13 courtroom. In the meantime, we will suspend and resume at 2.35.

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

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

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 1.03 p.m.)

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

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

21 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
22 court usher bring the witness in.

23 (The witness enters the courtroom)

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

25 (Open session at 2.41 p.m.)

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- 1 THE COURT OFFICER: We are in open session, Madam President.
- 2 PRESIDING JUDGE STEINER: Thank you.
- 3 Mr Witness, good afternoon.
- 4 THE WITNESS: (Interpretation) Good day, your Honour.
- 5 PRESIDING JUDGE STEINER: Did you manage to take some rest during the
- 6 lunch-break?
- 7 THE WITNESS: (Interpretation) Yes, I did have a rest.
- 8 PRESIDING JUDGE STEINER: Are you felling well and ready to continue with your
- 9 testimony?
- 10 THE WITNESS: (Interpretation) Yes, we can continue.
- 11 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor, reminding the witness
- 12 that we are in open session.
- 13 MR HAYNES: Good afternoon, your Honour.
- 14 Q. And good afternoon to you, sir.
- 15 A. Good day, Maître. Everything is fine.
- 16 Q. Before we went for our lunch we were in Zongo, do you recall?
- 17 A. Yes, I do.
- 18 Q. And we were on the airfield. Now, I'm going to repeat what Madam President
- 19 has just said. We are in open session at the moment and so, if you feel any answer you
- 20 want to give might compromise your identity, please don't hesitate to say that you would
- 21 like to go into private session. Is that clear?
- 22 A. Yes.
- 23 Q. Sir, you have travelled in an Antonov aircraft, haven't you?
- 24 A. Your question wasn't clear. Could you repeat it?
- 25 Q. Yes. Were you ever a passenger in an Antonov aeroplane?

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1 A. A passenger on an Antonov, but to go where? Could you be clear when putting
2 questions to me? I travelled by Antonov to several locations a number of times. Please
3 be clear when asking me questions.

4 Q. Certainly. Can you give us some idea how many men you can fit into an Antonov?

5 A. I'll answer your question. A lot of people could travel on an Antonov, could fly on
6 an Antonov.

7 Q. But approximately how many? Twenty? 50? More than 50?

8 A. I can't give you an estimate, but I know that a lot of passengers could fit into an
9 Antonov.

10 Q. Very well. Did you speak to any of the soldiers at Zongo?

11 A. I spoke to our colleagues with whom we worked in the DRC and in Zongo later.

12 Q. And where did you know them from? And I add at this stage, please don't give me
13 a name.

14 A. I won't give you any names, because I can't remember them any more. These are
15 colleagues with whom we worked within the ALC. It's in that way that we got to know
16 each other, in that military movement in Basankusu. I don't see why it's important for
17 you to ask me what their names were.

18 Q. Well, it may be, but if I do so I will do so in private session. Did the people you
19 spoke to tell you where they had come from?

20 A. These people were comrades in arms, compatriots. We had worked together in the
21 DRC. I don't see why it's important for you to ask me what their names were. As I
22 have forgotten their names, I can't answer your question.

23 Q. Well, again, don't worry about names for the moment, but did the people you spoke
24 to tell you where they had come from to Zongo?

25 A. In brief, this is what I can say: That people who were involved in the operation in

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1 Bangui were in Gbadolite, Gemena, Basankusu. That's the three places that they were
2 assembled from, so that is the answer I can give you very briefly.

3 Q. Right. Did you speak to anybody who had come from Basankusu?

4 A. You want to know where these people came from? I don't see why that would be
5 necessary. We spoke to compatriots who had gone to the Central African Republic, and I
6 don't see why I should have to provide their names.

