

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private 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, 23 November 2012
8 (The hearing starts in open session at 9.05 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good morning Prosecution team, legal representatives of victims, Defence team.
20 Good morning, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters,
21 court reporters.
22 We will continue today, and again I hope conclude, the testimony of
23 Witness - Defence Witness - 49.
24 I ask, please, court officer to turn into closed session in order for the witness to be
25 brought into the courtroom.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 *(Closed session at 9.07 a.m.) Reclassified as Open session

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

3 (The witness enters the courtroom)

4 WITNESS: CAR-D04-PPPP-0049 (On former oath)

5 (The witness speaks French)

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

7 (Open session at 9.08 a.m.)

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

9 PRESIDING JUDGE STEINER: Thank you.

10 Good morning, Mr Witness, and welcome back.

11 THE WITNESS: (Interpretation) I thank you, and good morning, Madam

12 President.

13 PRESIDING JUDGE STEINER: Yesterday I thought it was going to be your last day.

14 I proved wrong, but I'm sure today we will conclude with your testimony.

15 I noticed that Prosecution has already taken a little bit more than eight hours, so a

16 little bit more than what was estimated, so I'm sure Maître Badibanga will do his best

17 in order to conclude very soon.

18 Are you ready to continue, Mr Witness?

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

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

21 under oath. Do you understand that?

22 THE WITNESS: (Interpretation) Yes, I do, Madam President.

23 PRESIDING JUDGE STEINER: A very quick reminder of the ground rules, speaking

24 slower than normal, giving the five seconds after a question is put to you and, finally,

25 a reminder that you are under protective measures so that you should avoid giving

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 information in open session that could lead to your identification.

2 Can we start, sir?

3 THE WITNESS: (Interpretation) Yes, indeed, Madam President.

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

5 MR BADIBANGA: (Interpretation) I thank you, Madam President. I would also
6 like to wish you a good morning, Madam President, and a good morning, your
7 Honours.

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

9 Q. And good morning, Mr Witness.

10 A. Thank you, Counsel.

11 Q. I can assure you, Mr Witness, that we will finish during this first session. We
12 will be able to wrap up.

13 A. Well, I do hope so.

14 Q. Please wait for those famous five seconds before answering my questions and
15 also please attempt to speak or read slowly whenever this proves necessary.

16 A. Of course.

17 MR BADIBANGA: (Interpretation) I would suggest that we take off where we left
18 off, we continue where we left off yesterday, in open session. I would request that
19 the court usher call up on the screen once again document CAR-D04-0002-1641. This
20 is the 37th document on the list of Defence documents and we were looking at page
21 1702.

22 Q. Now, this is the message to the left-hand side of the screen. Mr Witness, do
23 you recall that we read this document yesterday at the end of yesterday's session, in
24 fact?

25 A. I'm sorry, Counsel. I don't quite know whether we can actually zoom in on

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 this section, this excerpt, as I've forgotten my glasses.

2 Q. I suggest that, in order to save time and in order to save your eyes, I will read
3 the text today, and if at any time there is something that you do not -- or I do not
4 understand, then I'll ask you to explain.

5 A. Yes, thank you, Counsel.

6 Q. Now, generally speaking, Witness, in the communications, if one talks about a
7 summary or synthesis, what is one referring to? If one refers to a sitrep or a situation
8 synthesis or summary, what does that mean precisely?

9 A. This means that the commander to whom the message is addressed is bound
10 after having provided a technical -- a tactical assessment, or after having attended
11 meetings, to report or to provide a report on the evolution of the system, or the
12 changing situation.

13 Q. We saw the letters "ACK" in a number of messages. When are these letters
14 used and why?

15 A. This means acknowledgment of receipt, Counsel. This is a wording,
16 something that you use when transmitting a message. When you have received the
17 message, you say that, "Yes, I have received it. I hereby acknowledge receipt by
18 writing ACK."

19 Q. Now, this message starts off saying as follows, these are the first three lines:
20 "ACK," so I translate acknowledgement of receipt, "7 January 2003 of your operational
21 report number ALC/002," I believe, followed on by the document's references,
22 "Summary of the operational situation from 1 to 15 December 2002." End of quote.
23 Now, in light of the explanation that you have just furnished us, this means therefore
24 that a summary was provided of the operational situation covering the period from 1
25 to 15 December that was transmitted and is acknowledgment of receipt being

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 provided thereof?

2 A. Yes.

3 Q. This is a message from the Chief of General Staff of the ALC addressed to the
4 commander of operations in Bangui and he is acknowledging receipt of an
5 operational summary of the situation from 1 to 15 December 2002? Are we in
6 agreement?

7 A. Yes, but I do need to clarify certain things for it to be understood. The
8 co-ordinator of this very operation, who is providing the summary thereof, is not the
9 commander at the front. This co-ordinator was working together with the joint
10 operations and was a member of the joint operations bureau, so it is only natural that
11 upon receiving the report in -- he then reports back to his General Staff. That's what
12 I believe the situation was.

13 Q. Now, the sentence goes on to say -- so acknowledgement of receipt is provided
14 and then it goes on to say, "I must upon receipt of this message give you ASAP details
15 on the enemy." When using this expression "ASAP" what does one mean thereby?

16 A. It means as soon as possible.

17 Q. A few lines further down, quote, "Lastly, I must recall as a reminder. Stop.
18 Instructions to follow. Stop. That vigilance should be ensured towards the
19 population of the Central African Republic who are hiding people in their homes.
20 How is it they're hiding mutineers?"

21 THE INTERPRETER: Message from the interpreter: Counsel has read the message
22 far too fast and then moved on to his question. He has to go more slowly for
23 clarification. Thank you.

24 MR BADIBANGA: (Interpretation)

25 Q. It would seem that I'm going too fast. Do you know how it is that Gbadolite

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 informing Bangui of the fact that the Central African civilian population is no doubt
2 harbouring mutineers in their midst or in their homes in fact?

3 A. Thank you, Counsel. You know, generally speaking, what was done in
4 conducting operations is not written out in full here. This message that you are
5 reading and interpreting, well, you know, ahead of this message you cannot see the
6 fact that the contact was established probably, possibly between the Chief of General
7 Staff, the figure of authority, and his co-ordinators who is a member of a joint
8 operation in Bangui, and then other reports are referred to that do not appear herein.
9 That's what I think. You can't see them.

10 Q. If that is the case, Mr Witness, then I suppose I have to then say that we have a
11 number of tangible matters before us and the Judges will be examining the evidence
12 not with regard to something that might supposedly have occurred before the
13 message. Now, Mr Witness, I think that Gbadolite was in the know. Gbadolite had
14 the information that the Central African Republic civilians were actually hiding
15 mutineers in their homes. Now, is the reading of this message therefore correct;
16 notably that they are saying, "Be careful. Gbadolite was in the know"?

17 A. Yes, that's true. Gbadolite was in the know, but that does not mean to say that
18 operations were to be conducted. It's one thing and another being in the know and
19 having exchanges between Gbadolite and Bangui in the strategic terms. This was
20 also possible.

21 Q. And should one also deduce that not only was Gbadolite in the know, but also
22 Gbadolite deemed that Bangui did not know? Why should they be telling Bangui
23 something that they already know?

24 A. Well, apologies. I might not have respected the rule. Thank you, Counsel. I
25 do not believe that I am in a position to provide you with a satisfactory response.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 The Bangui operation was not -- well, the co-ordinator who was present there and the
2 Chief of General Staff writing to him with regard to this context, well, this context
3 determines everything. If as to what they knew and this might be why he is
4 informing him. The co-ordinator within the General Staff of the FACA, well, I don't
5 quite know what I can say in response to that question.

6 Q. You have seen that this message is addressed to the commander of operations
7 and also to the co-ordinator of operations in Bangui?

8 A. Yes, Counsel.

9 Q. And the commander of operations was Colonel Moustapha?

10 A. Yes.

11 Q. So in this message the Chief of General Staff is acknowledging receipt of
12 Colonel Moustapha's summary report and then he gives a number of instructions?

13 A. Well, he acknowledges receipt. You can see. Look at the number, the number
14 of the message. He is rather acknowledging receipt, he is not of the -- he is
15 addressing the same message to both individuals, but both those individuals were
16 probably not in the same place at the same time. One is at the front and one is with
17 the FACA.

18 Q. And how do you know that? How do you know where they were located at
19 that moment in time on 12 January 2003?

20 A. Well, the contents of this message reflect that fact. If you read it, you can see it.
21 It is a fact, Counsel, that a co-ordinator of operations, co-ordinating operations is like
22 a liaison officer within the General Staff. The commander of operations is something
23 quite different. He is commanding operations.

24 Q. It is true, Mr Witness, that I certainly have less expertise in the field of
25 interpreting radio messages, but I do not see anywhere in this message where it is

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 said that the commander of operations and the co-ordinator of operations are not to
2 be found in the same place, are not together. I read through the message again, but I
3 can't find that piece of information. Could you please find it for me in the message?

4 A. Counsel, as I am a witness, well, I'm telling you what I know. This is how
5 things happen, notably that the co-ordinator of operations cannot be the commander
6 of operations. These are two different people, the two different people to whom the
7 message is addressed.

8 Q. No, I didn't say that it was one and the same person, Mr Witness. You said
9 that they were at two separate locations and I'm asking you how you know that fact,
10 that they were at two separate locations?

11 A. Could one not address a message to two individuals who are in the same place
12 at the same time and give the name of each individual?

13 Q. So if we glance at this log-book, we never find the names of two people side by
14 side who are in the same place. If two names of two people are placed side by side it
15 means that those two individuals are not in the same location; is that right?

16 A. Counsel, I do not quite know what you are insinuating respectfully, Madam
17 President. That is not what I said. I explained to you how things happen and if
18 you do not have any expertise in the field then you need to listen to what I say to you,
19 that things -- this is how things happened. Do you want me to contradict what
20 you're saying? This is -- this is not true. The message is in front of us. I am
21 testifying to what I know.

22 Q. Mr Bemba was in Gbadolite during the entire period of operations, was he, or
23 was he to your knowledge located elsewhere?

24 A. I do believe he was in Gbadolite, yes.

25 MR BADIBANGA: (Interpretation) Court usher, would you please show page

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 1706 on the screen. Thank you. It's the message on the right-hand side.

2 Q. Witness, as I was saying earlier, we're going to try to read this message and if I

3 have any difficulty I'll ask you for your help: "Extremely urgent. 13.10 a.m. From:

4 Co-ordinator Bangui operations. To: Head of Staff ALC. Reference: Secret

5 number 011/co-ordinator ops/03. Acknowledge your TG number 047/EMG. Will

6 be transmitting to you more detailed information regarding enemy. First of all,

7 force --" correction, "strength and weaponry. In general more or less weaponry --" I

8 can't read the next word. Can you read this following word? No? "More or less

9 weaponry the following weapons: Submachine-guns, rocket propelled grenades, 4,

10 14, 14.5 millimetres mortars, 60 millimetres mortars, 81 millimetres mortars, 82

11 millimetres, 12.7 millimetres. Secondly, probable intention, take control of the

12 capital by way of *pincer manoeuvre. Third, probable origin of these internal and

13 external reinforcements. Echo FACA left in Bangui. Chadian soldiers tactics used.

14 Ruse. Stop. A. Stop. Give time to our troops to go further away from Bangui.

15 Stop. B. Get around our troops to attack Bangui. Stop. *Sign of infiltration. Stop. A.

16 Stop. In small groups using the transmos phenomenon as a cover which consists of

17 moving a number of soldiers with troops."

