

Trial Hearing
Witness: CAR-D04-PPPP-0051

(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 Thursday, 25 October 2012
- 8 *(The hearing starts in closed session at 9.04 a.m.) Reclassified as Open session
- 9 THE COURT USHER: All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE STEINER: Good morning.
- 13 Could, please, court officer call the case.
- 14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African
- 15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
- 16 PRESIDING JUDGE STEINER: Thank you very much.
- 17 Good morning. I welcome the Prosecution team, Maître Zarambaud, the Defence team,
- 18 Mr Jean-Pierre Bemba Gombo. Good morning our interpreters and court reporters.
- 19 We will continue today with the questioning of Defence Witness 51, and I ask, please,
- 20 court usher to bring the witness in.
- 21 (The witness enters the courtroom)
- 22 WITNESS: CAR-D04-PPPP-0051 (On former oath)
- 23 (The witness speaks French)
- 24 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 25 (Open session at 9.06 a.m.)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

- 1 THE COURT OFFICER: We are in open session, your Honours.
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 3 THE WITNESS: (Interpretation) Good morning.
- 4 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 5 THE WITNESS: (Interpretation) I am.
- 6 PRESIDING JUDGE STEINER: Mr Witness, I want to remind you that you are still
- 7 under oath. Do you understand that, sir?
- 8 THE WITNESS: (Interpretation) I do.
- 9 PRESIDING JUDGE STEINER: I also want to remind you, sir, about our ground rules,
- 10 that you are expected to speak slower than normal, really slower than normal, and that
- 11 you please give five seconds after a question is put to you in order to allow the
- 12 interpreters to do their job, to facilitate their job. Can we count on your co-operation, sir?
- 13 THE WITNESS: (Interpretation) Yes.
- 14 PRESIDING JUDGE STEINER: Also, I wanted to remind you, Mr Witness, that you are
- 15 under protective measures that your image and your voice broadcast outside the
- 16 courtroom are being distorted so that the public cannot identify you. You need to help
- 17 us in ensuring that protection, so please avoid giving in public sessions information that
- 18 could lead to your identification. If need be, we go into private session. In private
- 19 session you can feel free to say whatever you want because the public cannot hear what is
- 20 said inside the courtroom.
- 21 Do you understand that, sir?
- 22 THE WITNESS: (Interpretation) Yes.
- 23 PRESIDING JUDGE STEINER: I will then give back the floor to Prosecution.
- 24 Mr Bifwoli.
- 25 Maître Kilolo?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation) Thank you, your Honour, for having given me the floor.
2 I just wanted to briefly intervene with regard to the question of -- the question Mr Bifwoli
3 put yesterday, and in the transcript it's in the edited version, French, 24 October 2012,
4 page 77/78, and this is the question that was put to the witness: "Mr Witness, Lengbe
5 came to testify here before the Court. He said that he could not give orders to
6 Moustapha. Are you in agreement with that?"

7 Thereafter, Mr Bifwoli gives the reference in the English version, T-182, page 41, lines 1 to
8 11, and T-183, page 17, lines 1 to 8, but after reading these references attentively yesterday
9 it turned out that these references do not correspond with his statement.
10 So there is not an indication of a quote from which it would clearly appear that Colonel
11 Lengbe is alleged to have said that he could not have given an order to Moustapha, so of
12 course this is likely to lead the witness to make an error, and I would now like to ask
13 Mr Bifwoli to give us the correct reference and if necessary to read the relevant quote to
14 the witness, because we are unable to find it.

15 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. I will give the floor of course
16 to Mr Bifwoli, but just a comment - a side comment - it would have been easier if you had
17 pointed out for that problem before the hearing. That would give some time for the
18 Prosecution to seek necessary clarification, but in any case, Mr Bifwoli, are you in a
19 position to give a clarification now, or you will do it as soon as you get the proper
20 information?

21 MR BIFWOLI: Thank you, your Honours. I am able to give some references at the
22 moment and we shall be providing more references later, but, your Honour, at T-182,
23 page 41, lines 9 -- from line 9, Lengbe testified, "I got several phone calls from General
24 Mazi, from General Betibangi who had come back and from the Chief of Staff of the
25 Armed Forces who had come back as well, and I was told to get up there quickly and sort

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 things out."

2 Now, when you proceed on the same page at line 16: "When I arrived there, I called up
3 General Mazi and told him that I was already there, and he came to join me, and I started
4 to talk to Moustapha. These men were tied up. I was on the ground, I was sitting on
5 the ground, and I said, 'No, these are men who work with us. They tend to come here to
6 get coffee.' And he said, 'No, no, they are not, they are spies.' Fortunately, the general
7 then arrived and he was still talking through an interpreter, because each time you
8 needed an interpreter, and it was with great difficulty that we managed to get the two
9 men and take them back to the camp." That's one reference.

10 Again at T-183, at page 17, beginning line 8: "Moustapha, as I already said, was a
11 gentleman who spoke French but did not wish to speak. He always needed an
12 interpreter, so we spoke too, in French, and we would be translated into Lingala, and we
13 were rather upset that faced with this person we were treated as dirt. This is the sort of
14 image we got from Moustapha. We were treated like dirt."

15 Evidently, from this evidence, it cannot be that the person, the image of the person that
16 these people are talking about, will be the person that they were ordering. They
17 explained. When they were explaining to him that these are soldiers, he's telling them
18 "No," and they said they managed to get these soldiers with great difficulty. So if you
19 step back and ask yourself if these were Moustapha's seniors, who could issue orders to
20 him, they will not go to this great length, going to where he is, arguing with him, he's
21 disputing what they are saying and they said it's with great difficulty that they eventually
22 managed. They would have simply ordered him, because if they could order him, he
23 will say, "It's our soldiers. Release them," and he will say "Yes."

24 So the evidence is clear, your Honours.

25 PRESIDING JUDGE STEINER: Mr Bifwoli, the Chamber would like to follow the

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 procedure that when you mention what a previous witness said, or the testimony of a
2 witness, that it's preferable that you quote, not that you interpret what that witness said.
3 What you have just done now is to interpret the words of Colonel Lengbe, and it's a fact
4 that yesterday, you mentioned to the witness that Colonel Lengbe said something. So
5 I'm sure that it was made in good faith, but in order to avoid the interpretation, or the idea
6 that you are misleading a witness, it would be preferable if you quote the parts of the
7 transcript that you are referring to.

8 Is that enough for clarify the Defence position in relation to the objection?

9 MR KILOLO: (Interpretation) Your Honour, well, you explained very well how things
10 are, but I do have to say that, in reality, the version of the Lengbe witness in the reference
11 T-183, French version, from page 64 to 72, Mr Lengbe is very clear. He says, "To whom
12 did you report on the activities of the centre?" Here they're talking about the CCOP.
13 He says, "My direct boss," and that was General Mazi, and thereafter he speaks about the
14 operation to draw back Bozizé's rebels beyond PK13, and he says this manoeuvre lasted
15 for three to four hours, to drive them further back than PK13.
16 The question that's put to him is "Well, you received the order from whom?" And he
17 said, "From general -- Chief of Staff of the Armies," and then he says that this order, which
18 he, Lengbe, received, were passed on to the troops who were in the field, and he makes a
19 drawing, or gives a picture, where he indicates that the order that he received, the order
20 for this operation, is something that was diffused to the MLC, and this indicates the
21 opposite of the information that was given to the witness within the framework of this
22 question. And I thought it was important to re-establish the truth here.

23 PRESIDING JUDGE STEINER: It appears that we are, instead of sitting here for hear a
24 witness, that we are sitting here to listen to the parties in their final arguments. It's
25 already -- everything is already in the record, and I would like now that we, in respect of

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 the witness that is sitting in front of us, that we start with his questioning.

2 Mr Bifwoli, with the recommendations given by the Chamber, please proceed.

3 MR BIFWOLI: Thank you, your Honours.

4 QUESTIONED BY MR BIFWOLI: (Continuing)

5 Q. Good morning, Witness.

6 A. Good morning, Prosecutor.

7 Q. Today, we will proceed from where we stopped yesterday, and I'll be asking you
8 direct, pointed and focused questions, so please be concise in your responses. This way
9 we'll be able to move quicker; do you understand?

10 A. Yes.

11 Q. As Madam President has pointed out, please remember to observe the five-second
12 rule; is that fine with you?

13 A. Yes.

14 Q. Witness, today we will start by talking about the image of Moustapha that Lengbe
15 had, and Lengbe testified as follows. That one is at T-183, page 17, lines 11 to 12, "This is
16 the sort of image we got from Moustapha. We were treated like dirt. He didn't need
17 us."

18 Witness, someone who treats you like dirt is someone who has no respect for you; is that
19 correct?

20 A. Prosecutor, I don't know because they were in offices there, and I -- well, I don't
21 know how to answer you in this regard. (Redacted)

22 Q. Lengbe also testified that the image they had of Moustapha was that he didn't need
23 them. Did you know that?

24 A. The central -- well, the Central African Army, why did they ask for the intervention
25 of the MLC if they didn't need them?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Q. Mr Witness, a short while ago you said you were (Redacted) so you don't know
2 what happened between Lengbe and Moustapha; is that correct?

3 A. Exactly.

4 Q. Witness, at T-182, page 41, lines 1 to 25, Lengbe testified that, "I got several phone
5 callings from General Mazi, from General Betibangi, who had come back, and from Chief
6 of Staff of the Armed Forces, who had come back as well, and I was told to get up there
7 quickly and sort things out."