7 Q. The people who had come from Basankusu, how had they got to Zongo?

8 A. I don't know which means they used to get to Zongo from Basankusu, but I would
9 imagine that they could have left Basankusu and passed through Gemena in order to
10 reach Zongo. I also know that the 5th Battalion that was under Mustapha, that is Brigade
11 C, that battalion was in the Central African Republic. With regard to their trip to Zongo,
12 I can't provide you with any details. You should ask your question. You should put
13 your question to your client. He can provide you with such details.

14 Q. You are familiar with Basankusu, aren't you?

15 A. Yes, I know Basankusu.

16 Q. And you know it's a very long distance from Zongo, isn't it?

17 A. That's why I have said that it was necessary to take a plane to reach Zongo from
18 Basankusu, or you had to pass through Gemena and Gbadolite to arrive in Zongo.

19 Q. And to transport two-and-a-half to three thousand men from Basankusu to Zongo
20 would have taken a great many plane journeys, wouldn't it?

21 A. Maître, I'll answer you briefly. When the troops had assembled, well, as far as their
22 transport is concerned, I wouldn't say that they needed a lot of planes. We had two
23 Antonovs that were functional at that point in time. In order to transport a battalion
24 from Basankusu to some other location, it wasn't necessary for us to have ten planes to do
25 this.

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1 Q. No, but you can only get about 50 men on an Antonov, can't you?

2 A. That's your opinion when you say that an Antonov can transport 50 individuals.

3 PRESIDING JUDGE STEINER: I was still waiting for the translation, Mr Haynes.

4 Could you please slow down a little bit? Thank you.

5 MR HAYNES: I'm very sorry.

6 Q. There were no aircraft on the airfield when you were there, were there?

7 A. The plane to transport the troops to some other location, well, it was necessary to
8 have several such planes in order to transport troops to other locations, so I do not
9 understand how it is that only one plane was to take these people from Basankusu to Isiro.

10 It was the same plane that did that. Isiro was far away from Zongo, so how is it that this
11 plane went to Isiro? Maître, we're turning around in circles. Could we advance?

12 THE INTERPRETER: Your Honour, the Lingala booth says that they failed to
13 understand part of the witness's answers. Could he please be asked to repeat what he
14 said?

15 PRESIDING JUDGE STEINER: Mr Witness, the Lingala interpreter is telling me that he
16 had difficulties in following all your answer. He's asking whether you could repeat your
17 answer, please.

18 THE WITNESS: (Interpretation) Very well, this is what I said. An Antonov plane
19 transported troops to Isiro, when there were the troubles in Mambasa, so given such a
20 hypothesis one can ask how things happened. It was necessary to send reinforcements
21 to Mambasa, so the 1st Battalion was to go to Isiro to intervene in Mambasa. It's the
22 same thing. Isiro was far away, whereas Zongo was nearby, so to take the troops from
23 Basankusu to Zongo, well, I don't see what the problem is. The lawyer is asking me how
24 many individuals were transported, the number of 50 was mentioned and I told him that
25 the troops were taken from Basankusu to Zongo. I told the lawyer that he shouldn't put

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1 this question to me. I said he should put this question to his client and we should
2 advance, because he's turning round in circles now by putting such questions to me. We
3 are spending a lot of time on one sole subject.

4 MR HAYNES:

5 Q. Sir, how was it that you were able to estimate that there were two-and-a-half to
6 three thousand soldiers on the airfield?

7 A. When the leaders were being honoured in Zongo, it is at that point in time that I
8 learned that there were 2,500 or 3,000 men assembled in Zongo. So it's when these
9 military honours were being paid to them.

10 Q. Did you learn that because of something you heard?

11 A. Yes, I was an eyewitness.

12 Q. You see, I want to ask you about something you said during your interviews. We
13 need to look, please, at Defence document number 1, and on the screen for the witness,
14 but obviously not to be broadcast because it's confidential, page 0338, and for the rest of
15 us who are following in English page 0224.

16 THE COURT OFFICER: Document CAR-OTP-0056-0315, third redacted version, at page
17 0338 is available on your screens. It's a confidential document and it's only available
18 inside the courtroom.