18 Could the courtroom officer please move on to the following page, page 1707, and I

19 will start my sentence afresh:

20 "The moving of breeders with *herds from the north to the south during that -- during

21 this dry period through the following corridors. Interval Bozoum, Bossembélé,

22 Bossembélé-Damara, Damara, Ubangi River. Fourth, confusion will be such that

23 most likely the concentration of infiltrating troops will be in Bangui and along the

24 Ubangi River and thus they will be able to reach Bangui easily, taking several

25 different paths. And finally they will conduct a joint action with other attackers

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 from the west thereby gaining control of Bangui."

2 Mr Witness, now in response to this request from the GS, it would appear that this
3 message seems to be about the intent of the enemy, the weaponry, both the intent and
4 the weaponry in terms of the military operation, so I'd like to hark back to the
5 question I put to you yesterday. What was the relevance for Gbadolite to have all
6 that information?

7 A. Thank you, Counsel. Obviously they were exchanging information for
8 purposes of strategy, but it doesn't mean that they were conducting or leading the
9 operations. It doesn't mean -- it meant the enemy was there. It wasn't the enemy's
10 there follow such-and-such a tactic. I can see that they're exchanging information
11 and certainly Gbadolite will be able to discuss strategy. So, you see, there was this
12 discussion of strategy between Gbadolite and Bangui.

13 Q. And who was discussing this strategy in Gbadolite?

14 A. The Chief of General Staff when this message was written on 13 January 2003,
15 and in this message when he writes you can see he is aware of the reason why the
16 message is written.

17 Q. Who was this person, dealing with the strategy in Gbadolite?

18 A. The Chief of General Staff. The President of the Army of Liberation of the
19 Congo. That's what I mean. That's what I mean by "strategy."

20 Q. Now, the President of the ALC, was that also the commander-in-chief of the
21 ALC?

22 A. Well, I mean -- well, instead of saying "the president," I'm saying "the
23 commander-in-chief." It means that the Chief of General Staff certainly is reporting
24 on what has happened, and the Chief of Staff here is contacting the co-ordinator who
25 is close to the joint operations with FACA. That's what I see here.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 THE INTERPRETER: Interpreter correction: In an earlier reply mention was made
2 of breeders. This means cattle -- people raising cattle.

3 MR BADIBANGA: (Interpretation)

4 Q. So does that mean decisions were being taken at the strategical level?

5 A. I don't know, Counsel. Strategy I don't know, I don't know, and the contacts
6 you see, so that these troops could be deployed upstream. I don't know about the
7 strategy. I don't know about the political and strategical side of things. This was
8 a -- when it came to our level, we had to turn that into what was doable, what was
9 feasible in terms of matériel and the like.

10 Q. So to turn these things into something feasible at your level, didn't you need
11 information subsequent to decision X to do such-and-such a thing, "Please take the
12 following operational measures"?

13 A. Counsel, I'd like you to be more specific in your questions.

14 Q. I will be more specific, Witness. Yesterday, I think you weren't able to tell us
15 exactly when the decision was taken, or what the framework -- what the framework
16 or the background was when that decision was made to send troops to the CAR.
17 Now, I understand that all those who were working at the operational level for the
18 implementation in meetings where operations were discussed and they were all these
19 people -- all this came together around a decision.

20 Now, on the basis of a decision, for decision X, to send troops to the CAR to help
21 President Patassé, we are going to take measures to ensure that this decision is
22 implemented. So if that's the case, don't you need to refer to some kind of decision
23 that legitimises such?

24 A. This is all very confusing. I really don't understand. I'm being as clear as
25 I can.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Q. Well, let's talk about your level, your status as a soldier. Who took the decision
2 to send the troops to the CAR and on the basis of that it was decided to work in that
3 field?

4 A. (Redacted) I
5 said this in earlier testimony, Counsel.

6 Q. Very well, Witness. We shall move on. Correct me if I'm wrong, but you've
7 been saying for a while now that -- I believe you said that receiving this information,
8 getting this information, doesn't mean that -- is not same as conducting the operations.
9 Is that what you said?

10 A. Counsel, this is what I mean. This is what I mean. I was not the one.
11 Perhaps in some countries, but being far through messages like this and commanding
12 an operation five, eight, 900 kilometres away, I've not heard of such a thing. I have
13 not seen such a thing, because how can that be done? You are at the initial position,
14 so to leave the initial position and reach objective A, well, it is possible that there may
15 be intermediate steps along the way that you have to deal with in order to reach
16 objective A, but I don't believe that you -- you can be God and anticipate all these
17 intermediary steps that may crop up.

18 For example, the enemy may decide to organise an ambush at this place and not at
19 that place. You can't anticipate that sort of thing, so that's what I'm trying to tell you.
20 It's not what you're trying to describe with this message. It really is -- well, there's a
21 whole series of things that could happen. There's a whole series of possible danger.

22 Q. Page 12, lines 6 and 7, in the French version, "Thank you. Now, for these
23 discussions about strategy, it doesn't mean that you're conducting the operations and,
24 you see, I'm mentioning that because what was the relevance for Gbadolite to have all
25 that information?"

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Now, in the English version, page 12, lines 12 to 15, "Witness: I just want to make
2 sure I've understood. Who was conducting the operations there?"

3 A. Thank you, Counsel. It was the commander in the field who was leading the
4 operations there.

5 Q. And where did the orders come from?

6 A. What operation are you talking about?

7 Q. I'm talking about the operations in the Central African Republic right from the
8 beginning.

9 A. I'm saying, and I repeat, those troops were taking orders from the Central
10 Africans. That was the link, or the relationship.

11 MR BADIBANGA: (Interpretation) Court usher, could we please see page 1712.
12 It's the question at the bottom -- it's the message at the bottom of the page on the
13 left-hand side.

14 Q. Witness, I've noticed that you've found your eyeglasses. Do you think you
15 could read this message for us?

16 A. "Extremely urgent. 16, 8 a.m. Alpha. From: Commander Bangui operations.
17 To: Chief of General Staff ALC. Information: Charlie Mike. Number:
18 Category or reference number 012/Ops/Command/03. I am honoured to extend
19 greetings to you and inform you. Stop. General situation calm, except for anything
20 unexpected that may crop up. Morale of officers and rank and file is good. Enemy
21 has attacked Bocaranga. Enemy has looted. Two versions of this information have
22 been provided to us. They may have withdrawn or they still may be there. The
23 authorities there are asking for us to intervene. Stop. Furthermore, asking if the
24 repairing of the 12.7 millimetre is finished. Please send, if possible, the chains for
25 the -- " or the -- "for the 12.7 millimetre and the AA," namely the anti-air weaponry.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 "Your intervention would be gratefully appreciated. In January 16, 2003."

2 THE INTERPRETER: Message from the interpreter: The chains referred to --

3 MR HAYNES: Mr Badibanga may not have noticed this, but I thought I ought to
4 note for the record that the witness's eyeglasses were brought into court by the court
5 officer. He didn't just find them.

6 PRESIDING JUDGE STEINER: That's fine. It's on the record.

7 You can proceed, Mr Badibanga.

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, what do you understand by this sentence, "The authorities in place are
10 asking for us to intervene"?

11 A. In this context, it means that the authorities in Bangui, the authorities there, are
12 asking the authorities in that location. It means they're not in Bangui. The
13 authorities at that location are asking for an intervention to halt the looting that is
14 going on; the looting of the enemy -- by the enemy in that particular case -- correction,
15 in that particular place. This is how I read this message.

16 Q. Well, clearly the person who wrote this message is not -- did not say that "The
17 authorities are not ordering us to intervene," but rather, "are asking us to intervene"?

18 A. Counsel, that's the style. I really can't get into the details as to how a message
19 was drafted. That is his particular style. It's quite open. There's no school that
20 says you have to say this word or that word, or write in a particular way.

21 Q. Well, I think the message speaks for itself. This is not an order. This is a
22 request. Now, as a soldier, knowing that this has been drafted by a soldier, is this a
23 difference between that and making a request?

24 A. Not everyone went to the military academy. Not everyone writes a message in
25 the same way. It's an individual matter. I really can't make any value judgment

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 about the way someone writes. Everyone writes in his or her own way.

2 Q. Well, judging by the style of this particular author, could we gather that if he
3 says "Moreover, request -- ask if the repairing of -- the repairs have been done for the
4 12.7 millimetre weaponry," is he asking Gbadolite if this weapon has been repaired?

5 A. Well, Counsel, why don't you ask him? Why don't you ask that commander,
6 because he's the one who wrote that message?

7 Q. Because today you are the one before the Court, Witness. I'm asking you and
8 this is in open session, so -- well, I don't think I need to re-explain why you should
9 understand this message, but what do you gather from this particular message when
10 it said, "... asking if the repair has been done"? Can we agree that this person is
11 speaking to Gbadolite and asking Gbadolite if the 12.7 millimetre weapon has been
12 repaired?

13 A. I don't know. This is the way it's been drafted. I'm just -- this is new to me.
14 This is the first time I've seen it, just like you, so as to how I should understand this
15 message --

16 Q. What is this 12.7 millimetre weapon?

17 A. It's a weapon. It's a piece of weaponry.

18 Q. Well, I wasn't -- well, I knew that, but I was wondering what kind of weapon.

19 A. It's called a 12.7. That's the calibre of the weapon. It's a 12.7. It's support
20 weaponry for a battalion. It could also be used for a company.

21 Q. Now, sometimes, Witness, when we ask for specific information, it's not that we
22 want to upset you or trouble you. That's just the way a trial operates. So we just
23 want to make sure that what you say is on the record and so that the Judges can use
24 that information to form their opinion. We want an explanation. Is this a revolver?
25 Is this a piece of heavy weaponry? Is this a piece of light weaponry? We need that

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 information on the record in the transcript. It's not that we don't know. It's just
2 that the information needs to come from you. Could you please explain what a 12.7
3 millimetre --

4 THE INTERPRETER: Overlapping speakers.

5 THE WITNESS: (Interpretation) Yes, Counsel. Earlier I was saying that a 12.7
6 millimetre weapon is a piece of support weaponry for a company. *A company can
7 transport it and you shoot it with a crewman who feeds in the belts of ammunition
8 and you have the shooter and the crewman who move about with it. It's placed on a
9 tripod and you shoot it in that way.

10 MR BADIBANGA: (Interpretation)

11 Q. Is it a piece of light weaponry, heavy weaponry?

12 A. Light. Heavy weaponry would be an 82, 120, 105.

13 Q. Well, the message goes on the say, "Please send us if possible the 12.7 millimetre
14 belts of ammunition, G2 and AA." What sort of weaponry is this, the G2 and the
15 AA?

16 A. The G2, that's a name. There's the 12.7 and the 15. I think the 15 -- what am I
17 saying? The 15 -- 15 something. So that's the English version. G2 is -- it's a
18 weapon, the same calibre as the 12.7. It's part of the same family.

19 Q. And what about the AA? What does that mean?

20 A. It's a kind of machine-gun, anti-aircraft piece of weaponry.

21 Q. Well, usually the 12.7s and the G2s are used for what sort of thing? What's the
22 purpose of this weapon, these weapons? Are they used against tanks, or are they
23 used to shoot down aircraft? Are they used against individuals?

24 A. These are pieces of support weaponry. The 12.7s, well, in actual fact, well, this
25 is how it works. I'll explain a bit. What happens is that, depending on the

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 intelligence that you have about the enemy, naturally it is possible you may use one
2 particular kind of weapon, and if the enemy, if the ratio is one to three, if the enemy is
3 a company in principle you send a battalion, and if in the case of something really
4 serious, and you don't have a battalion, you do need to have superior weaponry,
5 weaponry that's better than the weaponry of the enemy. That's what I'm telling you.