8 From line 16 he went further, "When I arrived there, I called up General Mazi and told
9 him that I was already there, and he came to join me and I started to talk to Moustapha.

10 These were men who were tied up. I was on the ground. I was sitting on the ground,
11 and I said, 'No, these are men who work with us. They tend to come here to get coffee,'
12 and he said, 'No, no, they're not, they're spies.' Fortunately, the general then arrived and
13 we were still talking through an interpreter, because each time you needed an interpreter,
14 and it was with great difficulty that we managed to get the two men and take them back
15 to the camp."

16 From this passage, when Lengbe and Mazi informed Moustapha that the two soldiers
17 were not spies, he disagreed with them, didn't he?

18 A. Prosecutor, yesterday I said that when the soldiers from the MLC arrived in Bangui,
19 when there was the presentation by Moustapha, he presented General Bombayake
20 directly, his direct boss. The MLC soldiers were an integral part of the presidential
21 security. They were dressed in Presidential Security uniforms.

22 Now, in terms of security, even if a person who you knew, you suspected that person was
23 perhaps with people who were your enemy, perhaps there's that. Perhaps Moustapha
24 might not have been in agreement with Lengbe where it concerned certain positions.

25 Q. From the passage that I have just read to you a short while ago, when Lengbe and

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Mazi told Moustapha that these were the soldiers, he disagreed with them and said they
2 were spies. So my question is: Moustapha disagreed with them, didn't he, from the
3 passage that you've heard?

4 A. I answered you, Prosecutor. I said Presidential Security is a separate body. When
5 you are integrated, when you are seconded to the Presidential Security, even any close
6 person to you, your friend, you're together but you would see that person with a
7 particular point of view. You'd have an eye on them. So I think that even if Moustapha
8 was with Lengbe in the same office, sometimes he might have challenged certain
9 messages that Lengbe would transmit and he would refer them to General Bombayake to
10 have confirmation, real confirmation.

11 Q. But in this case, Moustapha challenged what Mazi and Lengbe said; is that correct?

12 A. And I answered you that the Presidential Security is a separate body. Even us,
13 even the soldiers of the Central African Armed Forces, when we arrived to our sector we
14 were disarmed, so we don't have any confidence in us. You're together in a service.
15 You're in a place. You can have fun, but as soon as you're in the service they are being
16 surveyed. They've got their eye on them. That's what I'm trying to explain to you,
17 Mr Prosecutor.

18 Q. Now, I would like to remind you that the next set of questions that I'm asking you
19 are limited to the passage that I have just read out to you, and if you don't recall please
20 feel free to inform me so that I can repeat.

21 Mr Witness, from the passage that I just read out to you, Lengbe testified that it was with
22 great difficulty that he and Mazi were able to secure the release of these two soldiers. Is
23 that correct, from the passage?

24 A. Mr Prosecutor, Moustapha was commanded directly by General Bombayake. Once
25 they stopped someone, or arrested someone, even if Lengbe intervened --

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 THE INTERPRETER: Inaudible.

2 THE WITNESS: (Interpretation) -- say "Yes" to Lengbe and tried to call Bombayake and
3 ask him what to do before. So that is why they were suspects, suspected of being spies.
4 Even though Lengbe said that he -- that he worked with them, but they were still
5 considered or under suspicion of being spies. This is what I'm telling you,
6 Mr Prosecutor.

7 MR BIFWOLI:

8 Q. But yesterday you testified that all these people, including Bombayake, channelled
9 their orders through Moustapha, who then passed them over to -- sorry, channelled their
10 orders through Lengbe, who then passed them over to Moustapha. Didn't you testify
11 that yesterday?

12 A. Well, in a co-ordination office, since Moustapha was in the field, Lengbe was
13 entitled to forward what was said at the co-ordination office in its entirety to Moustapha.
14 However, Moustapha in the field had a Thuraya and he got direct orders from
15 Bombayake.

16 Q. So you confirm there were two channels? There were orders that were coming
17 from the CCOP and there were orders that were coming directly through the Thuraya
18 from Bombayake; is that your testimony?

19 A. I confirm that. The orders that came from the CCOP in the field, as I explained in
20 the field the troops were mixed together. There were people from the presidential
21 security, there were FACA troops, there was people from the support regiment and the
22 MLC troops in the field. What CCOP through Colonel Lengbe said there and what
23 Bombayake said directly to Moustapha, perhaps there were contradictions between the
24 two. Perhaps one said one thing and, you see, they were keeping an eye on the FACA
25 troops, so they really didn't know what -- they didn't really know what approach to take,

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 so they would have been obliged -- even if you are taking your meals together, or sleeping
2 in the same place, at the same time you're keeping an eye on one another. You
3 don't -- you're always keeping an eye on one another.

4 Q. How do you know that Bombayake contacted Moustapha directly on Thuraya?

5 A. Bombayake had the Thuraya that was given to Moustapha and there were direct
6 orders. For example, if the PGA, the allowance -- you see, as people moved forward,
7 before they were given allowances in one manner, but then later it was sent directly to the
8 soldiers in the field. So the money went and he would call Moustapha and say, "Okay,
9 such-and-such an amount of money has been sent."

10 Q. So you know the content of the orders that Bombayake issued to Moustapha on the
11 Thuraya; is that your testimony?

12 A. Well, you can listen to the Thuraya. You can hear. You can hear what's being said
13 via satellite.

14 Q. Did you hear, via satellite, what Bombayake told Moustapha on the Thuraya?

15 A. But, no, you just said that to me. I never said. I wasn't able to listen to a Thuraya
16 conversation by satellite.

17 Q. So you don't know the communication between Bombayake and Moustapha on the
18 Thuraya; is that correct?

19 A. I explained to you. The communications that went through, sometimes if they did
20 the return they would go to the airport and the first person they might meet, and he
21 would speak directly in French and he would say this, that or the other thing and I would
22 hear what was said.

23 Q. Mr Witness, in your answer you've just said, "... if they did the return ..." Can you
24 clarify what you mean by that?

25 A. No, the patrol. Each morning, before going to the office, they would go by all the

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 various security posts to see how things were going there and, if you were confined to
2 barracks or to the base, you would have to report to each situation. (Redacted)

3 (Redacted)

4 (Redacted) So that sort of thing.

5 Q. So these are the people who told you about the communication that happened
6 between Bombayake and Moustapha on the Thuraya?

7 A. Mr Prosecutor, I told you earlier, when Bombayake went around, once he got to my
8 position his Thuraya rang and I thought perhaps it was the Head of State who was calling,
9 but it was Moustapha. He started to speak to Moustapha beside me and I heard the
10 conversation. This is what I told you. He was giving instructions directly to
11 Moustapha over the Thuraya.

12 Q. How many times did you hear Bombayake give instructions to Moustapha on the
13 Thuraya?

14 A. Once he went by, but the next time I don't know. Once he came by. He passed by
15 me.

16 Q. Please tell the Court the kind of orders that you heard him give Moustapha?

17 A. I explained to you earlier that they were talking about money. Moustapha asked
18 him, it was nearly 11 o'clock, "And what are the soldiers going to eat today?" And he
19 said, "No, your money is coming. It's on its way. The people are on their way to bring
20 the money." So they were talking about money, you see? The -- they were talking
21 about the PGA, the subsistence allowance paid to the soldiers.

22 Q. Who else was present with you on this occasion when Bombayake issued those
23 orders to Moustapha?

24 A. Well, I already said. When a chief comes the aide-de-camp move aside, so when
25 two important people come together the assistants move away. So they were -- the two

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 of them were talking. The two -- the aide-de-camp were off to the side.

2 Q. But you heard the conversation, so which other people could hear that conversation
3 that were present at that time?

4 A. You want me to say who heard? (Redacted)

5 (Redacted) There was no other person beside us. When he arrived we greeted one
6 another, and the soldiers might stay 100 or 200 metres away. Even on the airstrip,
7 the two of us, I would explain what had happened over the night, then I would escort
8 him to his car and so on and so forth and then I would go back to my office.

9 Q. Do you recall the date or the month when this conversation -- this conversation took
10 place?

11 A. No, it's been a while. Those things happened a while ago. I couldn't tell you the
12 exact date or month, Mr Prosecutor.

13 Q. Mr Witness, coming back to the passage that I read to you, I don't know if you
14 recall?

15 A. Yes.

16 Q. From this passage -- from this passage it is Lengbe and Mazi who went to where
17 Moustapha was; is that correct?

18 A. Well, I wasn't right beside them, so I couldn't confirm what you're saying.

19 Q. Witness, if Lengbe and Mazi could order Moustapha, they would have just ordered
20 him to release the two soldiers, couldn't they, because they know these were their soldiers?
21 Is that correct?

22 A. Well, there was a shortcoming on their side. It was a problem or a shortcoming
23 within the command, like in the field, when you're with soldiers in the field and you are
24 given the subsistence allowance, you keep it for yourself. The soldiers need cigarettes.
25 They need go and have something to eat, to go and drink a bit of alcohol. They have

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 nothing, so they go and they loot instead. They'll do just anything. So who's
2 responsible? You are, because you kept the soldiers' money and you didn't give it to
3 them, so they're going to loot and burn down houses.
4 They were informed that the shops and the property of the shops, that's crazy. Looting,
5 they looted, they burnt down those shops, and so who's responsible for that? You, the
6 authorities, the military authorities that did not give the subsistence allowance to the
7 soldiers, so you have to look at the orders. When you want to give orders, you have to
8 know the -- when is the right time to give the orders.

