

Trial Hearing
Witness: CAR-D04-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Trial Chamber III - Courtroom 1
6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
7 Trial Hearing
8 Friday, 21 June 2013
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African
16 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team, legal
18 representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo. Good morning
19 to our interpreters, our court reporters. Good morning, Mr Rojas.
20 THE COURT OFFICER (via video link): (Interpretation) Good morning, Madam
21 President.
22 PRESIDING JUDGE STEINER: The Chamber will start today with testimony of Defence
23 Witness 06.
24 Before the witness is brought into the transmission room, first the Chamber wants to
25 inform parties and participants that the Chamber received recommendation from VWU

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1 taking into account certain specific problems that will be faced on Monday and Tuesday
2 at the place of the video link transmission. It is advisable that we continue only with one
3 witness and not two, because it would take too long to bring one witness, take it back and
4 then bring the other one. That means that today, Monday and if need be Tuesday we
5 will stay only with Witness 06 until we complete his testimony and only then we will
6 resume the testimony of Witness 03.

7 The Chamber has also an oral decision on the applications to question Witness D04-06 by
8 legal representatives of victims.

9 On 17 June 2013, the Chamber received an application from Maître Douzima Lawson on
10 behalf of the victims that she represents. It's filing 2700-Conf. The application contains
11 a list of nine questions.

12 On 19 June 2013, the Chamber received an application from Maître Zarambaud on behalf
13 of the victims that he represents, filing 2702-Conf. The application contains a list of 14
14 questions. Having considered the reasons given by both Maître Douzima and Maître
15 Zarambaud as to why the personal interests of the victims they represent are affected, the
16 Chamber allows the respective applications to question Witness D04-06.

17 Turning to the questions, both legal representatives are allowed to put all their proposed
18 questions as set out in the aforementioned filings.

19 Mr Rojas, could you please be so kind in bringing the witness into the video link
20 transmission room?

21 THE COURT OFFICER (via video link): (Interpretation) Yes, Madam President.

22 (The witness enters the video link room)

23 WITNESS: CAR-D04-PPPP-0006

24 (The witness speaks French)

25 (The witness gives evidence via video link)

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1 THE COURT OFFICER (via video link): (Interpretation) Madam President, we are
2 ready.

3 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

4 THE WITNESS: (Interpretation) Good morning, madam.

5 PRESIDING JUDGE STEINER: Thank you for being with us. Mr Witness, I hope that
6 somewhere in front of you there is a card on which is printed a solemn undertaking.

7 Could you please read out the words on the card?

8 THE WITNESS: (Interpretation) "Solemn undertaking: I solemnly declare to speak
9 the truth, the whole truth and nothing but the truth."

10 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can you
11 confirm that you understand what the oath means?

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

13 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
14 answers to questions asked of you that are true and accurate, to the best of your
15 knowledge and belief?

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

17 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by the
18 Victims and Witnesses Unit during the familiarisation process, you will be questioned
19 first by the Defence, then by the Prosecution, then by legal representatives of victims that
20 were authorised by the Chamber to question you and finally --

21 THE WITNESS: (Interpretation) That's fine by me, your Honour.

22 PRESIDING JUDGE STEINER: Just a minute. I will finish soon. At the end, Defence
23 is entitled to question you once again in order to put to you some follow-up questions.

24 The Chamber can at any time put questions to you as well.

25 As you know, Mr Witness, the Chamber has put in place measures to protect your identity

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1 from the public, and you will therefore be referred to during the whole of your testimony
2 as "Mr Witness." Your image and your voice that are broadcast outside the courtroom
3 are being distorted so that the public cannot identify you.

4 In order, Mr Witness, to keep your identity protected, it is very important that when we
5 are in open or public session you don't reveal any information that could lead to your
6 identification, for instance, your name, your current occupation, your occupation at the
7 times of the events, names of family members, neighbours or close friends, meetings that
8 you had with one or two persons, because these persons could identify you.

9 If you need to reveal such information, you let us know and we go into private session.
10 In private session you can speak freely because there is no broadcast, meaning that the
11 public outside the courtroom cannot hear to what you say.

12 The Defence, the Prosecution and the Chamber will help you in identifying or trying to
13 identify questions whose answers could imply in you revealing identifying information,
14 but it is important that you yourself help us in this issue.