6 Q. This is dated on 16 January and it ends, "Your intervention would relieve us."
7 What should we make of that particular sentence?

8 A. Well, their intervention with the Central African Republic authorities to ensure
9 that weapons are sent to them quickly, to ensure that the weapons are sent to them
10 quickly, so they're expressing a need.

11 Q. When it is stated, "Your intervention would relieve us," could that be read to
12 mean, "In the case where you send us what we have requested"?

13 MR KILOLO: (Interpretation) Madam President, you must now have noted that
14 this is really the type of concrete question that can mislead the witness, who has
15 already provided a clear answer, and another answer, contrary to what he has said, is
16 being suggested to him, an answer which he gave just a few seconds ago. This is not
17 fair, your Honour.

18 PRESIDING JUDGE STEINER: I did not understand your intervention because I
19 understood that Maître Badibanga was reading the last sentence of the message, but
20 in any case, Maître.

21 MR KILOLO: (Interpretation) No, not at all, your Honour. Mr Badibanga put the
22 question to the witness, "When this message states that your intervention would
23 relieve us, what does that mean?" The witness answered that it meant that the
24 co-ordinator of the operations in Bangui was asking the headquarters in Gbadolite to
25 contact the Central African command to ensure that the requested matériel was

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 delivered. That was a very clear answer. Then Mr Badibanga hops back to the
2 issue and suggests another answer, which has no bearing on or with what the witness
3 has already said. When Mr Badibanga says, "Are we not to understand from this
4 question that rather it is Gbadolite which is expected to provide the equipment that
5 has been requested by the co-ordinator," and this is where we say clearly that this is
6 unfair. This is not fair. It's not correct. It is unfair to the witness that an answer
7 contrary to what he has already provided on the same question be suggested to him.

8 PRESIDING JUDGE STEINER: Maître Kilolo, I am really sorry, but I would like to
9 understand whether the message is asking for Gbadolite to send these weapons, or to
10 the Central African authorities, because for me it's confused.

11 Mr Witness, can you clarify that, please? And also Judge Aluoch.

12 JUDGE ALUOCH: Just before you clarify that, Mr Witness, I just noted that there
13 are additions in your answer. Mr Kilolo has made one or two additions to the
14 answer that the witness gave, so it's probably better for the witness to clarify.

15 THE WITNESS: (Interpretation) Thank you, your Honours. When Counsel put
16 the question to me, on my understanding it was an open-ended question when he
17 asked about my understanding of the statement. Maybe we could scroll down the
18 page again so that I can see that segment of the message. Is it "The authorities are
19 seeking our intervention?" No. No. Yes, "Your intervention would relieve us."
20 Full stop.

21 Now, Counsel asked me what I understood that to mean and I provided an answer;
22 namely, that I understood this to mean that the authorities of the ALC should contact
23 their Central African counterparts to ensure that the equipment is delivered. Maybe
24 he asked for that equipment and did not receive it and is therefore informing his
25 commander so that the commander could intervene with the Central African

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 authorities to make sure that the equipment is delivered to that unit. That is my
2 understanding.

3 PRESIDING JUDGE STEINER: So it is your understanding from this message that
4 this 12.7 millimetres was going into reparations by the Central African authorities,
5 and here the message is asking Gbadolite to ask the Central African authorities to
6 finish the reparation and send back the 12.7? Is that what you're saying?

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

8 PRESIDING JUDGE STEINER: Thank you for the clarification.

9 Maître Badibanga?

10 MR BADIBANGA: (Interpretation)

11 Q. Mr Witness, I would like you to read over that message again, from top to
12 bottom, and I suggest that you look closely at the last four lines and this might assist
13 in your answering. Who is the commander in Bangui asking to send the 12.7
14 millimetre chains?

15 A. Counsel, this message is very clear, but I think that under the circumstances it
16 might be best for the author of the message to interpret -- to explain things to you.
17 All I can do is interpret what has been said here and I was not the commander of the
18 operation.

19 Q. Witness, I want to reassure you that we are all aware that you were not the
20 commander of the operation.

21 PRESIDING JUDGE STEINER: Just to complete the last clarification, if you allow me,
22 just to make it clear.

23 Now talking about the end of the message, which is, (Interpretation) "Please send us if
24 possible the 12.7 millimetre chains. Stop. G2 and AA." (Speaks English) The chef
25 d'operation asking Gbadolite to ask the Central African Republic to send the "chaînes

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 12.7 et G2 et AA"?

2 THE WITNESS: (Interpretation) It would seem that I got two versions of the
3 interpretation.

4 PRESIDING JUDGE STEINER: So if you read the last request of the message, it is in
5 French, "Please "envoyer "-- send us if possible "les chaînes" -- I don't know the
6 translation, "de 12.7 millimetres G2 et AA." This is also the chief of the operations in
7 Bangui asking Gbadolite to ask the Central African authorities to give them this
8 ammunition and these other weapons?

9 THE WITNESS: (Interpretation) Your Honour, I can only make that assumption,
10 because as I have said it is the commander himself who is in a position to provide an
11 explanation. You see, I have just discovered this message like everyone else here.

12 PRESIDING JUDGE STEINER: Sorry to interrupt you, Maître.

13 MR BADIBANGA: (Interpretation) Not at all, your Honour. This is your
14 Chamber. This is your Court.

15 Q. Mr Witness, the operations commander in Bangui, did he have any conflict or
16 any problems with the Central African authorities throughout the time when he was
17 there?

18 A. It is difficult for me to answer such a question. I don't know.

19 Q. Maybe my question should have been: Are you aware of any problems that
20 may have arisen between the operations commander and the Central African
21 authorities in the month of January?

22 A. No, I am not aware.

23 Q. Did you at any time hear that the operations commander in Bangui was no
24 longer able to communicate with the Central African authorities?

25 A. I don't know. I don't know.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation) References, please, to substantiate that assertion?

2 PRESIDING JUDGE STEINER: What affirmation you are talking about? Maybe we
3 have a translation problem here, because in English the question, "Did you at any
4 time hear that the operations commander had a problem or was no longer able to
5 communicate?" He is not saying that anyone said that, so what reference you are
6 asking for, Maître?

7 MR KILOLO: (Interpretation) Madam President, when I listened to the question in
8 English, Mr Badibanga refers to the month of January and that is specific. "Are you
9 aware of any problems that the Congolese commander in the Central African
10 Republic had with the Central Africans, or are you aware that he was no longer able
11 to communicate with the Central Africans?" That is important and significant
12 information and I believe that it would only be fair, not only to the witness but also to
13 all parties and participants, to have the reference so that we may at least for the
14 Defence be able to exercise the rights of the Defence.

15 PRESIDING JUDGE STEINER: I understood the meaning of the question. January
16 is the month of the message, so we are trying to understand why the commander of
17 the operations had to ask these questions to Gbadolite to interfere. This is what I
18 understood, not that Mr Badibanga was saying that there was a problem, but Maître
19 Badibanga, maybe you better than I can explain the meaning of your question in
20 order to clarify the Chamber.

21 MR BADIBANGA: (Interpretation) Thank you, your Honour. My first question
22 appears on page 24, line 25, and the transcript is accurate: "Witness, did the
23 operations commander in Bangui have any difficulties or conflicts with the Central
24 African authorities during the time when he was there?" The witness answered: "I
25 do not know."

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Page 25, line 3, I followed up: "I could have said are you aware of -- are you aware
2 that during those operations the commander of the operations may have had any
3 problems with the Central African authorities?" Well, there might be some typos in
4 there. "Are you aware of any difficulties that the commander may have had with the
5 Central African authorities at that time?"

6 I think Mr Kilolo's French must be good enough for him to understand that the
7 question was in the conditional.

8 Q. Now, when I referred to the month of January, I think, Witness, the Chamber
9 has fully understood the thrust of my question. Now, the operations commander
10 was in Bangui and if, to the best of your knowledge, he had no problems or he had no
11 difficulties with the Central African authorities, why is it that on 12 January he
12 needed to contact Gbadolite so far away, according to your testimony, to ask them to
13 send a reverse message to people who were quite close to him, a few metres away
14 from him? Why did that have to be that way?

15 A. You asked me for my understanding or interpretation of this message and I told
16 you, Counsel, that I was not the commander of the operation. Now, if he chose to
17 proceed in that manner, he is the one in the best position to answer that question and
18 it is to him that you should put the question.

19 Q. If you were the author of the message, I would not have asked how you
20 understand it, but I asked for your understanding because you are not the author.
21 Now, the understanding that you are sharing with the Chamber, how do you come to
22 that understanding? What do you find in this message that enables you to interpret
23 it to mean that the request is being made to Gbadolite so that Gbadolite can ask
24 Bangui to act?

25 A. We both read that, "Your intervention would relieve us." What does that mean?

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 That statement can be interpreted. Your intervention where? Intervention? You
2 think that is the intervention of the ALC, but I think that it is the intervention with the
3 Central African authorities. So I don't know what I say flows from what I know, but
4 you want me or you want to put words into my mouth and make me say the things
5 that I don't know, Counsel?

6 MR BADIBANGA: (Interpretation) Let us proceed to page 1720, page 1720, to the
7 bottom left of the page.

8 I am sorry, your Honour, I am mindful of the time, so the message that I would have
9 dealt with would simply be revisiting the same point that we have already dealt with.
10 So I would move forward, mindful of the answers that the witness has already
11 provided. So could we please rather go to page 1726, court usher, please.

12 Court usher, please, it's the last message I'm referring to. It begins at the bottom left
13 of the page and then over to the next page, to the right.

14 Q. Mr Witness, would you please kindly read that message for us?

15 A. The message to the right or to the left?

16 Q. To the left, with five lines only. The message has only five lines beginning
17 with "Extremely urgent."

18 A. "Extremely urgent. 200940A. From: Colonel Moustapha, RCA. To: Chief
19 of General Staff ALC. Info: Charlie Mike. Number: Secret."

20 MR BADIBANGA: (Interpretation) Court usher, please would you shift to the top
21 right, to the top of the right page.

22 THE WITNESS: (Interpretation) "I refer to message number 009 of 11 January 2009.
23 Stop. Request for equipment and request again the following: Ammunitions, SMG,
24 35 boxes. Stop. LMG, light machine-guns, 20 belts or chains. G2, 20 belts and 22
25 boxes. RPG, 40 boxes. Mortar 60, 25 boxes. And 20 fuses. Mortar 82 millimetre,

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 40 boxes, plus ten fuses. 14.5 millimetre, 20 boxes. And 12.7 millimetres, 20 boxes
2 plus 06 charges, or rather 14.5 millimetres 20 boxes and 20 bombs. Please forward at
3 the first possible opportunity. Stop. One microphone for transmission. We hope
4 hierarchy. Stop. In 20 January 2003".

5 PRESIDING JUDGE STEINER: Just, Maître Badibanga, one correction on line 21, the
6 date is 11 January 2009. So for sure this message is not dated 11 January 2009. You
7 can proceed.

8 MR BADIBANGA: (Interpretation)

9 Q. Yes, I was going to actually proceed with that correction and ask the witness to
10 read the first line, only the first line, so that we may get a proper translation of the
11 date.

12 A. "I refer to my message number 009 of 11 January 2009. Stop."

13 Q. You said "2009." Is that what you see? Is it not clear on the screen for you.
14 I didn't want to correct you, but from my end I see "2003".

15 A. Well, 2003. I have a problem with my eyes, maybe. 2003, yes.

16 Q. Witness, this is what Colonel Moustapha says: "I refer to my message 009 of
17 11 January 2003 referring to the request for equipment." Are we agreed that this is
18 Colonel Moustapha referring to a previous message asking for equipment? Is that
19 the case?