9 Q. Mr Witness, a short while I pointed out to you that I'll ask you short, focused,
10 pointed questions, and try to be concise in your answer. The reason why I informed you
11 that, it will help everyone in this Court, so that we can move quicker, so I request that try
12 to listen to my questions and try to be concise in your answer. Can we try that?

13 A. Yes.

14 Q. Moustapha, sorry, Lengbe and Mazi, knew that these two soldiers were Central
15 African Republic soldiers. If they could order Moustapha, why didn't they just order
16 him to release the two soldiers?

17 A. Well, you'd have to ask General Mazi that question. A general who can't get his
18 soldiers released? I think you should be asking him the question, not me. I really don't
19 know how to answer that question.

20 Q. Thank you, Mr Witness, and I appreciate that you don't have to know everything,
21 and if you don't know anything, you acknowledge. We accept that as well, so I'm fine
22 with that and I'll continue.

23 Do you know that junior MLC soldiers asked Lengbe, and a gendarmerie captain called
24 Damango to stop investigating the death of Zakatao, the late chief of intelligence. That is
25 T182 at page 39, lines 1 to 25. Did you know that?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 A. No, Mr Prosecutor.

2 Q. Do you know that MLC soldiers who mounted roadblocks along the northern
3 districts of Bangui disarmed and confiscated weapons of FACA soldiers returning to
4 Bangui? That is T-172, page 28, lines 1 to 25, page 29, lines 1 to 25 and page 30, lines 1 to
5 13. Did you know that?

6 A. The soldiers who were coming back to Bangui, the orders had been given by
7 General Bombayake to take their weapons away from them, and you see, he had doubts
8 about some of the soldiers who were coming back so that is why he asked for their
9 weapons to be taken away from them when they came back, so that came from General
10 Bombayake.

11 Q. And General Bombayake was the head of USP; is that correct?

12 A. Yes.

13 Q. Do you know that P-151, who was a USP soldier, had to go and complain to the
14 MLC to release these weapons confiscated by the MLC?

15 A. I couldn't tell you. I wasn't in the field, so I couldn't explain any further,
16 Mr Prosecutor.

17 Q. But isn't it surprising that Bombayake is issuing orders for the weapons to be
18 confiscated at one point, then his officer is going to ask for the weapons and complaining
19 that they were taken wrongly?

20 A. When soldiers are in the field, the MLC soldiers were not alone. They were with
21 even the soldiers of the presidential security as they advanced. So, myself, if they were
22 soldiers from the USP who were coming back and their weapons were being taken away
23 from them, that is surprising to me. But if it were FACA troops that you are talking
24 about whose weapons were being taken away, that was the order that was given.

25 Q. At T-261, page 66, lines 6 to 16, real-time transcript, you testified that the CAR

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 soldiers accompanied and supported the MLC to show them the way and provide
2 assistance. Is that your testimony?

3 A. Yes.

4 Q. Now, at T-213, page 71, lines 6 to 10, an MLC official testified that, and I quote,
5 "MLC troops had been made available to the Chief of General Staff of the Central African
6 army who was now supposed to be the person in charge of operations, who will tell
7 Moustapha this is the road, this is the access, this is the line which should be followed."
8 And so the testimony of this witness is in line with what you testified yesterday; is that
9 correct?

10 A. When he was testifying, I wasn't here, I didn't hear. What I'm telling you is that the
11 MLC soldiers were not all in the field. They were with our soldiers, who went with them,
12 who supported them during combat.

13 Q. Witness, P-36 testified that the role of the CAR soldiers was actually -- the role of the
14 Chief of General Staff of the Central African Army would tell Moustapha, and I am
15 quoting what the witness said, that this is the road, this is the access, this is the line which
16 should be followed, and so that is what the Chief of Staff of the CAR would tell
17 Moustapha." Do you agree?

18 A. I don't agree because Moustapha didn't know the terrain. It was our soldiers who
19 showed them what was up ahead, and others were drivers, actually. They went off with
20 mechanics, ambulance drivers, orderlies. The combat groups were with them. They
21 didn't advance all by themselves, and the radios, the Motorolas that they used, we also
22 had the same frequencies we heard.

23 Q. At T-213, page 71, lines 15 to 18, P-36 testified that, "Troops were available simply to
24 guide the MLC or to guide the soldiers because they knew the terrain, but when it came to
25 orders to move forward, to push forward in the operations, all such orders came from the

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 commander-in-chief, the supreme commander, meaning Bemba." Did you know this?

2 A. I don't understand. I explained to you yesterday that if (Redacted)

3 (Redacted) well, you told me to be brief, so I don't know exactly how I am going to
4 explain this.

5 (Redacted)

6 (Redacted)

7 (Redacted) You can't command from a distance; you have to be in the field

8 with the soldiers. Even if, when you transmit the message to a leader to move
9 forward -- well, I don't know how to put this.

10 There are rules, you see.

11 Q. You didn't work for the MLC, did you?

12 A. The ML -- the CAR people did not work for the MLC. I was trained by the CAR
13 army and I worked for them. Why would I work for the MLC? I don't know.

14 Q. So you don't know or understand how the MLC transacted their affairs; is that
15 correct?

16 A. I was working for the CAR army. I know how the CAR army works. I know how
17 the directives were given. I've told you, all the matériel that was given to the MLC
18 soldiers came from the presidential security. The weapons, the ammunition, the artillery,
19 everything came from there. I've told you that. I've explained that to you.

20 Q. Yesterday, you testified that you were never based at the CCOP. Is that your
21 testimony?

22 A. I told you that, when Mr Jean-Pierre came, we went to Port Beach - to Port
23 Beach - and then accompanied him to the residence, from the residence to Camp Béal
24 where he looked at the equipment, then President Patassé returned to his residence and
25 we went on with him. Now, I never went to the CCOP. I know that it exists in Camp

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Béal, but I have never set foot there myself. My service is separate from that one.

2 Q. You also testified at T-261, page 64, lines 18 to 25, that you did not know what
3 happened at CCOP, you were not aware of operations there and you did not know what
4 was going on in the field. Is that your testimony?

5 A. Yes. The orders from the CCOP to the terrain, well, you see, messages are sent
6 over certain channels and frequencies and, although the messages were not for us, we
7 were still able to hear them over our walkie-talkies.

8 Q. So are you testifying that now you know what happened at CCOP?

9 A. What happened at CCOP? Well, we were able to follow the developments and the
10 trends, but I do not know the exact groups that were there and all those details and how
11 they were set up and how orders were given as such. What I know is that there was a
12 CCOP office which was responsible for co-ordinating everything, transmitting
13 information and ensuring that the operations on ground went well.

14 Q. At T-215, page 28, lines 19 to 25, P-36 testified that Moustapha could not decide on
15 the movement of MLC troops without Bemba's permission. This is a senior MLC official.
16 Did you know that?

17 A. No, not at all.

18 Q. At T-182, page 43, lines 5 to 9, Lengbe testified that, apart from the first joint
19 operation that involved pushing rebels to PK12, there was no other joint operation with
20 MLC troops. Do you agree?

21 A. No, I do not agree, because the operations were joint and they always were together
22 on the field. Now, if they were not together, how would the support units, Mbakaras,
23 the USP and General Bombayake's people who were in the four-by-four, or the Libyans,
24 what would they have been doing there? What would they have been doing there?

25 Q. Lengbe was the co-ordinator of this joint operation, wasn't he?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 A. Yes.

2 Q. And you were based at your place of work, which you know, weren't you?

3 A. Yes. Yes.

4 Q. So Lengbe was in a position to know if there was a joint operation or not, wasn't he?

5 A. He was the co-ordinator, so he -- he knew.

6 Q. At T-247, page 26, lines 16 to 25, Prosper N'Douba testified that when he returned to
7 Bangui he met Moustapha at PK12, who asked him about the rebels. This is an
8 important information for a commander; correct?

9 A. Yes, maybe because he wanted to get information on the various positions. Why
10 not?

11 Q. And why is such information important?

12 A. You know that nowadays with current technology you have the GPS and if you
13 want to go somewhere the GPS can tell you where there are traffic jams and where you
14 can have the fastest route, so this enables you to know where the enemy is positioned and
15 to see how to go about and around.

16 Q. Are you surprised that, when Prosper N'Douba met Bombayake, he did not ask him
17 this information at all? That is at T-246, page 21, lines 23 to 25, page 22, lines 1 to 4.

18 A. I -- I don't know what answer to give you. Bombayake and N'Douba were relatives.
19 Well, they might talk and one may forget what was said, or it might be said that he
20 informed Bombayake of all available information relating to the advances. So maybe
21 that's what happened, but maybe he didn't tell you that?

22 Q. But N'Douba would know whether he told Bombayake or not; is that your
23 testimony?

24 A. Yes, that is what I am saying. N'Douba may have talked about this to Bombayake,
25 but opted not to mention it to you.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Q. For your information, Mr Witness, Prosper N'Douba testified in this Court and he
2 categorically said Bombayake did not ask him that information. Are you surprised that
3 Bombayake didn't ask him that information?