15 Do you understand the protective measures, sir?

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

17 PRESIDING JUDGE STEINER: Mr Witness, it's also important for you to have in mind
18 that because we speak different languages we have interpretation so that we can
19 understand each other. Because of this, and because your testimony is given by means of
20 video technology, it is very important, Mr Witness, that you speak slower than normal, as
21 I'm doing now, in order to allow the interpreters to do their job.

22 It's also important, Mr Witness, that after the question is put to you that you wait five
23 seconds, you count 'til five, before you start giving your answer in order to allow the
24 interpreters to complete the translation of the questions.

25 Do you understand that, Mr Witness?

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1 THE WITNESS: (Interpretation) Yes, madam.

2 PRESIDING JUDGE STEINER: We know that, because it seems unnatural to speak so
3 slow -- slowly, it may be that you start speeding up. In that case, Mr Witness, I will have
4 to interrupt you and remind you to slow down. Please don't take offence. It should not
5 discourage you from speaking. It's necessary for practical reasons.

6 We hope we can count on you, Mr Witness?

7 THE WITNESS: (Interpretation) Thank you, madam.

8 PRESIDING JUDGE STEINER: Court officer, please could we go very briefly into
9 private session.

10 *(Private session at 9.47 a.m.) Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: Thank you.

13 Mr Witness, now we are in private session, meaning that the public cannot hear to what
14 you say.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 THE WITNESS: (No interpretation)
- 5 PRESIDING JUDGE STEINER: Let me finish, please, Mr Witness.
- 6 THE WITNESS: (Interpretation) Yes, your Honour.
- 7 PRESIDING JUDGE STEINER: Do you confirm that (Redacted)
- 8 (Redacted) Can you confirm that, Mr Witness?
- 9 THE WITNESS: (Interpretation) Yes, Madam President.
- 10 PRESIDING JUDGE STEINER: Mr Witness, in case you have any doubts about the
- 11 information you received, or (Redacted)
- 12 and explained to you, you are entitled to (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Is that clear, Mr Witness?
- 20 THE WITNESS: (Interpretation) Yes, it is clear, Madam President.
- 21 PRESIDING JUDGE STEINER: I would like to ensure that, whenever you would like to
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Is that agreeable for you, Mr Witness?

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1 THE WITNESS: (Interpretation) Yes, Madam President. We can proceed.

2 PRESIDING JUDGE STEINER: Court officer, please can you turn back into public
3 session.

4 (Open session at 9.53 a.m.)

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

6 PRESIDING JUDGE STEINER: Mr Witness, for your information we will have today
7 three sessions of two hours - two sessions in the morning, with 30 minutes' break between
8 them, and one session of two hours in the afternoon after our lunch-break - but if for any
9 reason you need another break, you just let us know and a break will be given.

10 Before you start with your testimony, Mr Witness, do you have any questions?

11 THE WITNESS: (Interpretation) No, I don't have any questions, Madam President.

12 PRESIDING JUDGE STEINER: I will then give the floor to Defence counsel, Mr Haynes,
13 who will start questioning you.

14 Mr Haynes, as always, if you so wish, you can remain seated during your questioning of
15 the witness.

16 You have the floor, Mr Haynes.

17 MR HAYNES: Thank you very much, your Honour. I will remain seated.

18 Good morning to you. Good morning to everybody in the courtroom.

19 QUESTIONED BY MR HAYNES:

20 Q. And good morning to you, sir.

21 A. Good morning, madam.

22 Q. It must be a very bad camera connection. How are you feeling today?

23 A. Very well.

24 Q. We met the other evening by this method. Do you remember that?

25 A. Yes, I do remember.

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1 Q. And had we met before that occasion?

2 A. No.

3 Q. Okay. Now, we need for formality's sake to get a record of who you are, and who
4 you are is a secret and we will keep it confidential and so the questions I ask you about
5 your identity I will ask in private session. You understand that?

6 A. Yes, I do understand.

7 MR HAYNES: Thank you very much.

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

9 *(Private session at 9.57 a.m.) Reclassified as Open session

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

11 MR HAYNES:

12 Q. Sir, we are in private session, which means that only the people in this room can
13 hear what you say. Do you understand?