19 MR HAYNES: And the witness needs to look just below halfway.

20 Q. Sir, can you see an answer you gave beginning, "Les éléments qui étaient partis ...",
21 and can you just read over to yourself that answer, the next question and the answer after
22 that?

23 A. Well, can you read from it, please, so that I know which line precisely you are
24 talking about?

25 Q. Can you see right pretty much in the middle of the page it says, "Les éléments qui

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1 étaient partis en RCA pouvaient atteindre entre 2500 et 3000 hommes"?

2 A. Yes.

3 Q. Can you read that, then the next question beneath it and then the answer you gave
4 to that question?

5 A. Where is the response you are mentioning? I can't see the response you are talking
6 about.

7 Q. The response begins, "Quand les listings venaient des opérateurs ..."?

8 A. Yes, I can see there is mention of 2,500 men.

9 Q. And you were asked, "Comment savez-vous ces chiffres?" Can you see that?

10 A. Well, with regard to this question, the figures I'm talking about here, well, I could be
11 aware of them out in the field in Zongo.

12 Q. Yes, but you told the investigators that you knew about them because you'd read a
13 wireless message, didn't you? Which is correct?

14 A. No, no, no. I never talked about radio messages that I might have read. I -- I
15 heard about the number of troops in Zongo, but I never indicated that I had read the
16 figure somewhere. When we reported to the president (Redacted) and that's also an
17 occasion upon which I might have gleaned this information. I think this was badly
18 written. You can check, but I believe that this has been badly taken down.

19 Q. Sir, let's move on to another topic. Who were the officers who met with Mr Bemba
20 in the hangar at the airfield?

21 A. Those in attendance were General Amuli, Mustapha and many other commanders.
22 He talked to all those individuals.

23 Q. Well, I want you to help me who the many other commanders were. Can you give
24 us the name of one of them?

25 A. I would not be in a position to give you the names of the other commanders, no. I

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1 cannot recall any of the names of those commanders.

2 Q. Why can you not recall the names of any of those commanders that were in the
3 hangar at the airfield?

4 A. Well, you asked me the names. I gave you the names that I was in a position to
5 give you. I have no further names to give you.

6 Q. Sir, were these commanders, these many commanders in the hangar, people who
7 had been your colleagues earlier in the rebellion?

8 A. I do recall some of those other commanders, but I do not remember their names as
9 such.

10 Q. Not one?

11 A. No.

12 Q. Approximately how many were there?

13 A. He talked with the commanders. I gave you the names of some of them, but I
14 cannot recall the names of the other commanders.

15 Q. I've given up asking you that question. I'm asking you now whether you can tell
16 me approximately how many other commanders were there?

17 A. There were commanders in attendance whose names I cannot give you, but he did
18 speak to commanders who were indeed in attendance.

19 Q. Where did they come from?

20 A. People were called from everywhere, and there was a unit that was at the ready to
21 take part in an intervention. I do not know where those commanders came from. I do
22 not know. What I do know is that they were part of the ALC and the MLC, but I do not
23 know where they had been brought from.

24 Q. What time did he arrive back in Gbadolite that day?

25 A. Just after the officers' and soldiers' meeting (Redacted)

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1 (Redacted)

2 THE INTERPRETER: Rather, the interpreter corrects, (Redacted) took the helicopter,"
3 says the interpreter.

4 MR HAYNES:

5 Q. (Redacted) directly from Gbadolite to Zongo?

6 A. No, (Redacted) from Gbadolite, Gemena and then to Zongo. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Okay. (Redacted)