4 A. Yes, that would surprise me, because he was captured, he was a hostage and when
5 he came back the general director in charge of the security of the Head of State, that is the
6 boss of all intelligence. Now, he is the one who is in charge of the president's security.
7 How would he not put such a question to someone who has been released; to ask him
8 how he had been treated, to ask about their positions, what type of weapons they had,
9 how he spent his days, who came to see him and so on and so forth? I would really be
10 surprised that that didn't happen.

11 Q. At T-261, page 64, lines 1 to 4, real-time transcript, you testified that you didn't
12 know the operational orders issued to Moustapha. Is that your testimony?

13 A. What type of operation are you talking about?

14 Q. Witness, at T-261, page 64, lines 1 to 4, yesterday, you testified that you didn't know
15 operational orders issued to Moustapha. Is that your testimony?

16 A. Operational orders from the CCOP? Is that what you're talking about?

17 PRESIDING JUDGE STEINER: Mr Bifwoli, could you please quote what was said
18 because even I did not understand the question.

19 MR BIFWOLI:

20 Q. Witness, yesterday you testified as follows, "Well, I wasn't in the operations office.
21 I was working elsewhere. The orders given there, sometimes Moustapha would get the
22 orders via Thuraya and so I couldn't hear those orders." So you didn't know the orders
23 that were issued from the operation or sent to Moustapha?

24 PRESIDING JUDGE STEINER: So, as you quote, he didn't know?

25 MR BIFWOLI: Yes, that is my question, your Honour.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Well, the question as put before said "you did know."

2 That's why I was confused.

3 THE WITNESS: (Interpretation) Mr Prosecutor, in matters of military
4 telecommunications, the use of radios is done by way of individual codes. Now, if
5 somebody is being spoken to directly you can know that such-and-such a person was
6 called, and a specific message was conveyed to that person and that's how it is.

7 MR BIFWOLI:

8 Q. So do you know the orders that were conveyed to Moustapha from the CCOP?

9 A. Orders from the CCOP to Moustapha related to the advances of the soldiers and
10 how things were happening. Yes, we could follow that. Quite often my radio was with
11 my aide-de-camp, because I was busy elsewhere, so whenever I had the radio, I was able
12 to follow. I was able to know what was going on. But most of the time it was my
13 aide-de-camp who had my telephone, my radio, and when anything came up that
14 concerned me, in person or particularly, then he would bring the radio to me and I would
15 attend to it.

16 Q. What do you mean by "advances"? Sorry, what do you mean when you say
17 "advances of the soldiers"?

18 A. Advances, or progress, or moving forward. That's moving forward.

19 Q. So how many times did you hear these orders being made?

20 A. Several times. You see, in the morning, every morning, each unit has to monitor
21 the radio or control the radio system and see situation in the east, nothing to signal;
22 operational situation; situation in the east, and so on and so forth. So there is each
23 morning a time at which a situation report is provided and we can all listen to that.

24 Q. So it's your testimony that it is the situation reports that you heard about?

25 A. Not a situation report. Simply call it a report or an account of the day.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Q. Who was reporting to who?

2 A. I -- well, I reported -- well, we had a communications unit, which was controlled by
3 Colonel Ouandane. Now, when I say there is nothing to notify from my end, that is it.
4 Now, if you mention that there is an incident or something that needs to be tackled, then
5 he would call you on the phone, so that you can explain from the first to the second or to
6 the tenth item that you raised, and provide further details. But if you have nothing to
7 say, then there is nothing to say.

8 Q. Do you know how long it takes to link a communication device to a particular
9 frequency?

10 A. How much time to set up a -- well, you see, the communication radio set is a
11 working tool, and you cannot use it for 30 minutes because then you will kill the battery.

12 Q. My question is: How much time is required if you have, for example, a new radio
13 and you want to -- you want to set it up into the frequency and all these channels that are
14 being used for communication, how much time will it take you to connect?

15 A. Mr Prosecutor, in matters of communication, we have specialised services which
16 know what to do. You know, for my frequency to be set, I take my Motorola to them and
17 they are the ones who set the channel at the specific frequency, but before they set the
18 frequency, they must receive orders from Colonel Ouandane, stating that six, seven or
19 eight frequencies should be made available to such-and-such an individual, or only two
20 frequencies, as the case may be.

21 Q. And so how long does it take to set it up?

22 A. I am not a communications expert, Mr Prosecutor, so how do you expect me to
23 know? You see, when you need your channels, or frequencies, to be set, you take your
24 unit to them and you leave it with them for maybe 24 hours or 48 hours, and by the time
25 you return, everything is done for you.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Q. Are you aware that Bemba issued operational orders to Moustapha in the CAR?

2 A. Messages?

3 PRESIDING JUDGE STEINER: Maître Kilolo?

4 MR KILOLO: (Interpretation) I have tried not to interrupt this examination by the
5 party opposite, but there is a build-up of leading questions.

6 PRESIDING JUDGE STEINER: Mr Bifwoli, it's better if you rephrase your question and
7 ask the witness whether he knows, if he knows whether Bemba issued operational orders
8 or not.

9 MR BIFWOLI: Thank you, your Honours.

10 Q. Witness, do you know if Bemba issued operational orders or not?

11 A. No, I do not know.

12 Q. Witness, do you know who ordered the MLC to withdraw from the CAR?

13 A. When Bozizé launched his coup d'état, he used his own radio system to ask the
14 soldiers to proceed, but I don't know exactly what happened, because there was general
15 confusion and it was all for -- it was just general disorder, so I don't -- I don't know; and it
16 was every man for himself.

17 Q. Witness, you are before this Court to tell the truth; is that so?

18 A. Yes.

19 Q. Have you been accused before a court of law for the crimes of genocide, crimes
20 against humanity, and war crimes?

21 A. Me? In which country?

22 Q. The question is: Have you been accused in any court for these crimes?

23 A. War crimes, or crimes relating to what war, or what crimes are you talking about,
24 please?

25 Q. Have you been accused of any crimes in a court?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Maître Kilolo?

2 MR KILOLO: (Interpretation) I wonder what the relevance of this question is? We are
3 dealing here with a witness and not with an accused person.

4 MR BIFWOLI: Your Honour, the past criminal record of the witness is important for this
5 Chamber because it goes to affect the weight that will be attached to the testimony of this
6 witness, so his past criminal conduct is relevant.

7 PRESIDING JUDGE STEINER: The witness can answer the question.

8 THE WITNESS: (Interpretation) During the Bangui events, things happened which I
9 can explain to you. If you want me to do that, I could, but preferably in private session.

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

11 *(Private session at 10.27 a.m.)Reclassified as Open session

12 THE COURT OFFICER: We are in private session, your Honours.

13 PRESIDING JUDGE STEINER: Mr Witness, you can answer the question, but the
14 question, pay attention, is only if you were accused of any crime. You are not being
15 asked whether you committed any crime. Do you know the difference?

16 THE WITNESS: (Interpretation) Yes.

17 Mr Prosecutor, when General Bozize's troops captured PK12, they (Redacted)

18 (Redacted) They ransacked my house (Redacted) and I had nowhere to go. The Ministry
19 of Housing gave me accommodation (Redacted) and that's where I used to live.

20 Then we were restricted to barracks, but every now and then I would go home to see the
21 children, and below my house (Redacted) with the soldiers who had come
22 along with me and then I would go home. Now, when the soldiers knew that I was -- or
23 thought that I was already asleep, (Redacted)

24 (Redacted) so they went dancing, they went somewhere to dance, and on that occasion
25 there was scuffling and fighting, and things went bad.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 Now, given that they were (Redacted) there were accusations that I was
2 involved in that incident, and this went right to the courts. Nobody wanted to
3 understand that it was (Redacted) who were involved. They thought and claimed that I
4 was personally involved in that incident. That is what I can tell you.

5 MR BIFWOLI:

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. No.

10 Q. Do you recall the mutinies of 1996 and another one in 1997 in the Central African
11 Republic?

12 A. Yes.

13 PRESIDING JUDGE STEINER: Maître Kilolo?

14 MR KILOLO: (Interpretation) I'm just wondering, your Honour, how this line of
15 questioning can be followed without the witness not having any light shed on this by the
16 lawyer, because it doesn't seem to be fair in his regard.

17 PRESIDING JUDGE STEINER: Maître Kilolo, as far as we know, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) It's a very objective question. If Mr Bifwoli

23 keeps in that direction, I allow the questions.

24 MR BIFWOLI: Thank you, your Honour.

25 Q. Mr Witness, just before the interruption, you stated that you know about the

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 mutinies of 1996 and 1997. Do you also recall the attempted coup d'état of 28 May 2001?

2 A. Yes.

3 Q. Are you aware that the victims of these events, the mutiny of 1996, mutiny of 1997
4 and the coup d'état attempt of 2001, (Redacted)

5 A. No.

6 MR BIFWOLI: Court officer, please display document (Redacted)

7 PRESIDING JUDGE STEINER: Mr Bifwoli, which document is it on the Prosecution list
8 please?

9 MR BIFWOLI: I think it's number (Redacted)

10 THE COURT OFFICER: Mr Bifwoli, can you please confirm if the document is
11 confidential?

12 MR BIFWOLI: Yes, confidential.

13 Q. Witness, are you able to see the document on your screen?

14 A. (No interpretation)

15 Q. Witness, can you have a look at the top of the page, on the right-hand side? Can
16 you read what is -- can you see what's written there at the top on the right-hand side on
17 the document?