20 A. Counsel, ask that question to Colonel Moustapha, who was the commander of
21 that operation. I am not the author of this message. Why do you want me to
22 answer questions to satisfy or please you on the conduct of operations that were
23 handled by him and Central Africans in the Central African Republic?

24 MR BADIBANGA: (Interpretation) Madam President, could we go briefly into
25 private session?

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Court officer, please`

2 *(Private session at 10.25 a.m.) Reclassified as Open session

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

4 MR BADIBANGA: (Interpretation)

5 Q. Mr Witness, the other day I asked you whether (Redacted)

6 (Redacted) Throughout your

7 testimony, since Monday, you have provided a lot of information on the operations

8 that took place in the Central African Republic. Were you yourself on the ground in

9 the Central African Republic, or (Redacted)

10 (Redacted)

11 A. No, Counsel.

12 Q. What is the source of all the information that you have provided to this

13 Chamber from the time you started testifying? I don't want to be specific as to the

14 date on which the information may have come to your attention, but the question is:

15 What is the source of all your information?

16 A. Thank you, Counsel. What I know I will tell the Court in my capacity as a

17 witness. Why do you want to hold it against me when I say that I do not know?

18 (Redacted) You see, there are details

19 about this information which I am not aware of, so do you want me not to have the

20 opportunity to say that I don't know? That would be most unfortunate.

21 Q. You're right. If you don't know something it is proper to say that you do not

22 know, but for now my entire series of questions is not asking to know whether you

23 were there or whether you were involved when this request for equipment was made.

24 What I'm asking you to do is that in (Redacted) and in (Redacted)

25 (Redacted) in your capacity as a soldier, and I understand that you are

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 a -- you were a (Redacted) at the time of the events, which means that you had

2 a (Redacted)

3 Today, therefore, I am asking you to explain to the Court a text - a document - which
4 you are able to read and then to tell the Court what it means and to help the Court to
5 understand some of the technical expressions, or some knowledge that was privy or
6 internal to the MLC.

7 This Chamber does not know how the MLC operated, but it has these documents and
8 these documents can help it to understand. We know you are not Colonel
9 Moustapha, but we are asking you to help us to understand. So can we collaborate
10 to the extent that it will help us to clarify things for the Court, or is this a difficult
11 issue for you?

12 A. Counsel, let me repeat by way of this answer that, when you insinuate that (Redacted)
13 (Redacted) yes, indeed, (Redacted) but we are not God here on Earth to
14 be able to (Redacted) This operation took place in Bangui.

15 There was a commander who was in charge of the operations in Bangui. That
16 commander knows the context in which these messages were written. That is what I
17 am saying.

18 I am not in any way defending anything whatsoever. What I'm simply saying is that
19 these operations took place in Bangui. I have said that it was a joint operation. I
20 have said so. Now, if you ask that a document be interpreted, please do not expect
21 of me that my interpretation would necessarily dovetail or be exactly the same as that
22 of the author of the message.

23 MR BADIBANGA: (Interpretation) Could we then return to open session, your
24 Honour?

25 PRESIDING JUDGE STEINER: Court officer, please.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 (Open session at 10.29 a.m.)

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

3 MR BADIBANGA: (Interpretation)

4 Q. Mr Witness, do you recall having stated before this Trial Chamber that the
5 supplies and the logistics, including weapons and ammunition, were supplied by the
6 Central African authorities? Do you recall having said that?

7 A. Yes, I do recall having said so.

8 Q. Mr Witness, do you still maintain this statement? We've been looking at a
9 number of messages since. You might be discovering these messages today. Are
10 you ready to provide a certain shade of meaning to your response?

11 A. Thank you, Counsel, and I repeat. I said as follows: That this is an operation
12 that unfolded in Bangui. It was a unit under Central African orders providing or
13 supplying the matériel, or equipment. Now, I can see through this message, this
14 message written by the commander, the commander of operations. I do not know
15 the context, nor do I know what inspired the commander to draft such a message. It
16 is he and he only who could shed light upon the matter for the Court.

17 Q. I shall re-read your statement. This is transcript 217, dated 20 November 2012.
18 In the French version it's page 14, line 16 to 17. In the English version, page 13, lines
19 22 to 23. You say, quote, "It was the Central Africans who supplied them with their
20 weapons, ammunition, logistics and uniforms," end of quote.

21 PRESIDING JUDGE STEINER: Maître Badibanga, could you please check the
22 number of the transcript?

23 MR BADIBANGA: (Interpretation) I do not know whether I said it was 271 or not?
24 271.

25 PRESIDING JUDGE STEINER: 217.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 MR BADIBANGA: (Interpretation) Well, I do apologise, Madam President. It
2 would appear that I'm dyslexic. So it is indeed reference 271, dated
3 20 November 2012, page 14 in the French version, page 13 in the English version.

4 Q. Mr Witness, in this message, Colonel Moustapha says, "We request again the
5 further -- the following ..." and then there's a list of ammunition. Now, coming back
6 to (Redacted) with reference to the ammunition, could you briefly
7 tell us which ammunition is considered to be heavy weaponry and which considered
8 to be light?

9 A. The message before us here?

10 Q. Yes. Could you just help us, saying "Well, this is rather heavy weaponry."
11 "This is light weaponry." You don't need to go into details, just sort of help us to
12 categorise the weapons according to these two fields.

13 A. So there's the 82-millimetre shell. There's the 107 millimetre. There we are.
14 So these are categorised within artillery weaponry.

15 Q. Artillery weaponry, does that mean heavy weaponry?

16 A. Yes, indeed.

17 Q. And the rest is categorised or classified as what?

18 A. Well, we have the 60 shell, there's the 12.7 millimetre, there's the 14.5 millimetre,
19 which are support weapons for the unit, yes, so for a unit, for a battalion, whereas the
20 SMG and the AK-47, these are individual weapons.

21 Q. We can see the expression "fuses" on two occasions, "plus 10 fuses, plus 20
22 fuses." Do you know what this is?

23 A. Yes, an RPG-40 rocket launcher at the end of which is what we call a fuse, which
24 you append to the unit when firing. Yes, when firing. These are fuses.

25 Q. And these fuses come in boxes or cases I see here, 25 cases plus fuses, 40 cases

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 plus fuses. Is that it, or does that have nothing to do with it?

2 A. Well, they might come in wooden boxes, but according to this version, yes, it
3 can come presented like that.

4 Q. Now, the last reference for a weapon is LG200, and I see 200 bombs. Now,
5 what does that mean precisely?

6 A. These are light-shedding bombs.

7 Q. Are these for night operations then?

8 A. Yes.

9 Q. So the message wraps up requesting a microphone for transmission. Now, as
10 you said previously, there were two-way communication systems. Do they require
11 microphones? Is this request associated to this type of equipment?

12 A. Well, I can see, Counsel, that the request is worded in such a manner, talking
13 here about a microphone for transmission purposes. I don't know. These are
14 accessories for two-way communication systems. This is an accessory that enables
15 communication.

16 MR BADIBANGA: (Interpretation) A brief silence in order to save time for the
17 Chamber and not come back on the same documents, revisiting the same issue,
18 Madam President.

19 Court officer, could you please call up page 1547.

20 THE INTERPRETER: The interpreter is not sure about the number.

21 MR BADIBANGA: (Interpretation) This is the message to the bottom left-hand
22 side of the page, beginning with, "Extremely urgent."

23 Q. Mr Witness, would you be so kind as to read this message to us, please.

24 A. "Extremely urgent. 29th of the 11th," I believe, "09," 2009, "Bravo. From:

25 Colonel Moustapha. To: Chief of General Staff ALC. Information, info: Charlie

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Mike. Number 15/Ops/Bangui/003. I have the honour to salute you and to inform
2 you. Stop. Pursuant to the situation of 28 January 2003, relative to the presence of
3 the enemy in Bossemptélé, I was sincere on the matter. Stop. Moving forward
4 towards Yakuli. Stop. 0.5 kilometres from Bossembélé. Stop. Intention to attack
5 Bossembélé and recuperate electrical sources in Boar. Stop. It is directed by the
6 civilian population for infiltration. Stop."

7 Q. Could we please move on to the rest of the text on the right-hand side of the
8 page.

9 A. "Other information. Stop. Two enemy helicopters from Chad on towards
10 Sibut with reinforcements to attack Damara. Stop. Further situations will be
11 communicated to you. HC Stop. In 29 January 2003."

12 MR BADIBANGA: (Interpretation) So if the court usher could return to the first
13 part of the message, please.

14 Q. Mr Witness, earlier on in a message that we read together on page 1702, I think
15 we began with that one, this was the message where the Chief of General Staff of the
16 ALC was requesting that the situation - the enemy situation - be communicated to
17 him and he also requested, and I remind you, that there be vigilance towards the
18 Central African Republic civilians or population who were certainly hiding mutineers
19 in their midst. Do you recall this?

20 A. Yes, Counsel.

21 Q. Now, this time, at the end of the message, the message shown to you, that is
22 page 1749, we are here on 29 January. The other message was dated 12 January, so
23 coming back to 29 January 2003, Colonel Moustapha says to us that he, quote, "Has
24 the intention of attacking Bossembélé and recuperating the electrical sources in Boar
25 and it is directed by the civilian population of the CAR for infiltration."

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Now, to your knowledge, during the conflict was the Central African Republic
2 considered to be hostile to the MLC troops?

3 A. Thank you, Counsel. As I explained previously, the conflict between the
4 Bozizé and the Patassé camps - sides - due to their belonging to one and the same
5 region, this might have divided people and, you know, they might have then -- they
6 might have been divided against each other, so we have to take this into account in
7 the context in which they were operating.
8 So they were with Central Africans who were undoubtedly telling them certain
9 things.

10 Q. In identifying the enemy against whom the MLC was to fight in the Central
11 African Republic, was the civilian population included in that definition of a group; of
12 an enemy group?

13 A. No, Counsel. As I explained to you at length, what (Redacted)
14 (Redacted) the context and if it is hostile, if the hostile
15 milieu, if you like, then certain measures need to be taken in order to avoid contact
16 with the population, and secondly, this was a joint operation. The Central Africans
17 on one side. The Congolese on one side.
18 You know, most of them were from the north. They were nordist on the Congolese
19 side and what we are referring to is the civilian population were brothers and sisters,
20 where even though they were divided by ideology at certain moments in time, this is
21 what we could see at the time. I think the Central Africans will say they can't let you
22 go ahead and kill their brothers and sisters. They're not going to just watch you do
23 it.

24 MR BADIBANGA: (Interpretation) I no longer require this document on the
25 screen. Thank you, Mr Usher.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Q. Now, Mr Witness, I'm going to move on to a last topic. We are in open session
2 and we might revisit a number of issues in private session. I would request that you
3 do not give us any identifying information in open session, notably with regard to the
4 specific locations where things occurred.

5 Could you quite simply tell us the date of your very first contact with the Defence
6 team for Mr Bemba? When was that first contact established?

7 A. In Kinshasa. I think it was the month of April in Kinshasa. Month of April.

8 Q. Was that April?

9 A. April 2012.

10 Q. And on the occasion of this encounter, was it explained to you the
11 procedure -- what the procedure was before the International Criminal Court and
12 what was expected of your testimony?

13 A. No, counsel. In view of the fact that Maître Kilolo entered into contact with me,
14 and when I accepted to meet with him, upon arrival he -- they didn't really put any
15 questions to me as to matters of procedure. They just went on to ask me about what
16 I knew, my name and questions that -- of the type that you're putting to me with
17 regard to my knowledge. There we are.