10 A. (Redacted) Night had not yet fallen.

11 Q. Thank you. Now, just to be on the safe side, I'm going to ask you a few questions
12 in private session, if I may?

13 PRESIDING JUDGE STEINER: Court officer, please.

14 *(Private session at 3.13 p.m.)Reclassified as Open session

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

16 MR HAYNES:

17 Q. Sir, when did you first learn that (Redacted)
18 following day?

19 A. (Redacted) the very next day.

20 Q. (Redacted)

21 A. (Redacted)

22 Q. And how many people (Redacted)

23 A. (Redacted)

24 Q. And can you give us the name of any of them?

25 A. There was (Redacted) (phon), and many others whose names I do not know.

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- 1 I can only remember (Redacted)
- 2 Q. And can you help us as to where, if at all, we might find (Redacted) now?
- 3 A. (Redacted) but I do not know where he is currently.
- 4 Q. Thank you. What time did (Redacted)
- 5 A. Well, I wouldn't be able to tell you quite at what time (Redacted)
- 6 and (Redacted) Bangui, but I couldn't tell you the time of (Redacted)
- 7 Q. How long does it take to fly from Gbadolite to Bangui?
- 8 A. I believe that via Antonov, from Gbadolite to Bangui, it takes about 30 minutes.
- 9 Q. (Redacted) in Bangui, was that at the airport?
- 10 A. Well, where else would you think that the Antonov would land? Of course it's
- 11 going to land at the airport.
- 12 Q. (Redacted)
- 13 A. Yes. (Redacted)
- 14 Q. And who was there (Redacted) in Bangui, the day after (Redacted) at Zongo?
- 15 A. People came to (Redacted) the leaders, but (Redacted)
- 16 (Redacted) to Patassé's residence, but I did not know who
- 17 they were.
- 18 Q. Were they in uniform?
- 19 A. Some were in military garb; others were wearing civilian clothing.
- 20 Q. And what vehicles, if any, (Redacted)
- 21 A. I no longer recall the type of vehicle it was but (Redacted)
- 22 (Redacted) to
- 23 Patassé's residence.
- 24 Q. How many vehicles were there?
- 25 A. I do not recall the number of vehicles. You don't think that (Redacted) the

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1 number of vehicles (Redacted) to Patassé's residence, do you?

2 No.

3 Q. Who drove them?

4 A. Chauffeurs from the Central African Republic.

5 Q. And who travelled in the vehicle from the airport to the presidential palace (Redacted)

6 (Redacted)

7 A. These were soldiers from the presidential security detail of Patassé. They

8 (Redacted)

9 Q. What other Congolese person travelled in (Redacted)

10 A. Yes, there were some Congolese soldiers who were providing security for the town

11 and who were also part of the convoy (Redacted)

12 Q. Were they soldiers or were they bodyguards?

13 A. These were Congolese soldiers on detachment in Bangui.

14 Q. Okay. Were they soldiers (Redacted)

15 A. Well, (Redacted) the soldiers in Bangui. You put the question to me. I

16 said that there were Congolese soldiers who were part of an intervention in the Central

17 African Republic. (Redacted) on the soldiers, and who they were.

18 Q. How many people from (Redacted) travelled (Redacted)

19 A. (Redacted)

20 (Redacted) to Patassé's residence.

21 Q. Very well. (Redacted)

22 A. Upon arriving at Patassé's residence Bemba entered and (Redacted)

23 (Redacted) Patassé's soldiers.

24 Q. Thank you. (Redacted)

25 A. (Redacted)

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1 Q. And then what happened?

2 A. Then Patassé's soldiers (Redacted) his president, or their president, did not want to
3 go to PK12 but he said, they said that, "Your president wants him to go to PK12. We do
4 not know whether we will go to PK12 because our president, President Patassé, does not
5 want to go there" and then a few moments later, President Patassé came out in the
6 company of Bemba and (Redacted) in order to go to PK12.

7 Q. (Redacted)

8 (Redacted) around the presidential palace?

9 A. Could you please repeat your question?

10 PRESIDING JUDGE STEINER: Mr Haynes, just I remember that in other occasions we
11 had already this doubt on whether Patassé's residence and presidential palace are the
12 same place, so could you be more precise in your question?