14 A. Yes, I do understand.

15 Q. Would you tell us your full name, please?

16 A. My names are (Redacted)

17 Q. On what date were you born?

18 A. (Redacted)

19 Q. And what were the names, or what are the names, of your parents?

20 A. (Redacted)

21 (Redacted)

22 Q. And in what (Redacted) were you brought up?

23 A. (Redacted)

24 Q. Okay. My mathematics is notoriously fallible, but I think that now makes you
25 (Redacted) years of age; is that right?

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1 A. Yes, that's it.

2 Q. And in October of 2002 you would have been (Redacted); am I right there?

3 A. Yes, that's correct.

4 Q. What were you doing in October of 2002?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted) That was my role.
- 5 Q. Thank you very much. (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 A. Please could you repeat the question? I didn't really understand it.
- 11 Q. Yes. (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. Thank you. I think we've got the picture. (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 A. Yes.
- 24 Q. And you were able to hear, I imagine, what he said?
- 25 A. When he (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Okay, I think we have a clear picture of your responsibilities. I'm going to ask the

5 Judge if we can go into open session now, which means people will hear what you say.

6 Do you understand?

7 A. Yes, it's clear.

8 Q. And I'm going to ask you (Redacted)

9 (Redacted) Do you understand?

10 A. Yes, madam.

11 Q. Twice can't be a mistake. (Redacted)

12 (Redacted). You know that

13 (Redacted)

14 (Redacted). Do you understand?

15 A. Yes, madam.

16 Q. And if you feel you have to say, "I know this because I (Redacted)

17 (Redacted) I want to answer this question in private session." Do you understand?

18 A. Yes, I understand.

19 MR HAYNES: Okay, great. Then I'm going to ask the Judge now if we can pass into

20 open session.

21 PRESIDING JUDGE STEINER: Yes, Mr Haynes. Just again to calm your heart, it

22 appears that the confusion of the witness is because the French interpreter is a lady,

23 so -- and he's probably just listening and not paying attention to the image.

24 JUDGE ALUOCH: And besides that, Mr Haynes, normally witnesses maybe are used to

25 addressing the Bench, so he probably looks at the Bench and that's why he says, "Yes,

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1 madam." Thank you.

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

3 (Open session at 10.21 a.m.)

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

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

6 MR HAYNES: Thank you, Madam President.

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. You have already mentioned the events, the conflict. During the times of the
17 conflict, (Redacted) or about the
18 same?

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Okay, thank you very much. Do you recall the arrival of the MLC troops in the
25 Central African Republic?

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1 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me? Just for clarity, if you
2 could situate the witness in terms of which conflict, or which arrival you are talking
3 about?

4 MR HAYNES: Your Honour, that's a very wise interjection.

5 Q. In October of 2002, do you recall the arrival of the MLC troops in the Central African
6 Republic?

7 A. Yes, I remember very well.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. What other officers are you talking about?

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Thank you. You said at the end (Redacted)

19 (Redacted)

20 A. That is indeed correct. What I mean is that they were (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 Q. And where is that?

4 A. The naval base is located very close to the French Embassy, some 200 metres away
5 from the French Embassy.

6 Q. Were there any (Redacted) military or political figures from the Central African
7 Republic at the naval base at that time?

8 A. Yes. Yes, there was the Delegate for Defence, who was there, the Deputy Chief of
9 General Staff was (Redacted) there, as well as the DG, or General Director of the
10 Gendarmerie, and the Commander of the Naval Base. There was also Thierry Lengbe of
11 the CCOP. They were all present at the naval base waiting for the MLC troops that were
12 crossing over. Now, when the MLC troops crossed over they were directly taken first of
13 all to the naval base.

14 Q. Okay. Just for the completion of the record, do you know the names of the
15 Delegate for Defence, the Deputy Chief of General Staff, the DG of the Gendarmerie and
16 the commander of the naval base?

17 A. The Minister Delegate for Defence at the time was General Yangongo. He was the
18 Delegate, or rather the Minister Delegate for Defence. Then André Mazi was the Deputy
19 Chief of General Staff. The General Director of the Gendarmerie was Serinan (phon) and
20 the Commander of the Naval Base at the time was Dandito. That is it.

21 Q. Thank you very much. How did the MLC troops arrive at the naval base?

22 A. The MLC troops arrived at the naval base after crossing over on SOCATRAF barges.
23 Then they got to the naval base in civilian attire, that is, they crossed over in civilian attire,
24 and that is how they got to the naval base.