18 Q. So we shall not mention the second encounter that you talked about on the first
19 day just with a view to locating the place where you were, but we are in agreement
20 that you did meet the Defence on two occasions; is that right?

21 A. Yes, indeed. Two times. Two occasions, Counsel.

22 Q. And apart from those two meetings, I'm talking about physical meetings, did
23 you continue to have any email or telephone exchanges with the Defence team?

24 A. We did have telephone contact I think on five occasions. The first time was to
25 contact me and -- I don't quite know how he got my number. It was surprising to

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 me. And I think that on the second occasion, upon my arrival in Kinshasa, I arrived
2 in Kinshasa and it was to set up an appointment where they were staying, organise an
3 appointment. And on the third occasion, this was to tell me that the Office of the
4 Prosecutor wanted to meet with me. I said, "Well, no," in view of the fact of the
5 activities they was conducting at the time there, there was a lot of risk-taking in order
6 for us to meet. I didn't really want to over-commit myself in view of some of the
7 operations I was conducting in certain areas there.

8 And on the third occasion, or it might have been the fourth occasion now, it was to
9 tell me that -- that he was coming to that place where I was, you know, that place, and
10 then after that it was with a view to fixing an appointment where they were staying.
11 They -- we then had a discussion. They started -- the two of them started listening to
12 what I had to say and then finally I left, but I was still contacted by telephone by those
13 individuals out in that town. You know, I had to organise passports and this, that
14 and the other.

15 MR BADIBANGA: (Interpretation) Madam President, for my last questions could
16 we please move into private session?

17 PRESIDING JUDGE STEINER: Court officer, please.

18 *(Private session at 10.52 a.m.) Reclassified as Open session

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

20 MR BADIBANGA: (Interpretation)

21 Q. Now, Mr Witness, we have ten minutes and I think that if we go to the point
22 we'll be able to finish. I'd ask you to give me very brief answers to my questions.
23 These are just questions of procedure that we put to all witnesses. Now, during the
24 two meetings that you had with the Defence team, were you reimbursed in one way
25 or another for any expenses that you might have incurred for your trip?

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 A. No, not at all.

2 Q. And did you receive any promise whatsoever, or was it suggested to you, was
3 your testimony led in any way?

4 A. No, Counsel. You know, any further than the administration of justice in a
5 manner --

6 Q. You say that you did not receive anything. Did you receive any money in
7 order to feed yourself, for example, during those days when you were meeting with
8 them? You know, any money to reimburse your meals?

9 A. No, not at all. I received accommodation and I had my own means. No, I
10 don't -- I didn't have any opportunity to --

11 Q. Now, were you led to believe or were you promised that you might be relocated
12 outside of the Congo were you to testify?

13 A. No, Counsel. (Redacted) and I -- I do not see how (Redacted)
14 (Redacted) that I have. No. No, no, no.

15 Q. Mr Witness, do you recall having had contact via telephone in
16 2009 - May 2009 - with the Office of the Prosecutor?

17 A. Yes, thank you. When I (Redacted) and when
18 I had this contact, well, they were asking me, I thought that in view of my position,(Redacted)
19 (Redacted) and under the conditions -- well, you know, my colleagues had
20 been arrested and rumours of coup d'état were being mongered, well, no, I could not
21 take any risks. The commander --

22 THE INTERPRETER: Message from the interpreter: The end of the witness's
23 answer was not at all clear.

24 MR BADIBANGA: (Interpretation)

25 Q. Do you recall in the month of May 2009, having initially said that you agreed to

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 meet with the Office of the Prosecutor representatives and then later in June 2009 you
2 said that you did not want to enter into contact with the Office of the Prosecutor?

3 A. Yes, Counsel. (Redacted) at the time and, if I remember correctly,
4 subsequently (Redacted) where I arrived and, well,
5 the situation changed. (Redacted) I had taken up my new position. I did
6 not want to lose this post.

7 Q. And when the Defence contacted you, you were (Redacted)

8 A. Yes, I was still there. I was (Redacted) yes.

9 Q. Mr Witness, are you in contact with the members of Mr Bemba's family, or any
10 people close to him?

11 A. No, Counsel. I am still operational and you can check with this where I work.
12 You know, there are still issues where I work still ongoing.

13 MR BADIBANGA: (Interpretation) Madam President, your Honours, I have no
14 further questions for the witness and I thank you.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.

16 Mr Witness, the Prosecution concluded with its questioning. We are going now to
17 our break and after the break the legal representatives of victims that were authorised
18 to put some questions to you will take the floor and address their questions to you.
19 You have half-an-hour to take some rest.

20 So I will ask, please, the court officer to turn into closed session for the witness to be
21 taken outside the courtroom. In the meantime, we will suspend and resume at 11.30.

22 *(Closed session at 10.59 a.m.) Reclassified as Open session

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

24 (The witness stands down)

25 THE COURT OFFICER: All rise.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 (Recess taken at 10.59 a.m.)

2 *(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session

3 THE COURT USHER: All rise.

4 Please be seated.

5 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
6 the witness in.

7 (The witness enters the courtroom)

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

9 (Open session at 11.37 a.m.)

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

11 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back.

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

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

14 THE WITNESS: (Interpretation) Yes, your Honour, I'm ready.

15 PRESIDING JUDGE STEINER: I will now give the floor to legal representatives of
16 victims, starting by Maître Douzima Lawson. Maître.

17 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour.

18 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

19 Q. Good morning, Witness.

20 A. Good morning, Counsel.

21 Q. My name, Mr Witness, is Maître Marie-Edith Douzima Lawson of the Central

22 African Bar. I am the legal representative of a number of victims who have been

23 admitted to participate in these proceedings about which you are testifying. Your

24 testimony, therefore, is of interest to the victims I represent and in that connection I

25 have a number of questions for you regarding what you know and on your testimony

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 here since Monday. Witness, needless to remind you of the advice from the Bench,
2 namely, and particularly, regarding the five-second rule, given that you and I speak
3 the same language. So we will also try to ensure that in dealing with my questions
4 and your answers, we will avoid disclosing your identity.

5 MS DOUZIMA LAWSON: (Interpretation) Your Honour, for the first set of
6 questions I would like to apply for private session.

7 PRESIDING JUDGE STEINER: Court officer, please.

8 *(Private session at 11.39 a.m.) Reclassified as Open session

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

10 MS DOUZIMA LAWSON: (Interpretation)

11 Q. Witness, on Monday, 19 November 2012, at the hearing which appears in

12 (Redacted) you talked about yourself at (Redacted)

13 (Redacted) You said that when (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Now, my question for you is, did other members of the ALC receive (Redacted) training

19 (Redacted)

20 A. Thank you, Counsel. Not all of them, some of them. Some of them were with

21 (Redacted) about ten of us, ten officers who had been selected, and (Redacted)

22 (Redacted) Ten of us, as I already mentioned, and (Redacted)

23 (Redacted)

24 (Redacted)

25 MS DOUZIMA LAWSON: (Interpretation) Thank you. Now, maybe we can

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 return to open session so that I deal with other issues.

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

3 (Open session at 11.42 a.m.)

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

5 MS DOUZIMA LAWSON: (Interpretation)

6 Q. Mr Witness, still on 19 November, during that hearing, transcript 270, page 44,

7 line 27 to 28, and page 45, lines 1 to 15, you talked about training of ALC troops, and

8 in that connection you said that training included military discipline, respect of the

9 code of conduct, and at page 47, lines 9 to 19, you said that it was the political

10 commissioners who popularised the code of conduct.

11 Now, this popularisation of the code of conduct, in what language was that done?

12 A. Counsel, it was in Lingala.

13 Q. On Monday you also said that the code of conduct was drafted in French.

14 A. Yes, it was in French, and generally rules of discipline are drafted in French, but

15 for the purposes of getting the soldiers to memorise it, the document is translated.

16 Q. According to you, Mr Witness, was that code of conduct respected or applied by

17 the soldiers?

18 A. Yes, Counsel.

19 MS DOUZIMA LAWSON: (Interpretation) Madam President, again, I am sorry, I

20 would like us to go back to private session because I'm afraid this might lead to the

21 disclosure of the witness's identity.

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

23 *(Private session at 11.45 a.m.) Reclassified as Open session

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

25 MS DOUZIMA LAWSON: (Interpretation)

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Q. Mr Witness, still on Monday, 19th, (Redacted)

2 you stated that (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Mr Witness, my question is as follows: Did you receive remuneration throughout
11 that period?

12 A. Thank you, Counsel. We did not receive any remuneration as such, but we
13 received some kind of household allowance or funds which were paid on a daily
14 basis -- on a weekly basis, rather, depending on one's category and such allowances
15 were paid, like I said, on a weekly basis.

16 Q. Do we take it then that nobody received a remuneration which could be
17 referred to as a salary within the MLC?

18 A. A salary, yes -- no, rather, no salary, but we received some household funds, or
19 allowances, for our daily -- our weekly upkeep.

20 Q. How then did you provide for your family?

21 A. We were (Redacted) and so the household allowances were sufficient. We were
22 also provided rations, such as beans, rice, and fufu, and that was good enough for our
23 households so that we could manage with that.

24 MS DOUZIMA LAWSON: (Interpretation) If you say that this is enough, then I
25 will not insist. I will not go any further.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 Madam President, could we then return to open session?

2 (Open session at 11.48 a.m.)

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

4 MS DOUZIMA LAWSON: (Interpretation)

5 Q. Witness, what was the role of the MLC troops on the ground in the Central
6 African Republic?

7 A. Thank you, Counsel. Your question is vague. However, I will attempt to
8 answer. The role in terms of helping out a democratically-elected regime which had
9 run into some trouble, so it was to help that regime to defend an elected president
10 who had run into problems with the Central African army. I think that is what the
11 role was.

12 Q. What then was the role of the Central African Republic army at that time?

13 A. I am not a Central African and I don't know what the role of the Central African
14 army would be.

15 Q. Mr Witness, I'm referring specifically to that period, that time when the MLC
16 went to help the Central African Republic which was facing some difficulties. I'm
17 referring to that period, and I'm putting the question to you as a witness and by
18 virtue of the role that you played at that time.

19 A. Thank you, Counsel. If I do recall properly, the Central African army, if I dare
20 say, was not in a position to duly carry out its duties. I think that is it.

21 Q. The Central African army was not in a position to duly carry out its duties and
22 that is why the MLC was asked to come in to support to accomplish those duties; is
23 that the case? To accomplish those duties on its behalf?

24 A. No, no, not on its behalf, but rather to support it to carry out its duties. That's
25 what I meant.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 Q. Yes, indeed, to support it to carry out its mission, so how did the ALC support
2 the Central African army to carry out its mission?

3 A. Now, if one were to describe the way it happened, one would say that a brigade
4 was placed under the authority of the Central African authorities. A co-ordination
5 office was set up in Bangui to co-ordinate the joint operations on the ground. That is
6 what I believe.

7 Q. That is what you believe, you say. Do you think that -- pursuant to the duties
8 you held within the MLC, do you think or do you know whether Mr Bemba visited
9 his troops on the ground in the Central African Republic?

10 A. Yes, I think so, once.

11 Q. Why did he go to visit his troops in the Central African Republic? For what
12 purpose?

13 A. I think it was an official visit during which he was received, if I recall properly,
14 by President Patassé, and thereafter he visited his -- the MLC troops, who were in
15 Bangui.

16 Q. What was the nature of this visit?

17 A. I think it was to boost the morale of the troops. I think so.

18 Q. Why did he need to boost the morale of the troops?

19 A. Counsel, you must have situations where troops, like in the case at hand, are
20 operating in a certain location. Now, if he went to that location to the capital city on
21 a visit, it is as a father who were to go out to a place and fail to greet his children and
22 encourage them to do a good job and to be loyal and to be hard-working so that their
23 mission can be carried out. I think it was in that context. That's what I believe.