13 MR HAYNES: Certainly.

14 Q. (Redacted) around the building that Mr Bemba had entered?

15 A. (Redacted)

16 (Redacted)

17 The building is in the centre of the town. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted) to see

21 President Patassé?

22 A. As I told you, I said whether it be in (Redacted)

23 (Redacted)

24 Q. Thank you. (Redacted) any dead bodies within the vicinity of this building?

25 A. There were bodies strewn around the residence, and even before (Redacted)

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1 Patassé's residence (Redacted) bodies at 50 or 30 metres from that location. Yes, there
2 were bodies.

3 Q. (Redacted) with President Patassé's guards outside the residence?

4 A. (Redacted) as Africans, as brothers, as (Redacted) They
5 didn't hide anything (Redacted) They said, "These are your soldiers who committed these
6 acts. It is your brothers who did this and they came to save us. Without their
7 intervention we would have died." That is what Patassé's soldiers said.

8 Q. Did they indicate whether the president himself was aware of these bodies outside
9 in the street?

10 A. Which president are you referring to?

11 Q. Patassé?

12 A. I believe that President Patassé had an intelligence department and that he received
13 reports from them.

14 Q. And what (Redacted) Mr Bemba and Mr Patassé had been doing inside the
15 residence for the half-an-hour (Redacted)

16 A. I don't know what they were doing. However, (Redacted) Patassé
17 did not want to come out to go to PK12, but they said "It was your president who was
18 forcing him to do so."

19 Q. When they did come out, who drove President Patassé?

20 A. The chauffeur was one of his soldiers.

21 Q. And who else travelled in the car with him?

22 A. The chauffeur, President Patassé, and President Jean-Pierre Bemba, (Redacted), and in
23 the trunk of the car, or in the back rather of the vehicle, (Redacted) soldiers and the personal
24 protection detail, and this was under the order of President Bemba. He said, "In the back
25 I want my soldiers" and that's why other soldiers were at the back of the vehicle.

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- 1 Q. What sort of car was this?
- 2 A. It was an armoured Mercedes Benz and it was grey, if I'm not mistaken.
- 3 Q. And was this the same or a different vehicle (Redacted)
- 4 (Redacted)
- 5 A. No, it was a different vehicle. The one I'm referring to was President Patassé's
- 6 vehicle. (Redacted)
- 7 Q. And other than (Redacted) in the car with the two presidents?
- 8 A. Well, that's what I just said. (Redacted) in the trunk of the car.
- 9 Q. So they were bodyguards, not soldiers, in the trunk of the car; is that right?
- 10 A. Yes, the bodyguards of President Jean-Pierre Bemba.
- 11 Q. (Redacted)
- 12 A. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Q. What other vehicles were in the convoy?
- 16 A. There were several vehicles in the convoy. There were many, many to go to PK12.
- 17 Q. How long did it take to get to PK12?
- 18 A. (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. Can you not even give us an approximate time?
- 22 A. From President Patassé's residence to PK12, it's not a very great distance.
- 23 Q. (Redacted)
- 24 A. From President Patassé's residence to the left, to the right, there were bodies, corpses,
- 25 and along the road as well. The soldiers had to get out of the vehicle to remove the

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1 bodies from the road so that (Redacted)to PK12.
2 Let me continue in saying the following: (Redacted) the
3 soldiers got out of the vehicle and cleared the road, removed the bodies, (Redacted)
4 (Redacted) Mr Patassé asked Mr Bemba, "Why did all this happen? You see
5 what your men did?" And Bemba's response was, "I have an army and -- which has a
6 quick solution to the problem." And Patassé responded, "Well, you know, this is a
7 problem." And Bemba responded to Mr Patassé, "You, you will deal with politics in your
8 country," (Redacted) I'm talking about what happened in the vehicle.
9 (Redacted) Patassé did not get out of the vehicle. He called his officers. He
10 spoke, or his officer -- he spoke to the officer while he remained in the vehicle, and (Redacted)
11 (Redacted) this was the first time that Patassé had seen the corpses
12 (Redacted) but for the other men there was nothing exceptional. For Bemba it
13 was normal.