18 THE INTERPRETER: The witness said, "Yes, I have read it," in his previous answer.

19 The microphone wasn't on. The interpreter apologises.

20 MR BIFWOLI:

21 Q. Fine, witness. I've now got the communication that you read the document. So
22 (Redacted)

23 (Redacted)

24 A. Yes. Yes, that's what I can see.

25 MR BIFWOLI: Court officer, can we please move to 0111?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 Q. Do you have the document, Witness, on your screen?

2 A. Yes.

3 Q. Can you have a look at the last paragraph on that page?

4 A. Yes, I've seen it.

5 Q. (Redacted)

6 MR KILOLO: (Interpretation) If you would allow me?

7 PRESIDING JUDGE STEINER: Sorry, Maître Kilolo. I was giving a look at the
8 document. Yes?

9 MR KILOLO: (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE STEINER: Mr Bifwoli?

16 THE INTERPRETER: The interpreter adds, "Otherwise, it is just a private document."

17 (Redacted)

18 (Redacted)

19 MR BIFWOLI: Thank you, your Honour. We are just checking it. We will get back to
20 you on that in a short while.

21 MR KILOLO: (Interpretation) If you would allow me, your Honour? Subject to this
22 document being shown, which manifestly doesn't exist because we had the time to verify
23 that, so this is a document which has no official status. Furthermore, we would also like
24 to know on what basis the question is being put to the witness with regards to this
25 document?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Bifwoli, I think there's -- the issue raised by Defence
2 goes into the -- on the analysis of the admissibility of the document, so I think it can
3 be -- the question can be answered in due time if and when the Prosecution intends to
4 tender the document into evidence and so I would ask you to proceed with the
5 questioning.

6 MR BIFWOLI: Thank you, your Honours. I would like to point out that on the last
7 page, that is (Redacted)
8 (Redacted)
9 (Redacted)

10 MR KILOLO: (Interpretation) Could we be shown the document, please?

11 PRESIDING JUDGE STEINER: Mr Bifwoli, maybe if you follow my advice and leave the
12 authentication of the document, or the -- or to give the indicia of authenticity and
13 reliability of the document in due time. (Redacted)
14 (Redacted)
15 (Redacted)

16 Let's proceed with (Redacted) with your questioning, bearing in mind that the Chamber
17 will -- if the document -- if the Prosecution intends to tender the document into evidence,
18 the Prosecution will have the burden to give the Chamber indicia of authenticity and
19 reliability.

20 MR BIFWOLI: Thank you, your Honours. I will move on.

21 Q. Mr Witness, just before the interruption, I think we were at (Redacted) and I would
22 like you to have a look at the paragraph just before number 1 on that page, the paragraph
23 on top. Which crimes are mentioned in that paragraph?

24 A. Genocide, crimes against humanity, massacres, killings, rape, torture, murder,
25 disappearance of civilian and military populations in Bangui.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 MR BIFWOLI: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Witness, can you have a look at (Redacted) on your screen?

7 A. Yes, yes.

8 Q. Is that you being referred to in that paragraph?

9 A. Yes, I've seen my name.

10 Q. What else have you seen, apart from your name, on that paragraph?

11 A. Yes, names of soldiers and politicians that they've mentioned.

12 (Redacted)

13 (Redacted)

14 (Redacted) Now,

15 when there was the coup in 2001, the unsuccessful coup, the General Prosecutor of the

16 Republic asked, through an investigation commission, that everybody who wanted to

17 leave had to go through this commission before leaving, and I think that I also--(Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Maître Kilolo?

24 MR KILOLO: (Interpretation) Your Honour, I think that there's a problem here that has

25 to be raised. Not only does the Defence doubt the authenticity, or at least the official

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 nature of this document, but even more, if it's really a document in the hands of the
2 investigating magistrate, constituting the setting up of a civil party in criminal
3 proceedings, that means that it must be covered by confidential, professional secret of the
4 organisation, and the person against whom a civil party is made is not informed of the
5 document that are part of the investigating case before a judge. They are not informed of
6 the identity of other persons against whom the civil party has been constituted. And so,
7 I'm wondering here, in procedural terms, who authorises questions to be put on this
8 document to this witness, who is not meant to know the content thereof.

9 PRESIDING JUDGE STEINER: I'll give the floor to Mr Bifwoli to respond but, as a
10 matter of fact, you were giving us some information (Redacted)
11 (Redacted) and this information I think it would also be better addressed when you
12 make your objections to admissibility or your final arguments. (Redacted)
13 (Redacted) Whether this document is confidential or not, whether the witness was aware
14 of the content or the name of the other defendants in the -- or plaintiffs, I think we are
15 going a little bit too far, Maître Kilolo.

16 Mr Bifwoli.

17 MR BIFWOLI: Thank you, your Honours.

18 Court officer, can we go to page (Redacted)

19 Q. Mr Witness, can you tell the Court when (Redacted)

20 A. (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 MR BIFWOLI: Your Honour, I realise it's almost break time, and I think I'll move on
24 from there after the break.

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

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 (Open session at 10.57 a.m.)

2 THE COURT OFFICER: We're in open session, your Honours.

3 PRESIDING JUDGE STEINER: Mr Witness, we will go now for our break in order for
4 you to take some rest, and maybe a cup of tea. It's 11 o'clock. We'll be back at 11.30.

5 I ask please, court officer, to turn into closed session in order for the witness to be taken
6 outside the courtroom. In the meantime we will suspend and resume again at 11.30.

7 *(Closed session at 10.58 a.m.)Reclassified as Open session

8 THE COURT OFFICER: We are in closed session, your Honours.

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (Recess taken at 10.59 a.m.)

12 *(Upon resuming in closed session at 11.33 a.m.)Reclassified as Open session

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE STEINER: Welcome back.

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

17 (The witness enters the courtroom)

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

19 (Open session at 11.34 a.m.)

20 THE COURT OFFICER: We're in open session, your Honours.

21 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

22 THE WITNESS: (Interpretation) Good morning. Good morning.

23 PRESIDING JUDGE STEINER: Ready to continue with your testimony, sir?

24 THE WITNESS: (Interpretation) Yes.

25 PRESIDING JUDGE STEINER: Mr Bifwoli, you have the floor. We are in open session.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 MR BIFWOLI: Thank you, your Honours. I request that we go into a private session.

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

3 *(Private session at 11.35 a.m.)Reclassified as Open session

4 THE COURT OFFICER: We're in private session, your Honours.

5 MR BIFWOLI:

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 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 MR BIFWOLI: Yes, your Honour, number 36.

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

3 A. Yes.

4 Q. Can you tell the Court the title of that document?

5 A. "A release from the National Unity Party. Arrest of its leaders, deprivation of
6 liberty and the resignation of the Head of State."

7 MR BIFWOLI: Court officer, can we go to the bottom of that page?

8 Q. Can you see there the last paragraph on that page?

9 A. Yes, I can.

10 Q. Can you read it out?

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Can you look at the document and tell the Court when it is dated and where?

21 A. Bangui (Redacted)

22 Q. Witness, why does the article specifically mention (Redacted) who
23 did that?

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

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Page 33 redacted

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. Your relationship with the Bozizé regime is not good; is that correct?

4 A. Well, it's not a matter of my relationship with the Bozizé regime. My position is
5 clear with respect to General Bozizé. That's -- those soldiers killed my mother, my
6 younger brother. How could I work with him? Some people agreed and they worked
7 with him, and I was contacted too, but you see my house had been looted. How could I
8 agree to work with him? Please, witness, (sic) I think I have given you -- just check. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MR BIFWOLI: Court officer, can you please display document (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: Mr Bifwoli, which number in your list of documents,
15 please?

16 MR BIFWOLI: In a moment, your Honour. I'm checking.

17 Number (Redacted) on the list, your Honours.

18 Court officer, I am interested in the paragraph right below the photograph, in the column
19 right below the photograph.

20 THE INTERPRETER: Interpreter correction: In the previous reply, the witness spoke of
21 (Redacted)

22 PRESIDING JUDGE STEINER: Mr Haynes?

23 MR HAYNES: Very shortly, your Honour. I think, out of fairness to the witness, when
24 these documents are being put on to the screen, Mr Bifwoli ought to explain to him what
25 they are.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Fair enough.

2 Mr Bifwoli, before you put your questions, explain which kind of document is this, please.

3 MR BIFWOLI: Thank you, your Honours.

4 Q. Mr Witness, this is a newspaper, and what I am showing you is what was reported
5 by this newspaper at that time, and the part that I would like you to have a look at is
6 below the photograph, there is a paragraph that starts "Nous nous apprenons dans," and
7 then it continues.

8 PRESIDING JUDGE STEINER: Mr Bifwoli, I'm really sorry, I am having difficulties in
9 finding -- or maybe there is a problem in the transcript. It's -- can you please repeat
10 which document is in the list of the Prosecution? (Redacted)

11 MR BIFWOLI: Your Honours, it is number (Redacted) on the list. I'm sorry for this.

12 Q. Witness, have you read the portion that I asked you to read?

13 A. Yes, I have.

14 Q. It is reported that your house was pillaged; is that correct?

15 A. Not by military -- not by Bemba's soldiers. It was by Bozizé's soldiers. They took
16 (Redacted) all the household goods. They took everything. The house was empty.