24 Q. Yes, Witness, that is what you believe, and on several occasions you said -- and I
25 refer, for example, to transcript 270 of Monday, page 59, from line 4. You testified

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 that the unit, which was to operate in a country different from the DRC on territory
2 that you of the MLC were not familiar with, that in that context therefore the idea was
3 to hand over the unit to the orders, or the operational control, of the Central African
4 authorities. Those were your words. What does that mean when you say, "... to
5 place the unit under the orders of the Central African authorities, or under the
6 operational control of the Central African authorities"? What do you mean by that?

7 A. Thank you, Counsel. There are three types of possible assignments. When in
8 an army a unit is placed under the orders of somebody, those units receive orders
9 from the commander. Now, if the unit is placed under the operational control of an
10 authority, you see, it means therefore that they are to be used within the framework
11 and for the duration of the mission for which those forces are being used under
12 operational command. So there is a distinction to be made between orders, and as
13 far as operational command goes those units are under you and you can assign them
14 to specific missions, guide them, alter a number of goals of the mission over a certain
15 duration.

16 Q. So was it the two at the same time? So it was not under the orders, or under
17 operational command, but it was the two; that is under the orders and under the
18 operational command? Is that the case?

19 A. Yes. Yes, that is it.

20 Q. So it was those two assignments that were applied in the case?

21 A. Yes.

22 Q. Who came to that decision?

23 A. It is defined by the mission and by the environment and by the resources. So it
24 is a tactical assessment, as well as a strategy defined through various contacts and
25 environmental considerations, as well as field considerations alongside with the

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 mission considerations, which then work together to define how the units are placed
2 under operational command.

3 Q. From your answer, I would like to put the following question. If they were
4 under the orders of the Central African Republic and under the operational command
5 of the Central Africans, that would mean that if they were to have any issues of
6 misconduct they would be sanctioned by the Central African authorities; is that the
7 case?

8 A. Yes, so long as they were within a joint operation and coming under the
9 command of the CCO. If it is the case, then so would it be.

10 Q. Witness, from your recent answers, can you explain to the Court why under
11 such an arrangement why it was then that the MLC commissioned an investigation
12 into the events in Bangui regarding punishable actions by MLC troops? How is it
13 that a court martial was set up in Gbadolite which prosecuted and convicted them?

14 A. Well, Counsel, one can say this about this aspect of things. The fact that they
15 are under operational control with regard to the mission that they were conducting
16 and under Central African orders does not mean that they were no longer Congolese
17 as such. During the mission, if there were incidents of grave misconduct there, they
18 were arrested and then the Central Africans would then send them back to us, that
19 was quite a natural thing, for them to then be tried and for them to be -- have charges
20 levelled against them. But, of course, an investigation was commissioned with a
21 view to determining whether the rumours were correct, the rumours that were
22 becoming increasingly pressing that we were hearing from all sources.

23 Q. Mr Witness, do you have any evidence to the effect that those people who were
24 tried and convicted in Gbadolite were then -- were sent there by the Central African
25 authorities as such, according to what you just told us?

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 A. I do not have any evidence of this, but what is interesting is that they
2 were -- they themselves say that they went to Bangui, that they were arrested, that
3 they were transferred.

4 THE INTERPRETER: The witness does not finish his sentence.

5 MS DOUZIMA LAWSON: (Interpretation)

6 Q. Okay. I shall then move on to your statements made during the hearing of
7 20 November, transcript 271, page 20, lines 3 to 12. The question was put to you to
8 the effect, Mr Witness, as to whether, Mr Witness, you had ever heard speak of any
9 allegations to the effect that the ALC soldiers had committed crimes in the Central
10 African Republic. And I shall read to you precisely what you answered.

11 "Answer: The truth be told, Counsel, yes, there were rumours but they were not
12 precise in nature.

13 Question: Where did you hear those rumours?

14 Answer: I was informed by some of my sources and Radio France. I think you
15 mean Radio France Internationale that spoke of such things and of course as this is an
16 open source of information, there was no clarification, but it is not possible to know
17 whether this was true or not."

18 That is what you said. My question is, what did those rumours hailing from your
19 various sources and from Radio France Internationale actually say?

20 A. Thank you, Counsel. Those rumours said that some of our soldiers looted the
21 possessions and took away war booty and that Bozizé's soldiers conducted acts of
22 looting at a certain moment in time. That is what my sources told me.

23 Q. And with regard to the information provided by RFI, Radio France
24 Internationale?

25 A. RFI said that there was looting going on in Bangui by the MLC soldiers.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Q. Did RFI ever talk about rape or murder?

2 A. Well, this is quite some time ago. I think these memories are quite old now.

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

5 *(Private session at 12.05 p.m.) Reclassified as Open session

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

7 PRESIDING JUDGE STEINER: Mr Witness, when you say your sources, you are
8 referring to your sources due to (Redacted)? What kind of
9 sources you are referring to? (Redacted)

10 THE WITNESS: (Interpretation) I thank you, Madam President. (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Did you have any sources in Central African
14 Republic as well, in Bangui or in any other location in Bangui? In Central African
15 Republic, I'm sorry.

16 THE WITNESS: (Interpretation) No, Madam President.

17 PRESIDING JUDGE STEINER: So you didn't have (Redacted) in CAR during
18 the events, any person (Redacted) from the field?

19 THE WITNESS: (Interpretation) (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 (Open session at 12.08 p.m.)

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

3 MS DOUZIMA LAWSON: (Interpretation)

4 Q. Mr Witness, at the hearing of 20 November 2012, page 21, lines 16 to 23, the
5 question was put to you as to whether you could explain the reasons why the MLC
6 troops left the CAR. You responded by saying, "I believe in negotiations with the
7 CEEAC that the CEEAC had decided that we should leave." Now, unless I am
8 mistaken, and I was not following correctly, you did not give any reason why the
9 CEEAC asked for you to withdraw from the CAR. Could you provide the reason
10 why the CEEAC asked for the MLC to withdraw from the Central African territory?

11 A. The truth be told, I cannot lie here. This was a matter for the CEEAC. It was
12 at a higher level.

13 Q. But how did you come to know that it was the CEEAC who asked you or
14 requested you to withdraw from the Central African Republic?

15 A. Globally speaking, it is easy to ascertain a certain piece of information without
16 knowing the ins and outs thereof.

17 Q. Witness, I really don't grasp what you're saying.

18 A. Counsel, it's quite easy to hear or understand something in general terms and
19 not understand and pinpoint every single detail; notably, if this does not fall within
20 your purview. What I mean here is that the contact with the CEEAC, this was some
21 undertaken at a high level. I can understand, however, that the CEEAC told us to
22 withdrew, it's easier for me to understand that fact rather than know where the
23 CEEAC had its information sources, et cetera.

24 Q. Now, Mr Witness, in your capacity, and I shan't mention it because we are in
25 open session, in your capacity, you didn't seek to ascertain why it was that the

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 CEEAC asked you to withdraw from the Central African Republic?

2 A. Yes, Counsel. Yes.

3 Q. Very well. You talked to us about the Lusaka Accord which enabled the MLC
4 to intervene in the Central African Republic. Now, even if you did not know the
5 reasons for the CEEAC to request the MLC to withdraw from the Central African
6 Republic, did the CEEAC did thereby not infringe the Lusaka Agreement as such?

7 A. The Lusaka Accord is something quite different from what you are insinuating,
8 Counsel. The Lusaka Accords requested that we provide security within the
9 military territory that was under our control and we were also to make sure that our
10 neighbouring countries were not destabilised in any manner. Now, if it infringed
11 anything, well, it's not for me to comment.

12 MS DOUZIMA LAWSON: (Interpretation) This is just a question, Mr Witness, and
13 I would like to thank you.

14 I have completed my questioning of the witness, Madam President.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

16 Maître Zarambaud, you have the floor.

17 MR ZARAMBAUD: (Interpretation) I thank you, Madam President, your
18 Honours.

19 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

20 Q. Good afternoon, Mr Witness.

21 A. Good afternoon, Counsel.

22 Q. I am Maître Zarambaud Assingambi. I am a lawyer with the Central African
23 courts and tribunals and I am here legally representing a number of victims, side by
24 side with my learned friend Marie-Edith Douzima Lawson, who has just put a
25 number of questions to you.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 Now, Mr Witness, with regard to the legal victims, well, I have put my questions to
2 the Chamber previously and it is under -- or with their authorisation that I am putting
3 these questions to you. I am putting to you what we call follow-up questions;
4 notably, questions based on the answers that you provided to the questions put to
5 you by our previous examinations.

6 So, in answering those questions, you have already answered a number of questions
7 that I was going to put to you.

8 MR ZARAMBAUD: (Interpretation) So, Madam President, before putting my
9 questions to the witness, I would like to briefly go into private session, please.

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

11 *(Private session at 12.14 p.m.) Reclassified as Open session

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

13 MR ZARAMBAUD: (Interpretation) Thank you.

14 Q. Now, Mr Witness, one of the main rules of international justice is that
15 discussions should be held in open session, one of the cardinal principles, if you like,
16 is that discussions should be held in open session.

17 Now, I did have the pleasure of following an interview by the Defence, who said that
18 many of the prosecutors' witnesses testified in private session and that the
19 Defence witnesses would virtually all testify in open session. Now, this is not what
20 happened. So I would like, for my part, to the best of my capacity put my questions
21 to you in open session, and of course we have to respect what has already been told to
22 you, notably that you do not provide any information that might reveal your identity.
23 So I shall not be putting any questions to you which will request that you provide
24 your identity. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR ZARAMBAUD: (Interpretation) So, Madam President, in the light of all of this,
5 I believe that we can move back into open session.

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

7 (Open session at 12.17 p.m.)

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

9 MR ZARAMBAUD: (Interpretation)

10 Q. Now, Mr Witness, throughout your examination-in-chief by the Defence and
11 then your cross-examination by the prosecution and your examination by my fellow
12 legal representative, Maître Douzima Lawson, we have heard you speak at length of
13 calls made upon the MLC to send troops into the Central African Republic, and we
14 also heard of the fact that the MLC troops were placed under control of Central
15 African military authority within the CAR.

16 Now, of course, all of this has to have some documentary basis, otherwise we would
17 be making surmises or we would be deducing information, and that is why I will put
18 the first question to you in such a manner: Do you have knowledge of any
19 document by which the former president, notably Ange-Félix Patassé, requested of
20 the MLC that they send him troops?

21 A. No, Counsel. At my level I did not see anything of this type.

22 Q. But at the very least did you hear speak of something of a document of this
23 type?

24 A. When we took part in the meeting of the 27th, reference was not made to any
25 document as such, but my memory might - and does - fail me.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 Q. But on the other side, were you aware of the existence of any document by
2 which MLC took the decision to send troops to the Central African Republic?

3 A. Counsel, during a meeting discussing strategy, we took part in this meeting and
4 this sufficed to transform our intentions into operational directives. So it doesn't
5 mean that there was a document compiled in military terms.

6 Q. I thank you, Mr Witness. You say that there was no need for any document to
7 send troops to another country and that this was how things were done in military
8 terms. That's what you just said.

9 A. No, that's not what I said. I said that, in terms of planning -- maybe I should
10 explain this to you so that you understand, Counsel. I said that what is done in
11 strategic terms is not my problem, does not concern me. An order merely needs to
12 be given to you for you to start planning things. The exchanges of correspondence
13 in strategic terms, well, why would it -- why would he have been president of the
14 movement if people were doing his job for him? He might have done certain things
15 and then asked us to follow up the matter.