14 Q. So Patassé stayed in the same vehicle he had travelled in, while Mr Bemba got out?
15 Is that the position?

16 A. Yes, that's correct.

17 Q. And what was the place where Mr Bemba got out of the car?

18 A. I believe it was at PK12. That's when he got out of the vehicle to talk to the soldiers
19 there involved in the operation, and he spoke to the soldiers who were along the road
20 which goes to Cameroon. There were soldiers on the road to Chad, and at PK12 he
21 spoke to the soldiers who were along the road to Cameroon.

22 Q. Do you mean he spoke to a parade of soldiers?

23 A. Bemba spoke to the soldiers at PK12, the soldiers on the road to Cameroon. They
24 were protecting that road and he spoke to them, and there was -- there was fighting, there
25 was bombings, civilians were shooting arrows. He didn't stay very long. He spoke to

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1 them, (Redacted) President Patassé

2 did not want to stay at PK12.

3 Q. Was the situation therefore quite dangerous?

4 A. Well, yes, it was in the middle of the war. There was bombing. You could hear
5 gunshots.

6 Q. And I just want to be clear about this: What you're describing is Mr Bemba talking
7 to soldiers who are guarding a road, not addressing an assembled group of men in a
8 particular area?

9 A. I believe that there was a battalion stationed there that protected the road that went
10 to Cameroon, and the soldiers that were on the road to Chad, that's where the bombing
11 was coming from and that's where the gunshots were coming from and he spoke to the
12 soldiers who were on the road to Cameroon.

13 Q. Okay. Did you --

14 JUDGE ALUOCH: Mr Haynes, I'm sorry to interrupt. Can I just ask the witness why it
15 was -- why was this trip to PK12 taken by the two presidents? Did he get to know that?
16 Mr Witness, sorry, did you understand what I asked? Why did the entourage come to
17 this part of PK12? You said, "Mr Patassé did not get out of the vehicle. Mr Bemba came
18 out and spoke to the soldiers." Did you know why they took this trip to this place to
19 come to PK12?

20 THE WITNESS: (Interpretation) Well, as far as I know, they went to PK12 because it
21 was an important place, and the war was on and soldiers were positioned there (Redacted)
22 (Redacted)

23 MR HAYNES:

24 Q. Can you help us as to this: About how many soldiers did Mr Bemba speak to?

25 A. The soldiers who guarded the road to Cameroon, it was a battalion. Their task was

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1 to protect the road. And those who were on the road to Chad I can't tell you how many
2 soldiers there were, but I heard numbers between 2,500 and 3,000 men in the DRC who
3 went to Bangui, but to tell you the exact number who crossed over I just don't know.

4 Q. Well, that's really brought me on to the next topic, which is are you able to help us
5 as to whether these soldiers that (Redacted) were the same or part of the same group
6 of soldiers (Redacted)

7 A. They were soldiers that had been in Zongo (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Mr Haynes, could you please give us the reference where
11 exactly the witness said something like that? This is not I understood from the witness's
12 answer.

13 MR HAYNES: Your Honour, I don't think I am bound to ask questions that are based on
14 things the witness has previously said. He's just told us that these were the same
15 soldiers (Redacted)

16 PRESIDING JUDGE STEINER: Yes, but not the 2,000 -- more than 2,000. You are
17 putting in the mouth of the witness something that he didn't say and this is what concerns
18 me.