17 Q. But what is reported here is that it was pillaged by Bemba's soldiers. Is that correct
18 what is reported here?

19 A. In the article, yes, it says that, but to my knowledge, if you're talking about that,
20 Mr Prosecutor, really you're telling me about -- you know, my younger brother, Bozizé's
21 people killed. They ate in my compound. They didn't write about that? (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 Q. You have publicly accused Bozizé for favouring members of the Gbaya ethnic
2 community in the army, haven't you?

3 A. Not just Bozizé, even Patassé. I'm very frank about this. When they arrested
4 Demafouth, (Redacted)
5 (Redacted)

6 MR BIFWOLI: Court officer, please display document (Redacted)

7 That is document number (Redacted) on the list of documents.

8 PRESIDING JUDGE STEINER: What is the nature of this document, Mr Bifwoli?

9 MR BIFWOLI: Your Honour, it is an open source document, it's public, and the witness
10 gave an interview.

11 Q. So, Mr Witness, do you recall this interview that you gave?

12 A. Yes.

13 Q. In this interview you have accused Bozizé troops for raping women, stealing cattle,
14 burning houses and so on; is that so?

15 A. Yes.

16 Q. You have also accused Bozizé and the Zaghawa for beating you, have you?

17 A. I told you if the relatives, the other people close to me, know that --

18 THE INTERPRETER: Inaudible.

19 THE WITNESS: (Interpretation) -- so I told my story.

20 MR BIFWOLI:

21 Q. Witness, in view of this, can you be objective about Bozizé?

22 A. Mr Prosecutor, when Bozizé got to Bossangoa, he was with the Chadians.

23 Chadians did not know the houses belonging to anybody's relatives. My mother was not
24 from Bossangoa, but (Redacted)

25 (Redacted) Now, the soldiers who

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 went with Bozizé, some of them had been (Redacted) before they linked up
2 with Bozizé. (Redacted)
3 (Redacted)
4 (Redacted) These are the very people who went there, killed her, burnt
5 the house down and did things to the people.
6 You see, if you cannot feel what I am feeling, one has only one mother in one's life. Now
7 today, my wife, the mother of my children, (Redacted)
8 (Redacted) She was arrested, she was raped. I called her. I said
9 "Mama, tell me what did they do to you?" She was not able to say anything and now she
10 is dead. She died on (Redacted) My children are now abandoned.
11 Now, what do you -- I have tried. I have done my level best to try to forget some of these
12 things, but I have kept quiet about these things. My children have advised me not to talk
13 politics any more.

14 Q. Now, Witness, let's come to -- are we in private?

15 PRESIDING JUDGE STEINER: Yes, Mr Bifwoli.

16 MR BIFWOLI: Thank you.

17 Q. Now, Witness, let's come (Redacted) Can you tell the
18 Court who you reported to?

19 A. Report or account.

20 THE INTERPRETER: Says the witness.

21 THE WITNESS: (Interpretation) Now, if you're talking about filing reports, well, I
22 reported directly (Redacted)
23 (Redacted)

24 MR BIFWOLI:

25 Q. So, did you also report to someone else other than (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) but I did not report

3 to him as such because we met on a daily basis. Most of the time I reported to

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. Yes.

9 Q. Did Gambi travel to Gbadolite during this period?

10 A. I do not remember.

11 Q. What about Moustapha?

12 A. I know that when the plane came from Gbadolite, it would land at the

13 Bangui-M'Poko airport. The treasurer will then buy the fuel or kerosene and

14 Mr Kamitatu would then go to the central market to buy reams of paper and office

15 supplies and the soldiers who came along would remain on the craft. As for Moustapha,

16 I know that he was at Camp Béal and I did not quite monitor his movements.

17 Q. During this period, did he ever travel to Gbadolite?

18 A. I am not in a position to tell you whether or not he went there. You see, I forget

19 some things now.

20 Q. And, Witness, do you recall any senior MLC official coming to CAR with a

21 helicopter during this period?

22 A. No, I no longer remember.

23 Q. And you testified that the MLC came to CAR by crossing the river using the boat or

24 the ferry. Are there any other MLC soldiers who came through any other means?

25 A. If you are referring to the year 2001, yes, but if it is October you are talking about

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 then they came over by the river.

2 PRESIDING JUDGE STEINER: Should we stay in private?

3 MR BIFWOLI: I am extremely sorry, your Honours. I think we can go into public.

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

5 (Open session at 12.09 p.m.)

6 THE COURT OFFICER: We are in open session, your Honours.

7 MR BIFWOLI:

8 Q. So, sir, remember that now you become careful with your answers not to say
9 anything that may identify you because we are in public session. Is that fine?

10 A. Yes.

11 Q. It's your testimony that no MLC soldiers came via the airport during this period; is
12 that so?

13 A. Yes.

14 Q. Defence Witness 50 testified before this Chamber that MLC reinforcements came
15 through the airport. You didn't know that?

16 A. Maybe he mixed up issues. The MLC reinforcements came by plane when there
17 was a failed attempted coup d'état.

18 Q. Which year was that?

19 A. That was in 2001, when there was a failed coup d'état. You see, I think -- I don't
20 remember, but I think the soldiers occupied Ouango, right up to the residence of the
21 ambassador of France. Then they were dislodged and, when the MLC soldiers came,
22 they came by air and then were later taken to the city. That was when they came, but I
23 don't remember the year.

24 Q. At T-261, page 69, lines 15 to 25, you testified that Mr Bemba visited the CAR twice
25 during this period. Is that your testimony?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 A. I told you that he came when his wife had come in from Brussels. They met at the
2 airport and then went back to Gbadolite by air. Then I saw him again when he crossed
3 over by ferry and I explained that to you already.

4 Q. And those are the only two occasions that you saw him during this period?

5 A. Yes.

6 Q. A witness testified before this Court - a Defence witness - that Bemba, in addition to
7 the trip where he came to meet his family, he came again through the airport (Redacted)
8 (Redacted)

9 A. No.

10 PRESIDING JUDGE STEINER: Reference, Mr Bifwoli?

11 MR BIFWOLI: Reference is T-255, page 15, lines 3 to 4, and that's the testimony of
12 Defence Witness 50.

13 (Redacted)

14 (Redacted)

15 MR BIFWOLI: Your Honour, can we go in private?

16 PRESIDING JUDGE STEINER: Yes.

17 Court officer, please turn into private session.

18 *(Private session at 12.15 p.m.)Reclassified as Open session

19 THE COURT OFFICER: We are in private session, your Honours.

20 PRESIDING JUDGE STEINER: Please, without revealing the identity or the function of
21 this other witness.

22 MR BIFWOLI: I'm afraid if I am going to quote this particular witness, I don't want to
23 proceed before the witness because, if I say that, it will all be out there.

24 PRESIDING JUDGE STEINER: We will check later then the reference. What I recall,
25 there was a witness that said that (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: Okay, you just provide with the references.

8 We can turn back into public session then.

9 (Open session at 12.17 p.m.)

10 THE COURT OFFICER: We are in open session, your Honours.

11 MR BIFWOLI:

12 Q. Another witness, at T-215, page 19 to 20, lines 1 to 25, P-36 testified that he also
13 travelled with Bemba through the airport and that they went to PK12. This evidence is in
14 line with that of Defence Witness 50, so you still maintain your testimony?

15 A. Everybody has their story to tell. I am telling my own story regarding what I saw
16 and I cannot go beyond what I saw.

17 Q. What kind of aircraft did Mr Bemba use with his family when you saw them at the
18 airport?

19 A. Mr Bemba's wife arrived on an Air France flight. They were received in the VIP
20 lounge. He himself came in on an Antonov plane. He came in with an Antonov and
21 the pilots were Russian.

22 Q. Is your testimony that Bemba and his family left in Antonov?

23 A. Yes.

24 Q. Another witness, who also saw this, testified at T-254, page 40, lines 20 to 21, said,
25 "There was -- there was a private jet there. It wasn't an Antonov. It was something else.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 I don't remember the exact kind of aeroplane." Do you agree with this witness?

2 A. No, I do not agree with him. I know that there was a private jet which had come in
3 from Brussels. Now, some people come with private jets and then they will take
4 Jean-Pierre Bemba's Antonov and go there. Even South Africans would come in their
5 private jets and then take the Antonov. Several people came with their jets, they would
6 leave them at the airport and then they will take the Antonov, and when they come back
7 they would do all the formalities and then take their jets and go away.

8 Q. So you maintain your testimony again that Bemba and family went with the
9 Antonov; is that correct?

10 A. Yes, indeed, Mr Prosecutor.

11 Q. During this period were MLC soldiers based at the airport, to your knowledge?

12 A. No. When he came to fetch his wife, the soldiers were not there yet.

13 Q. Sorry, Witness, I think I'll rephrase my question. During the period October to
14 March - October 2002 to March 2003 - were any MLC soldiers based at the airport, to your
15 knowledge?

16 A. No, it was the CEMAC soldiers, the Congolese from Brazzaville, who were at the
17 airport. They were in the freight section, the CEMAC soldiers.

18 Q. You testified yesterday that Bemba addressed his troops at PK12 when he visited
19 CAR; is that your testimony?

20 A. Dressed? Dressed? How could he dress his troops there? Well, the troops
21 arrived and it's General Bombayake who gave them uniforms before they went to the field,
22 Mr Prosecutor.