16 Q. I thank you. You know, these are questions referring to intelligence. Now,
17 with regard to this, thirdly, were you aware of a document in which information was
18 given as to who would be commanding the ALC troops once they were on Central
19 African territory?

20 A. Thank you, Counsel. During the planning meeting, in view of certain factors,
21 certain factors of distance, of proximity, if you like, it was agreed that the closest unit
22 would be chosen rather than requesting further means, and an operational directive
23 was given. That's what happens.

24 Q. Yes, thank you, Mr Witness. What I am asking you is not whether there was
25 an opportunity to send such-and-such a brigade. It is the principle itself, notably

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 that you send a brigade into a foreign country, and my question is whether there is a
2 document sent from the MLC to this foreign country that would specify who would
3 be commanding those troops once they were in the Central African Republic, who
4 would be in charge of those ALC troops. That is the clarification I am seeking,
5 Mr Witness, if you are aware.

6 A. Counsel, this was not an -- this was not a routine operation. We weren't going
7 there to pacify or to re-establish peace, restore peace. I do not know whether -- well,
8 you know, were President Patassé to be alive, he could answer, or maybe members of
9 his General Staff, were they here, they would be able to answer. This is done in
10 strategic terms. You know, I don't know, I am down at the bottom of the rung.

11 Q. So, Mr Witness, in view of the fact that you did not see a document or that you
12 were not aware of any document stating the fact that the troops in the Central African
13 Republic had been given any status or any mission as such, when you talk about
14 placing the ALC troops under Central African authority, this is a statement. Is this
15 an analysis or is this a fact based on documentary evidence?

16 A. No, Counsel, we are tacticians, so to speak, and militarily speaking, when we
17 receive a mission order, we know what we need to do. We see where the mission is
18 to take place, in what environment, and what should one do in such a case? We
19 know, as specialists, that we need to do A, B and C. That is our job. How can you
20 be in one and another place at the same time and command -- command matters or
21 command your troops properly? Because in the Congo we also have our own issues
22 to deal with.

23 Q. Thank you, Mr Witness. It would seem to me that the problem of distance
24 should not really have arisen because (Redacted)
25 (Redacted) and you said that that

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 was more than 1,000 kilometres away and that Bangui was 1,000 kilometres away.

2 Now, the reason why I am asking about this document is that we are talking about
3 things that occurred between two different countries and there are international rules
4 that come into play for that. So I would like to tell you what General Jacques Séara
5 said on the matter. He was an expert - a military expert - and he was called to testify
6 before this very Chamber by the Defence. This is to be found in transcript 233 dated
7 21 August 2012, at page 25, lines 25 to 28, and page 31, lines --

8 THE INTERPRETER: The interpreter did not catch.

9 MR ZARAMBAUD: (Interpretation)

10 Q. The general said, "Generally speaking, there is a written agreement that is
11 reached and which defines the status of the force in the foreign country in question."
12 Now, here it would seem that there was no document specifically defining the status
13 of the ALC in the Central African Republic. This was agreed between two figures of
14 authority, but in theory, when providing a force to a foreign country, this should be
15 the subject of a written agreement setting out the status of the force in question. I
16 shan't read the rest of this to you.

17 Now, page 32, line 8 of the same transcript, with regard to sending the force and its
18 status, "Information was revealed not by the person deciding to send it but by the
19 Head of General Staff and he will then establish the ..." --

20 THE INTERPRETER: Message from the interpreter: The interpreter could not
21 catch the full quote, read at speed.

22 MR ZARAMBAUD: (Interpretation)

23 Q. My question to you is whether your conclusions, according to which the ALC
24 force is placed under Central African command, are logical deductions on your part,
25 or whether this was actually enshrined in any texts? You talk about the CCOP. We

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 have had on a number of occasions the opportunity to read the text from the CCOP
2 and we have also had the opportunity to read the decree establishing the
3 appointment of the CCOP.

4 Now, whatever the case may be, the ALC were defined as members in the CCOP
5 document. Now, is what you are saying deductions, or do you -- surmises, or do
6 you actually have this information from any specific text?

7 A. Thank you. Well, the military expert that you referred to said "usual," he said
8 "usually," and I remember that -- you see, Bangui was in the hands of rebels. Bangui
9 had fallen. The residence of the president, who was resisting, they were managing
10 to hold out somewhat, but I don't believe that with that situation prevailing, namely I
11 don't think President Patassé was going to be able to save himself and his government,
12 and you ask why he didn't do that? I really can't answer that question satisfactorily.
13 The general said "usually," but there's also the word "unusually" or "rarely." So
14 things did not occur in the fashion that you have described.

15 Q. Thank you, Witness. Now, I didn't ask you why a document was not signed.
16 I merely asked you, or I merely said, since to your knowledge no document was
17 signed, what you say comes from your own analysis, but not from an actual
18 document? That is what my question is to you.

19 A. Well, that's where planning tactics come into play. That's when planning
20 intervenes within the process for an operational reasoning.

21 Q. Thank you, Witness. Were you present when the MLC troops began crossing
22 the river to go from Zongo to Bangui?

23 A. No, Counsel.

24 Q. Now, although you were not there, could you tell us whether you had heard
25 whether amongst the ALC troops who had crossed from Zongo to Bangui there were

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 women and children amongst these people?

2 A. This is something I've just heard of right this very moment.

3 Q. I'm not providing you with information. I'm asking you whether you had
4 heard of any such thing?

5 A. No, Counsel. No.

6 MR ZARAMBAUD: (Interpretation) My eighth question, your Honour. Question
7 number eight.

8 Q. Did the ALC soldiers who arrived in the CAR one single time, or several
9 times -- I believe you said that one company had come to explore the terrain and then
10 the majority of the troops came. So my question is about the majority of the troops,
11 so the main body, the main component. Did this main group arrive all at once, or in
12 groups several times?

13 A. Thank you, Counsel. The ferry-boat couldn't take everyone all at once and so
14 shuttles were organised, or successive trips were organised. So they arrived in
15 waves.

16 Q. Thank you, Witness. Did you learn that, once they got to the support regiment,
17 the troops set up operations and they looted everything in that area? Did you hear
18 that?

19 A. Thank you, Counsel. This is news to me. You say that this is -- well, this is
20 news to me.

21 Q. Did you learn that at the same place the person who was responsible for
22 intelligence within the Central African Republic army, the equivalent of the G2,
23 disappeared and that his clothing was found buried somewhere and that attempts
24 were made to find this person, when the MLC soldiers came and asked the CAR
25 soldiers who were trying to find out more, and did you know that they were told to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 clear off?

2 A. No, I didn't hear anything about that.

3 Q. Did you learn, Mr Witness, that at that same place 30 CAR soldiers, including
4 two lieutenants, had been disarmed, stripped and whipped, or beaten up, by MLC
5 soldiers?

6 A. No, Counsel, I did not hear about any such thing.

7 Q. In your opinion, if such a thing happened, given the organisation of the MLC,
8 do you think that the person who was the G2 shouldn't have been informed of that by
9 the S2 who was in the field?

10 A. Well, that's not how it works, Counsel. Earlier I said that contact between the
11 collaborators was done through the commanders, so the commander would be guilty
12 of such events, and given the environment the S2 voluntarily would be able to cover
13 such acts that could happen. You see, we are talking about men here. Let us
14 suppose, however, you were to learn of that, well, that would be another matter. If
15 you haven't heard about it, well, a lot of things happen in units. What does this
16 really mean? Well, you can't -- if you're in a unit, you can't contradict the
17 commander. That's part of the logic within an army.

18 Q. Well, that could happen. One might not be aware, but you would think that if
19 the person who is the equivalent of the G2, the CAR person, disappears, if 30 soldiers
20 are stripped, including two lieutenants, you would think that sort of information
21 would come to the attention of the G2 in Gbadolite, but you seem to be telling me that
22 this sort of thing happens and that the G2 was not aware. I take note of this reply.
23 Witness, what sort of condition was the CAR army in when President Patassé called
24 upon the ALC for assistance to assist him, President Patassé?

25 A. Well, the Central African Republic army had been reduced to the General Staff,

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 which was operational, and I believe the Presidential Guard which was still
2 disciplined. However, already some cracks had begun to form in the facade of this
3 army, so to speak. The former Chief of Staff had rebelled. The others remained
4 loyal. Some remained in Bangui, although -- well, the other camp could not affirm
5 itself, but --

6 Q. So of the few who remained -- and I saw this in the transcript, transcript 273 of
7 22 November. A passage was read out to you, namely a message that was sent by
8 the commander in Bangui to the Chief of General Staff, and in this passage the
9 following was said, "No co-ordination with ..." --

10 THE INTERPRETER: Inaudible.

11 MR ZARAMBAUD: (Interpretation)

12 Q. "... we have been abandoned by the nationals." Does that mean that the few
13 people who remained from the CAR army had abandoned the MLC soldiers? This is
14 what you're saying.

15 A. Yes, Counsel. Well, the way that message was worded, you know, that was a
16 very long time ago and I think the commander had had a lot of problems and so
17 perhaps he gave some details of things he had experienced himself, but I think the
18 way this message is put, well, I just take note of this message in its current form.

19 MR ZARAMBAUD: (Interpretation) Witness -- well, first of all I'll give you the
20 references. The statement, the statement that ALC soldiers had stripped and
21 molested about 20 -- correction, 30 soldiers who were supposed to be guarding the
22 support regiment, CAR-OTP-0007-0192, page 286, paragraphs 5 to 9, and this relates
23 to the commander of the CCOP, who stated that they had to beg the ALC soldiers to
24 release these soldiers and hand over these soldiers to them. These soldiers, they
25 were handed back over to them without their clothing and without their weapons.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 Q. Now, do you think that a commander, someone who commands troops, the
2 ALC troops, do you think that they would have to go and beg in this way, or were
3 they actually commanding? Because if they had actually been commanding, they
4 would have ordered the soldiers to be returned to them and perhaps some kind of
5 sanctions would have been taken.

6 A. Thank you, Counsel. Now, what you say is true, but that's not really what
7 happened, and I can see that as well today. But I really don't know what sort of
8 environment this occurred in, but it is rather odd, in principle. Things should not be
9 done in that way.

10 Q. Thank you, Witness. As usual, we are here to try to make some distinction
11 between what happened and, well, what you say should not have happened, but the
12 actual fact is the commander of the CCOP told us about these events, and so I take
13 note.

14 Secondly, the same thing happened at PK12, and once again the commander of the
15 CCOP was the one who told us this: Two soldiers had been arrested, stripped,
16 molested and this time apparently not only -- they were tied up, and not only that, the
17 head of the CCOP and the deputy head of the General Staff went and negotiated and
18 begged for these people to be freed. Now, from a military point of view, do you
19 think that the Head of the CCOP and the Deputy Chief of the General Staff would
20 have to beg Moustapha if they were the commanders of Moustapha?

21 A. Counsel, well, you are telling me about some events that occurred, but I really
22 have no comment to make. That happened in the field. It is surprising if that did
23 happen in the way that you have set out.

24 Q. Thank you, Witness. Now, since there are no documents, I am trying to bring
25 out a number of facts to show whether they actually had effective command over the

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 ALC or not. So another question: Did you learn that General Moustapha, once he
2 got to PK12, set up operations in the home of the most senior examining magistrate
3 and he actually had the watchman working for him and paid him nothing?

4 A. Thank you, Counsel. I have not heard of that. I have not heard anything
5 about that, unfortunately.

6 Q. Thank you, Witness. Well, at least do you know where General Moustapha
7 was living to co-ordinate the soldiers? Do you know where he was staying?