19 MR HAYNES: I'm perfectly entitled to do that. He can agree with it, whether he said it
20 or not in the past.

21 Very well, I'll put it another way.

22 PRESIDING JUDGE STEINER: Please.

23 MR HAYNES:

24 Q. (Redacted)

25 A. The soldiers who were in Zongo crossed over to Bangui at PK12.

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1 Q. (Redacted)

2 (Redacted)

3 A. I've already answered that question. The number who crossed over to the CAR
4 was between 2,500 and 3,000 men. I don't know whether it was 2,500, or 3,000, who
5 crossed over to the CAR. I already stated this clearly. I didn't know how many men
6 there were exactly who'd crossed over.

7 Q. (Redacted)

8 A. (Redacted) they spoke about what they had seen. They
9 said that they were about 30 to 40 metres from the residence of President Patassé, and
10 they did their job and it was terrible because the enemy was so close and everyone saw
11 what had happened. There were dead bodies and the soldiers talked about it. There
12 was -- it was something that they had seen.

13 Q. Well, let's just spend a few minutes analysing that then. Did the people (Redacted)
14 (Redacted) that all of the men from Zongo had crossed over?

15 A. (Redacted) and the soldiers who were in Zongo were in the CAR.
16 So they had left the DRC for the CAR, there's no doubt about that, and the Congolese
17 soldiers from the MLC were in the CAR on mission. I mean, there's no question about
18 that. There's no question as to whether or not this was true. Are you talking about
19 soldiers from Congo Brazzaville? These were soldiers from the ALC who crossed the
20 border and went into the CAR.

21 Q. And did the soldiers (Redacted) they had been immediately involved in
22 combat after they had crossed over?

23 A. They arrived immediately and they began fighting, because the enemy was there on
24 the ground.

25 Q. And was that fighting very close to the presidential residence?

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- 1 A. They said that they were between 30 and 50 metres away and (Redacted)
- 2 (Redacted) It wasn't far from the president's residence. That's where the enemy was.
- 3 Q. (Redacted)
- 4 A. (Redacted) dead bodies, civilians. The corpses were not wearing military uniforms.
- 5 And President Patassé saw it as well, as well as the commander-in-chief of the MLC. He
- 6 saw it (Redacted) These were corpses wearing civilian clothes and not
- 7 wearing military uniforms.
- 8 Q. Yes, but did you understand them to be the corpses of the enemy?
- 9 A. The soldiers involved in the operation said that those were enemy corpses, because
- 10 they had been in the fighting area and they stated that the bodies were the bodies of the
- 11 enemy.
- 12 Q. Thank you very much. Do you know why PK12 is called PK12?
- 13 A. No, I don't know. I am not from Bangui. I learned about PK12 when I arrived in
- 14 CAR and I was told, "This place is called PK12." I have no explanation to give you, nor
- 15 do I know why it is called PK12.
- 16 Q. Well, I don't suppose anybody will mind if I tell you. It's called PK12 because it's
- 17 12 kilometres from the centre of Bangui. (Redacted)
- 18 (Redacted)
- 19 A. I stated that it wasn't very far from President Patassé's residence. Twelve
- 20 kilometres is not very far. You've just stated 12 kilometres. I know that it was called
- 21 PK12. I didn't know that it was 12 kilometres away, because I'm not from Bangui.
- 22 MR HAYNES: Thank you very much.
- 23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.
- 24 Court officer, turn back into open session please.
- 25 (Open session at 4.00 p.m.)

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

2 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. It's enough for

3 today. Now you are entitled to take some rest. We hope you have a nice weekend.

4 We will adjourn and resume on Monday morning at 9.30 in this very same courtroom.

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

6 team, Mr Jean-Pierre Bemba. Thank you very much our interpreters, court reporters.

7 We hope you all have a restful weekend.

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

9 the courtroom. In the meantime, we will adjourn and resume Monday morning at 9.30.

10 *(Closed session at 4.01 p.m.) Reclassified as Open session

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

14 (The hearing ends in closed session at 4.02 p.m.) Reclassified as Open session

15 RECLASSIFICATION REPORT

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

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

18 of the transcript with its redactions becomes Public