23 Q. Sorry, maybe they didn't get me right. I said "addressed," in other words, meaning
24 Bemba spoke to them.

25 A. Well, I told you that when we accompanied them to the residence of the Head of

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 State, then they went along with the Head of State to Camp Béal. They saw those trucks
2 that had been seized with weapons and ammunitions of General Bozizé. Then thereafter
3 the president went back to his residence and we went on with Jean-Pierre Bemba to PK12,
4 at which point he talked to his troops.

5 Q. How many MLC troops were present, approximately?

6 A. There were a lot of them. Many of them. I don't know the number.

7 Q. Were all MLC troops that were in CAR at that moment, were they all of them
8 present at PK12 during this occasion when Bemba spoke to them?

9 A. Yes. When they arrived and before the others came, they were at the support
10 regiment opposite the assembly. Then it was decided that this was not a good location
11 for them and that they had to be taken to PK12, and I was able to follow that discussion by
12 Motorola regarding their transfer to PK12.

13 Q. I'll repeat my question. There were MLC troops in the CAR at that time.
14 Mr Bemba came to PK12 to address them. The ones that were present at PK12, were they
15 all MLC troops that had crossed into CAR, or other MLC troops were elsewhere in CAR
16 and did not make it to PK12?

17 A. Before they proceeded to the operations and before they were deployed to various
18 combat areas, he spoke to them before that, so I believe that all of them were there.

19 Q. How do you know that?

20 A. Because when I was there, I saw them. They were already on the ground and they
21 were waiting for Mr Jean-Pierre to come and talk to them.

22 Q. In which language did he, Mr Bemba, address his troops?

23 A. Yesterday I told you that he spoke in French. There was a translator, I believe, or
24 maybe he spoke again, and I am beginning to forget these things. What I remember,
25 however, is that he spoke in French and introduced General Bombayake to Moustapha

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 and told them that they owe him respect and they should take his instructions.

2 Q. Do you recall when -- the date when Bemba made this trip?

3 A. No, I no longer remember.

4 Q. Are you able to approximate weeks, days or months after the arrival of the MLC
5 troops in the CAR?

6 A. Now, you see, I am at a loss here now, because you narrated something or you
7 talked about something which is very tough for me. I am no longer able to concentrate
8 on what you are -- what we are doing now.

9 PRESIDING JUDGE STEINER: Mr Witness, would you like to take a short break before
10 you continue?

11 THE WITNESS: (Interpretation) Yes, if possible.

12 PRESIDING JUDGE STEINER: Following the recommendations made by VWU, we are
13 going to suspend. Fifteen minutes is enough for you to calm you down and to be able to
14 continue, Mr Witness?

15 THE WITNESS: (Interpretation) Okay.

16 PRESIDING JUDGE STEINER: We are going to suspend for 15 minutes. We will be
17 back at a quarter-to-1.

18 Court officer, please turn into closed session for the witness to be taken outside the
19 courtroom and please communicate to VWU that maybe the witness needs some
20 assistance.

21 *(Closed session at 12.30 p.m.)Reclassified as Open session

22 THE COURT OFFICER: We are in closed session, your Honours.

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 12.31 p.m.)

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Closed Session)

ICC-01/05-01/08

1 *(Upon resuming in closed session at 12.45 p.m.)Reclassified as Open session

2 THE COURT USHER: All rise.

3 Please be seated.

4 PRESIDING JUDGE STEINER: Welcome back. We will resume. I am informed by the
5 court psychologist the witness is willing to continue with his testimony, but gets really
6 distressed when it references to what happened with members of his family and, unless
7 it's really necessary, I would recommend -- unless it's really necessary, I would ask
8 Prosecution not to put questions that involve the death of family members of the witness
9 because this is the cause of his distress, of course unless it's necessary.

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

11 (The witness enters the courtroom)

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

13 (Open session at 12.48 p.m.)

14 THE COURT OFFICER: We are in open session, your Honours.

15 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

16 THE WITNESS: (Interpretation) Thank you.

17 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with your
18 testimony, sir?

19 THE WITNESS: (Interpretation) Yes, I am.

20 PRESIDING JUDGE STEINER: Mr Bifwoli, you have the floor.

21 MR BIFWOLI:

22 Q. Sir, just before the break, I had asked you if you are in a position to approximate
23 how many days, weeks or months that Bemba came to CAR and spoke to his troops, that
24 it was after how long after the MLC had come to the CAR?

25 A. It's a bit difficult for me, because I don't remember any more. I know that he

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 arrived, but I no longer remember.

2 Q. Thank you, Mr Witness, and so that you know, where you don't recall you are free
3 to say so because that is also an answer acceptable in this Court, but some of these
4 questions we are asking you because you were there and therefore we expect that maybe
5 you know something, but it is also in order to say where you don't know you don't know.
6 Is that okay with you?

7 A. Okay.

8 Q. So it's your testimony at T-261, page 68, lines 1 to 8, that Bemba told his troops to
9 respect and listen to Bombayake. Is that your testimony?

10 A. Yes, that's what I told you.

11 Q. So until this time that Bemba addressed these troops they did know that they were
12 under Bombayake; is that so?

13 A. Moustapha? Moustapha knew.

14 Q. So it's your testimony that Moustapha knew that he was under Bombayake; is that
15 so?

16 A. Yes.

17 Q. But until this time that Bemba addressed the other troops, they did know that they
18 were under Bombayake; is that your testimony?

19 A. When they arrived, Bombayake, who had already given instructions. When the
20 Libyan plane arrived, they distributed to the soldiers of Bemba, they distributed the
21 uniforms, and they were with the presidential security because we got the same uniform.

22 Q. If Moustapha and these soldiers knew they were already under Bombayake, what
23 was the point of Bemba again repeating that to them?

24 A. Because when they arrived, they addressed them. They were the soldiers -- a
25 soldier's always a soldier. If a direct chief of a soldier doesn't speak to them, somebody

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 else comes, and even if it's another head, he won't respect it. He will say, "No, we
2 haven't been told to do this, or the other."

3 Q. So until Bemba addressed them, they were not fully under the control of Bombayake;
4 is that your testimony?

5 A. Yes, because when -- well, what I heard was that when they got to PK12 and they
6 hadn't got the others, well, they would come, and they didn't know the terrain and they
7 would go anywhere and so they had to be kept and they had to be taken to where he was
8 going to go. That's where the discipline would start from.

9 Q. Did Bemba come with his security from the DRC during this occasion?

10 A. No, people who came with him, they stayed at Port Beach. The people who came
11 were presidential security troops who accompanied him to the residence.

12 Q. None of the people that came with Bemba went to his -- went with him or
13 accompanied you to PK12. Is that your testimony?

14 A. What I said is that (Redacted)
15 (Redacted) I thought that there would be people, or people were
16 going to go with him, and so others would (Redacted) -- so
17 what we were trying to do, we were trying to provide an escort to take him to the
18 residence at that point.

19 Q. Were you accompanied by anyone who came with Bemba to PK12?

20 A. Well, I was with soldiers, (Redacted)

21 Q. So you don't know if those people who came with Bemba
22 accompanied -- accompanied Bemba to go to PK12, or not? You don't know that?

23 A. No. No, I don't know, because -- well, yes, perhaps there were people who came
24 before, who crossed over before when they'd already -- it was when they'd already taken
25 him there that I arrived, so I don't know. I couldn't tell you anything about that.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Q. Do you know how many people that Mr Bemba came with from the other side?

2 A. Well, I couldn't tell you exactly, because the ferry -- well, when he received
3 Bombayake, it was with him when he came down, over there, he got into the pick-up and
4 we -- we were stopping taxis that were coming so that the convoy could leave and then
5 we were following behind.

6 Q. How many flights from Gbadolite would come to Bangui airport per week, would
7 you know, during this period?

8 A. Well, per week, two, twice. They would get fuel.

9 Q. And these flights that came from Gbadolite to Bangui, were they different kinds of
10 aircraft, or it was the same one aircraft making many trips?

11 A. I think that there were two Antonovs, a blue one and a white one.

12 Q. Yesterday you testified that the MLC came to the CAR on 30 October 2002. Is that
13 your testimony?

14 A. Yes.

15 Q. Mr Bemba was the President and Commander-in-Chief of the MLC; did you know
16 that?

17 A. Yes, but there.

18 Q. As President and Commander-in-Chief of the MLC it is him who sent his troops to
19 intervene in the CAR. Do you know that?

20 A. Yes, I knew -- I know that. It was at the request of a Head of State, so the main
21 person responsible for that was Ange-Félix Patassé who had asked Jean-Pierre Bemba's
22 troop to come.

23 MR BIFWOLI: Court officer, please display document CAR-OTP-0017-0363. Number 5
24 on the list, your Honours.

25 Q. Do you have the document on your screen, Mr Witness?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 A. Yes.

2 Q. It is a letter dated 4 January 2003. Can you see that?

3 A. Yes.

4 Q. It is addressed to Mr Cissé, UN Secretary-General Representative in the CAR. Can
5 you see that?

6 A. Yes.

7 MR BIFWOLI: Court officer, can we please move on to the next page, at the very
8 bottom?

9 Q. Can you tell the Court who signed that letter?

10 A. What I see here is "Jean-Pierre Bemba."

11 MR BIFWOLI: Court officer, can we go back to the first page, please? I'm interested in
12 the first paragraph.

13 Q. Have you read the first paragraph?

14 A. Yes.

15 Q. In that paragraph, Mr Bemba is stating that MLC troops intervened in CAR as of
16 27 October 2002; is that correct?