25 Q. Did they walk to the naval base or were they brought in vehicles?

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1 A. They came in vehicles, military vehicles, the FAW. They were taken to the base, to
2 the naval base, and thereafter driven to the support regiment.

3 Q. Okay. Did they arrive at the naval base in one convoy, or in vehicles that came,
4 arrived over a period of time?

5 A. They arrived in three or four convoys.

6 Q. Over what period of time?

7 A. At the very most, one hour.

8 Q. And I know it's very difficult to estimate numbers, but how many MLC soldiers do
9 you think arrived at the naval base?

10 A. I do not know. However, they came in in two battalions, as far as I know, two
11 battalions.

12 Q. Do you say that because that was something you heard, or that was something you
13 understood from what you saw?

14 A. I say this because I saw them.

15 Q. Okay. What happened at the naval base to the MLC soldiers?

16 A. Nothing happened at the naval base. All the officers who were at the naval base
17 were simply waiting for the MLC troops to cross over. When the troops arrived at the
18 base, at the naval base, they were promptly taken to the support regiment; that is RRS.
19 That is the support regiment. So nothing happened at the naval base. It is at the
20 support regiment that they were billeted.

21 Q. Okay. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Now, in that container there were some military uniforms and Rangers boots. The
7 uniforms and boots were loaded into a vehicle and the president and the general took
8 those things to the support regiment, (Redacted)
9 (Redacted).

10 Q. Okay. What sort of vehicle were these uniforms and boots loaded into?

11 A. They were loaded into FAWs. FAWs.

12 Q. Was it one FAW, or more than one FAW?

13 A. There were two - two FAWs - which were part of the convoy, or rather which
14 shuttled between the support regiment and the presidency. They went, came back,
15 loaded and then went back to the support regiment.

16 Q. Okay. Just so we have a picture, what sort of vehicle is a FAW?

17 A. The FAW is a vehicle with six wheels used by soldiers.

18 Q. Okay. When the FAWs arrived at the support regiment, what happened?

19 A. The uniforms were taken there and would be given to the MLC troops at the
20 support regiment, so that they could wear the uniforms.

21 Q. Can you describe the process of giving the uniforms to the MLC soldiers?

22 A. They would stand in a queue, or line-up, and each one would come forward, collect
23 a uniform and put it on and they would collect the uniforms and the Rangers boots as
24 well.

25 Q. Was it every MLC soldier who had a uniform and boots?

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1 A. Please kindly repeat the question. I did not quite understand it.

2 Q. Sure. Did every single MLC soldier receive a uniform and boots?

3 A. Everybody received a uniform. Why do I say "everybody"? I say so because all of
4 them crossed over in civilian attire. It was at the support regiment that they were issued
5 with uniforms. It is therefore only normal that each one of them received the military
6 uniforms.

7 Q. Okay. How long did the process take of distributing the uniforms?

8 A. It did not take much time. At the very most less than one hour, and by that time all
9 the soldiers had received their uniforms. Why? Because it was necessary to have them
10 wear their uniforms as soon or as quickly as possible.

11 Q. Were they given anything in addition to uniforms?

12 A. They were also given weapons. After the uniforms, the next item was weapons.
13 Heavy weapons were provided to them in Bangui.

14 Q. Okay. Was that at the support regiment, or somewhere else?

15 A. Everything happened at the support regiment. It was at the support regiment that
16 they received everything. The military uniforms, the heavy weapons, vehicles,
17 everything was given to them at the support regiment.

18 Q. Okay. What happened after they had been given uniforms and weapons?

19 A. After the distribution of uniforms and weapons, they received orders and they were
20 also given a demonstration relating to the first combat, or the first fight. In fact, you see,
21 the first combat took place at Boy-Rabé on the three axes, Boy-Rabé, Gobongo and on the
22 Marabena road - you see, the Marabena road is the one that leads to the airport - and
23 thereafter they were taken directly to the battle-field.