8 A. No. In relation to the operations, the commander, well, commanders may
9 travel about. That's all I know. So I suppose he may have gone from one place to
10 another. I don't --

11 Q. Well, often people criticise or people observe that the CAR authorities could
12 have begun proceedings or investigations in the CAR, and no doubt in the Congo as
13 well, and judges conduct such investigations. Do you think that the fact that the
14 most senior examining magistrate would be driven out of his own home and then to
15 set oneself up in that home, do you think that person, that judge, would have begun
16 some kind of investigation under the circumstances?

17 A. Well, I was not in Bangui; and secondly, this judge, this senior judge who is the
18 victim --

19 THE INTERPRETER: Inaudible.

20 THE WITNESS: (Interpretation) -- he could turn to his own Minister of Justice.

21 There was also the Minister of Defence. The prime minister existed as well, and the
22 president himself was there, I believe. So that's how I see it.

23 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me, and in order to
24 try to be more -- as more objective and concise as necessary, just try to avoid the
25 speculative questions because that will not help the Chamber in finding the truth.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 So sometimes you are asking just the witness to speculate, and if we would be able to
2 avoid that, it would make the testimony more objective. Thank you.

3 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I believe that
4 indeed I should have allowed the Chamber to deduce what may arise from this fact,
5 the fact that this very senior judge had been driven out of his own home.

6 Q. Now, Witness, I'll move on to question 16. Now, do you know, or did you
7 hear, that once they arrived in Boy-Rabé, which is a neighbourhood of Bangui, the
8 ALC soldiers had asked if that place was PK12?

9 A. Counsel, the question -- the questions that you're putting to me cannot be
10 answered. Only the person who was actually in the field could answer that. I
11 wasn't in the field so I really cannot be familiar with all the details. You know, when
12 a unit moves from one point to another, as I said, let us say that is an event. People
13 who are on the left flank may experience one thing, people on the right flank might
14 experience something else. You might have the main body of the troop experiencing
15 one thing and people off to the sides experiencing other things. With all due respect,
16 I really can't answer this question.

17 Q. Thank you, Witness. In actual fact, I'm not asking you to explain all of that to
18 me. I would just like to know whether you had been informed of various matters
19 that I thought were important. You can merely say that you were not aware, and I
20 will take note of your reply.

21 Now, regarding the looting or the rapes and the murders, you said that those
22 were -- those were hazy rumours, not very specific. Regarding the looting, did you
23 hear that the looted goods were given back to their legitimate owners?

24 A. Yes, Counsel, I heard the message.

25 THE INTERPRETER: Correction: I saw the message.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 MR ZARAMBAUD: (Interpretation) Thank you, Witness. Thank you for
2 answering my questions.

3 Your Honour, I have concluded and I thank you.

4 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. I would
5 like the witness to elaborate a little bit more in this last question regarding the looting.

6 You saw the message; what message are you talking about? There was a message
7 saying that the looted goods were given back to their legitimate owners?

8 THE WITNESS: (Interpretation) Thank you, your Honour. I saw -- I think I saw
9 some information in the statement made by one of the soldiers who had been
10 involved who made that statement. I saw that two days ago, I think it was.

11 PRESIDING JUDGE STEINER: About that procedure against Mr Willy Bomengo
12 and others?

13 THE WITNESS: (Interpretation) Yes, your Honour, yes, that's right. I mentioned
14 message. I'm sorry about that. I didn't mean message, but I saw it on the screen.

15 PRESIDING JUDGE STEINER: Thank you. I heard Defence intends to re-direct?

16 MR HAYNES: Very, very briefly, your Honour.

17 QUESTIONED BY MR HAYNES:

18 Q. I've just got four or five questions for you. Do you speak English?

19 A. No. I do understand.

20 Q. I just thought you ought to be allowed to answer that assertion. Can you tell
21 us, please, where is Nia-Nia?

22 A. Thank you, Counsel. Nia-Nia is 525 kilometres east of Kisanbeli
23 (phon) -- correction, to Kisangani.

24 Q. Is it close to any international border?

25 A. No, Counsel, it's in the interior.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 Q. Okay. But it's within the Democratic Republic of Congo?

2 A. Yes, Counsel.

3 Q. And just so we're clear, at the time, 2002, within the area controlled by the
4 MLC?

5 A. Yes, Counsel.

6 Q. Thank you for that. Sir, in terms of exercising effective operational control,
7 how important is it to know where your enemy is?

8 A. Yes, Counsel.

9 Q. Perhaps my question got mistranslated. Are you saying it is important that
10 you know where your enemy is?

11 A. Yes, Counsel. Yes.

12 Q. And how important is it to know the size of your enemy?

13 A. Thank you, Counsel. It's to allow the commander or the General Staff to plan a
14 future operation.

15 Q. And how important is it to know the strength of your enemy and their probable
16 intentions?

17 A. Thank you, Counsel. Well, those are gymnastics, so to speak, of writing,
18 acrobatics, namely for later writing the operational orders. You have to know the
19 intention of the enemy, whether he plans to attack you or not, how many troops the
20 enemy has, for a particular kind of weapon and so that you know what to expect, and
21 you may have to defend yourself.

22 Q. I mean, would you say that that sort of information is basic and a prerequisite to
23 effective operational command?

24 A. Well, Counsel, when a unit is engaged and has an enemy in front of it, it is
25 necessary to know. When a battalion, for example, is engaged in fighting, that

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 battalion must in principle know what is happening in front of it so that it may
2 operate properly.

3 Q. Thank you. I just want to finally, therefore, to look at a document you've seen
4 before. It's Defence document 37, and we'll go to the famous page 1702. I don't
5 think you'll need to read it all through, but by all means, put on your spectacles so
6 you can identify it. You remember it.

7 We see that that message is dated 12 January 2003. Let me do some mathematics for
8 you. That's 78 days, or a little over 11 weeks, after the units of the ALC crossed into
9 the Central African Republic.

10 Sir, what does it tell us about the involvement of their General Staff in the operational
11 command of that unit that over 11 weeks after they first crossed over the Chief of Staff
12 is asking for basic information about the size, strength, deployment and intentions of
13 the enemy?

14 A. Thank you, Counsel. Thank you, Counsel. That is the anachronism of the
15 message. That is the contradiction of the message. In principle, you don't require
16 this information late in the day, after you've already been involved in an operation.
17 This is information that a commander is supposed to possess before the operation.
18 Now, when such information is requested after the fact, it is very strange, and I
19 already pointed out that operations are started a long time ago, and then later on the
20 Chief of Staff, the Chief of General Staff, was asking for this type of information.
21 Was it simply for administrative purposes, or for what other purposes? I don't know.
22 I really can't offer a thought, because what would this type of information be used for?
23 The person who is in front of the enemy, live, in a daily manner, engaged in battle, is
24 the one who needs this kind of information.

25 Q. And Her Honour Judge Steiner was quite right, this information may have been

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 required to be passed on to Mr Bemba, but 11 weeks after they entered the Central
2 African Republic, what does this message, if that is correct, tell us about Mr Bemba's
3 effective operational control of these forces?

4 A. Counsel, was that a question for me?

5 Q. It was probably a bit too complicated for everybody, so I'll move on. What
6 does it tell us about the effective operational control of the MLC that, according to the
7 information we have, this sort of information was never asked for again?

8 A. Counsel, it is true, as I have already stated a short while ago, that it wasn't
9 necessary either because operations were already ongoing. They had already started.
10 Now, asking for this type of information means that the Chief of General Staff who
11 was there did not have that information, he did not know what was happening. So
12 he probably woke up at that point in time, for administrative purposes, to request
13 that type of information. That would be my view.

14 Q. Sir, put simply, what does this message tell us about who had effective
15 operational control in Bangui?

16 A. I did not quite understand your question, Counsel. Please, would you
17 rephrase, or -- please.

18 MR HAYNES: It's okay. It's been a very tiring week for you. We'll leave it there.
19 I want to thank you for coming and giving evidence to us. I know it has been at
20 some great personal inconvenience to you, and we're all very grateful.

21 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

22 Mr Witness, finally we conclude your evidence, and before you leave the Court, I
23 would like, on behalf of the Chamber and on behalf of the Court, to express the
24 thanks the Court for the time you have taken to come to this country and to give
25 evidence in this trial.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Open Session)

ICC-01/05-01/08

1 In order for the Judges to find the truth, it is critical that witnesses such as yourself are
2 available, willing and prepared to give evidence to assist us on the relevant issues of
3 the case. We are aware that this may have been inconvenient for you. You stayed
4 here for more than a week, it has been quite tiring, and you therefore leaving us with
5 our sincere thanks.

6 But before you leave, Mr Witness, I would like to ask whether there is anything that
7 you would like to address to the Chamber. If you so wish, please, you have the
8 floor.

9 THE WITNESS: (Interpretation) Thank you, your Honour. Thank you. This has
10 been a difficult exercise for me and one that I'm not used to, particularly having to sit
11 down in front of such a vast audience, to discuss this case. I hope that I have made
12 some kind of contribution to assist the Judges in shedding light on these matters
13 regarding what I know, what I knew and what I did not know, and this within the
14 limits of my human capacities, including the ability to remember and to forget.
15 So I want to thank you. My lawyer, I believe, has introduced a request, and I hope
16 that it will be dealt with. Otherwise, I simply want to thank you for your kindness
17 and I will never forget these times that we spent together. Thank you.

18 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I just made a
19 sign in order for you not -- because we are in open session, for you not to make any
20 more specific mention to the request you made. VWU will assist you and clarify any
21 doubts and expose to you all possibilities in order to find a proper solution.
22 So you just be sure that VWU, you don't leave us now to -- after giving your
23 testimony, leave us without the proper assistance that all witnesses in this case
24 deserve. So be sure that you be assisted in all your needs. We just wish you a safe
25 trip back home and that you find exactly what you are looking for.

Trial Hearing
Witness: CAR-D04-PPPP-0049

(Closed Session)

ICC-01/05-01/08

1 I would like to thank very much the Prosecution team, the legal representatives of
2 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. To thank very much our
3 interpreters and court reporters. Once again, thank you very much, Mr Witness.
4 I will ask the court officer to turn into closed session in order for the witness to be
5 taken outside the courtroom. In the meantime, we will adjourn for today and
6 resume on Monday morning at 9 o'clock when we'll start with the testimony of
7 witness -- Defence Witness 16.

8 The hearing is adjourned.

9 *(Closed session at 1.14 p.m.) Reclassified as Open session

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

11 (The witness is excused)

12 THE COURT OFFICER: All rise.

13 (The hearing ends in closed session at 1.15 p.m.) Reclassified as Open session

14 CORRECTIONS REPORT

15 The Court Interpretation and Translation Section has made the following corrections
16 in the transcript:

17 *Page 9 line 12

18 "... by way of special manoeuvre..." Is corrected by "... by way of pincer
19 manoeuvre.'

20 *Page 9 line 15

21 " Stop. *Infiltrate." Is corrected by " Stop. Sign of infiltration."

22 *Page 9 line 20

23 ""The moving of breeders with troops to the north during that..." Is corrected by "

24 ""The moving of breeders with herds from the north to the south during that..."

25 *Page 16 lines 6 to 8

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0049

1 "You carry it and you shoot it with a piece of equipment. You have a belt of
2 ammunition and you have the pourvoyeur and it's placed on a tripod and you shoot
3 it in that way." Is corrected by "A company can transport it and you shoot it with a
4 crewman who feeds in the belts of ammunition and you have the shooter and the
5 crewman who move about with it. It's placed on a tripod and you shoot it in that way.

6 RECLASSIFICATION REPORT

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

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