17 A. No, it was 30 October. 30 October.

18 Q. Do you have any written record about this?

19 A. No. Well, ask Jean-Pierre Bemba the question. I know that the troops arrived on
20 30 October. If he wrote that date, well, that's very well, but I don't know.

21 Q. But you don't have any record; is that correct?

22 A. No.

23 Q. So you are simply recalling the date from the top of your head; is that correct?

24 A. Yes. Well, I know 27 October was when people got to PK12 and they killed my
25 younger brother. I remember that. And the date on which the people crossed over

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 from the other side to help, I also remember that date.

2 Q. Being the President and Commander-in-Chief of the MLC, who sent them to CAR,
3 Mr Bemba would know when he sent his troops; is that correct?

4 A. Yes, he knows.

5 Q. In spite of not having any record, you want the Court to believe you instead of the
6 record that was written at the time. Is that your testimony?

7 PRESIDING JUDGE STEINER: Maître Kilolo?

8 MR KILOLO: (Interpretation) Could I please inquire what the question is?

9 PRESIDING JUDGE STEINER: Mr Bifwoli, could you please rephrase your question.

10 MR BIFWOLI:

11 Q. Witness, you have testified before this Court that you recall that MLC arrived on
12 30 October 2002, from your head. You have no written record. So the question is: You
13 want the Court to believe you and your memory, instead of the written record that you
14 can see now? Is that what you want?

15 A. Of course, Prosecutor. I saw this written document here and then I have my
16 memory. It's up to you to determine. You want to go by that date, or by what I said?
17 There's something -- when -- you know, when something happens to a person, the
18 memory remains etched in one's mind.

19 Q. Lengbe, at T-182, page 26, lines 6 to 8, testified as follows: "I'm not really
20 well-placed to say, but I think on the 27th, on 27 October, I think even as early as that the
21 body of men were quite sizeable. They were all there with the equipment on the 27th."
22 According to Lengbe, they were there on the 27th. Do you agree with him?

23 A. He was a high-ranking officer. I don't know. I couldn't contradict what he has
24 said, but to my mind what I'm saying is what I go by, what I maintain.

25 Q. But you agree that the date he's saying is actually the date that Bemba is also saying,

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 it's the same date; is that correct?

2 A. I agree for me, but for the others I don't agree because I don't know. Well, I don't
3 agree with them. Each person has his own point of view. I can't go beyond that,
4 Prosecutor. I go by what -- by my version.

5 Q. Lengbe and Bemba are two individuals that were deeply involved in this operation,
6 weren't they?

7 PRESIDING JUDGE STEINER: Yes, Maître Kilolo.

8 MR KILOLO: (Interpretation) I suppose, your Honour, that you find the question
9 leading? When this statement was made that Mr Bemba was very much involved in the
10 events in Bangui, that is false.

11 PRESIDING JUDGE STEINER: Depending on the meaning of "involved." Maybe
12 Mr Bifwoli could rephrase the question.

13 MR BIFWOLI: Thank you, your Honour.

14 Q. Lengbe was the co-ordinator of this operation, wasn't he?

15 A. Yes.

16 Q. And Bemba was the person who dispatched the MLC troops to the Central African
17 Republic; is that correct?

18 A. Yes, he was the leader of those troops.

19 Q. So these two individuals were in a position to know about the date, weren't they?

20 A. That's why I've said them, me. What I remembered is what I've told you. Perhaps
21 the two -- well, they have their own date. Lengbe, (Redacted) perhaps I can't -- he
22 has his own references. I can't contradict that.

23 Q. At T-261, page 43, lines 1 to 25, page 44, lines 1 to 25, you testified that you expected
24 MLC to land at the airport. Then suddenly you learnt that they had arrived at Port Beach.
25 Is that your testimony?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 A. Yes, because I told you when the events in 2001 they arrived at the airport by plane
2 and I expected them to arrive by plane, whereas they got off on the other side at Port
3 Beach.

4 Q. So when you reached Port Beach, the MLC were already there; correct?

5 A. Yes. They called me and asked me to bring back my pick-up and to provide it to
6 the supply people and to get some things from the supply people and take them back,
7 which is what I did.

8 Q. The MLC came to the Central African Republic with their individual weapons. Did
9 you know that?

10 A. No, I don't know that. The weapons were distributed, were recovered, at the
11 residence of the Head of State and taken back. I don't know if they had their weapons,
12 but what I know is that weapons were distributed to them.

13 Q. At T-256, page 25, lines 1 to 25, Defence Witness 57 testified that 60 to 70 per cent of
14 the CAR military joined Bozizé. Did you know that?

15 A. I couldn't tell you exactly, because even my boss, the DGA of presidential security, it
16 was only after the coup that I learned that he was also with Bozizé. There were many
17 people who were already on the other side with Bozizé without anyone knowing that.

18 Q. At T-261, page 38, lines 13 to 25, of real-time transcript, you testified that you
19 listened to Radio Ndeke Luka. Is that your testimony?

20 A. Yes.

21 Q. Were you in Bangui during this period from October to March 2003?

22 A. When the coup d'état occurred?

23 Q. During these events you were in Bangui, correct, October up to March?
24 October 2002 to March 2003?

25 A. Yes. Yes.

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 Q. And you were listening to Radio Ndeke Luka; is that correct?

2 A. When the attempted coup occurred in 2001, I think that's when it started, unless I've
3 forgotten.

4 Q. But during your testimony, you testified that you -- you listened to Radio Ndeke
5 Luka, and I think you explained about how you learnt about the crimes that were
6 committed by Bozizé. Do you recall that?

7 A. When Bozizé's coup occurred, we didn't talk much about the things that happened,
8 the barbaric acts that occurred, that were committed by the soldiers, but some people
9 talked and people -- people do talk, you know? I can't give the names of people here,
10 people who were members of the local population and who talked.

11 Q. At T-261, page 38, lines 13 to 25, of yesterday's transcript, you testified that you
12 listened to Radio Ndeke Luka during this period. Did you?

13 A. When we fled to hide, we were at école normale, at the ENAM, and we heard over
14 the radio station. That's how we heard about what was going on, listening to Radio
15 Ndeke Luka.

16 Q. When was that that you went into hiding?

17 A. During the time of the coup, when Bozizé came -- went in. (Redacted)
18 (Redacted) It is an area where my
19 cousins live. That is where I stayed.

20 Q. So this is the period after Bozizé had taken over power; is that correct?

21 A. No, when he took power we went -- each person went and found some kind of place
22 to seek shelter.

23 Q. So you went into hiding before Bozizé took over power. Is that your testimony?

24 A. Well, how could I hide before Bozizé took power?

25 Q. So you went to hide after he took power? Is that what you're saying?

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 A. When Bozizé's troops came in on 15 March, everyone was looking for a place to hide
2 and take shelter.

3 Q. And that is the time you went into hiding; is that correct?

4 A. Yes.

5 Q. And it's your testimony that it is during this period that you were hiding that you
6 listened to Radio Ndeke Luka? Is that your testimony?

7 A. Yes. I had a small radio set.

8 Q. Did you listen to Radio Ndeke Luka between October 2002 and 15 March 2003?

9 A. No.

10 Q. Did you listen to any other radio station during this period?

11 A. I don't think so.

12 Q. Did you follow news on the television, for example, during this period of
13 October 2002 to March 2003?

14 A. At that time, we were confined to barracks. We didn't even have television.
15 We -- you couldn't listen to the radio. We tried to do something else other than -- I didn't
16 listen to the radio, not even -- we didn't even have television.

17 Q. Which barracks were you confined to?

18 A. Well, each person had to stay at his position, the place where they were.

19 PRESIDING JUDGE STEINER: Mr Bifwoli, I apologise, but we have only a few minutes
20 left. If you don't mind, we will stop here. I just wanted to ask whether you have an
21 estimation on how long you still taking before concluding your questioning?

22 MR BIFWOLI: Your Honour, I am quite mindful of that and my estimation is, if the
23 witness is precise, I intend to finish with him in the first session tomorrow.

24 PRESIDING JUDGE STEINER: Just for the record, according to the estimation made by
25 the Registry, Prosecution has been questioning for almost four hours, so -- and I'm not

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 counting the 15 minutes in which we suspended, so we really hope that tomorrow the
2 Prosecution is able to finish because we still have legal representatives of victims and the
3 Chamber would very much appreciate if we can send the witness home for the weekend.

4 MR BIFWOLI: Thank you, your Honour. We'll try our best and utmost.

5 (Trial Chamber confers)

6 PRESIDING JUDGE STEINER: Mr Witness, it's enough for today. You are entitled to
7 take some rest. We will adjourn and resume tomorrow morning at 9 o'clock. We wish
8 you have a very, very restful afternoon, evening and that you come tomorrow morning
9 and we hope that tomorrow you will conclude your testimony.

10 I thank very much the Prosecution team, the legal representatives of victims, the Defence
11 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters and court
12 reporters, our court usher, court officer.

13 I will ask, please, the court officer to turn into closed session for the witness to be taken
14 outside the courtroom. In the meantime, we will adjourn and resume tomorrow
15 morning at 9.

16 *(Closed session at 1.27 p.m.) Reclassified as Open session

17 THE COURT OFFICER: We are in closed session, your Honours.

18 (The witness stands down)

19 THE COURT OFFICER: All rise.

20 *(The hearing ends in closed session at 1.28 p.m.) Reclassified as Open session

21 RECLASSIFICATION REPORT

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

23 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public