24 Q. At the support regiment, were the MLC the only soldiers there?

25 A. The support regiment is a Central African military camp. That is where it is located.

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- 1 So when the MLC troops arrived, at the time of their arrival at the support regiment they
- 2 were merged with Central African troops which were already on-site waiting for them.
- 3 So before the MLC troops arrived, the Central African Army was already positioned at the
- 4 support regiment waiting for the reinforcements from the MLC troops.
- 5 PRESIDING JUDGE STEINER: Mr Haynes.
- 6 MR HAYNES: Yes.
- 7 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.
- 8 Mr Witness, we'll have now our half-an-hour break for you to have a coffee or a cup of tea
- 9 and take some rest. It's 11 o'clock. We'll be back at 11.30.
- 10 The hearing is suspended.
- 11 THE COURT USHER: All rise.
- 12 (Recess taken at 11.00 a.m.)
- 13 (Upon resuming in open session at 11.31 a.m.)
- 14 THE COURT USHER: All rise.
- 15 Please be seated.
- 16 PRESIDING JUDGE STEINER: Mr Witness, welcome back. Welcome back,
- 17 Mr Witness.
- 18 THE WITNESS: (Interpretation) Okay, thank you. Thank you.
- 19 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 20 THE WITNESS: (Interpretation) Yes, madam.
- 21 PRESIDING JUDGE STEINER: Then I'll give back the floor to Mr Haynes to
- 22 continue with Defence questioning.
- 23 Mr Haynes.
- 24 MR HAYNES: Your Honour, thank you very much.
- 25 Q. And welcome back, sir.

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1 A. Thank you.

2 Q. Sir, you were telling us just before the break that after the MLC soldiers had
3 been given their uniforms, they were given a demonstration. Can you remember
4 who gave the demonstration?

5 A. When they received the uniforms, the weapons, and the radios, a demonstration
6 was made of them in the field, for the field. The liaison commander did this, Tutu
7 Kuese did this. He made the demonstration for the field. Liaison Commander
8 Tutu Kuese, 224, he was the one who gave the demonstration in the field.

9 Q. Okay. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted). That's what I remember.

17 Q. Okay. So that we're clear, (Redacted)

18 (Redacted)

19 A. That is correct. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Okay, thank you. At that time what was the military situation in the northern
23 districts of Bangui?

24 A. Well, at the time, before the MLC troops were able to arrive, five days before,
25 before Bozizé and his men, they occupied -- they occupied the northern

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1 neighbourhood of Bangui firstly; that is to say starting with Damara, PK12, PK10,
2 Gobongo, Fouh, Boy-Rabé, so Bozizé occupied the field five days before the arrival of
3 the troops, before the arrival of the MLC troops.

4 Q. Did you visit the northern suburbs of Bangui?

5 A. It was after the fighting. However, everything that happened in the northern
6 suburbs of Bangui, all that was reported (Redacted).

7 Q. (Redacted), what did
8 you see?

9 A. Even before the fighting, when Bozizé's men arrived in the neighbourhood with
10 the Chadians, that is to say the Zaghawa, at the time they were called the Zaghawa,
11 they started to pillage in PK12. (Redacted)
12 that the Zaghawa, the men, Bozizé's men, they were pillaging in the north of the
13 country, in the north of Gobongo neighbourhood, PK 12, Boy-Rabé, PK10. They also
14 destroyed the stations in PK12. They were pillaging and raping at times. All that
15 was reported (Redacted).

16 After the fighting, when we arrived at PK12, what I saw was the stations in PK12.
17 They had been pillaged, ransacked. Small shops, small traders, they had been
18 ransacked, pillaged by the men who occupied the northern part of the country during
19 these five days. That's it.

20 PRESIDING JUDGE STEINER: Mr Haynes, allow me an interruption. We've been
21 talking about five days before, five days after and no dates were mentioned until now,
22 so I would like to clarify exactly --

23 THE WITNESS: (Interpretation) I said --

24 PRESIDING JUDGE STEINER: No, please wait for me to finish, Mr Witness. I
25 would like to know exactly which day the MLC troops arrived and which day the

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1 Bozizé's troops took the northern quarters of Bangui. Let's situate that in time,
2 please.

3 THE WITNESS: (Interpretation) Bozizé occupied the northern neighbourhood of
4 the country on 25 October. The MLC troops arrived in Bangui on 29 October. That
5 explains why I said that the fighting started five days before the arrival of MLC
6 troops. That is how it went, your Honour.

7 PRESIDING JUDGE STEINER: Just for clarity, the -- Bozizé's troops occupied the
8 northern neighbourhood of Bangui? Because you said the country, northern, and I
9 think you're talking about Bangui. Is that correct, or I'm wrong?

10 THE WITNESS: (Interpretation) North of Bangui, that's to say from PK12, PK10,
11 Gobongo, Boy-Rabé, it was occupied by Bozizé's men from 25 October 2002.

12 PRESIDING JUDGE STEINER: And, as you said, the MLC troops arrived in Bangui
13 on 29 October and they start fighting on the same day?

14 THE WITNESS: (Interpretation) The MLC troops arrived in Bangui on 29 October
15 2002. They started fighting on 30 October 2002.

16 PRESIDING JUDGE STEINER: Mr Haynes?

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

18 Q. I just want to clarify two or three things that you said earlier. Talking about
19 the Zaghawa you said, "They started to pillage in PK12. (Redacted)
20 (Redacted) the Zaghawa, the men, Bozizé's men, they were pillaging in
21 the north of the country." (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted), that's when in -- I knew that

25 in PK12 the stations had been pillaged. And why? Because at any time when

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1 (Redacted)

2 (Redacted)

3 Q. Thank you very much. You've answered my next question.

4 PRESIDING JUDGE STEINER: Mr Haynes, Judge Aluoch wants a clarification.

5 JUDGE ALUOCH: Mr Witness, would you clarify whether (Redacted)

6 (Redacted)

7 (Redacted)

8 THE WITNESS: (Interpretation) (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR HAYNES: Thank you, Judge Aluoch.

15 Q. Which districts of northern Bangui did you actually visit after the fighting?

16 A. PK12 to École Begoua. PK12 to PK13.

17 Q. And did you see there any evidence of the sort of things that were being
18 reported (Redacted)

19 A. Yes, such as the case of the station in PK12 which had been pillaged. I saw that.
20 And why? Because we had -- (Redacted), and after the fighting we
21 were there to see that it was true.

22 THE INTERPRETER: "... or had been informed," corrects the interpreter.

23 MR HAYNES:

24 Q. Just for the record, what do you mean by "the station"?

25 A. The station is a place where you get fuel from. A fuel station, or petrol station,

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1 or filling station.

2 Q. Thank you very much. Now, during the events of October 2002 to March 2003,
3 did (Redacted)

4 A. (Redacted)
5 (Redacted)

6 Q. Did you never go into the field outside Bangui?

7 A. Never. It was André Mazi who also controlled the men who were in the field.
8 (Redacted)
9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Thank you. Therefore, I want to come on to (Redacted) please. You've
13 already told us about (Redacted)
14 during the events. (Redacted)?

15 A. (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)

20 Q. I'm going to come to somebody we haven't mentioned before. Do you know
21 who the commander of the MLC brigade in the Central African Republic was?

22 A. I heard mention that it was Moustapha - Colonel Moustapha - and Commander
23 René.

24 Q. (Redacted)
25 (Redacted)

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1 A. At the time of the events or of the operations, as far as I know, General
2 Bombayake was not the cornerstone of the operations. He was not the one issuing
3 the orders. As far as I know, the person who was issuing orders was the Deputy
4 Chief of General Staff, namely, André Mazi. He was the one who issued orders to
5 Moustapha. (Redacted)
6 (Redacted)
7 (Redacted) So what I am saying is that it was André Mazi who was the one in charge
8 of commanding the operations.

9 Q. Okay. We may have to be very careful now, sir, because we don't want to
10 reveal who you are or what you were doing at the time. So let's take it step by step,
11 and if you feel at any time you need to give an answer in private session, will you tell
12 me?

13 A. Thank you, Madam President, I have understood you.

14 Q. Okay. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Okay. And lastly this: (Redacted) what can you tell us about the
17 relationship between General Mazi and General Bombayake?

18 A. The relationship between Mazi and Bombayake is the following: Mazi was
19 Deputy Chief of General Staff and Bombayake was the General Director of the
20 Presidential Security Unit. He therefore also reported to Bombayake, who would
21 then forward the report to the president.

22 Q. Okay. And lastly this: Having said the last question was the last one, there's
23 one more. (Redacted)

24 (Redacted)

25 A. Please kindly repeat your question. I did not understand it.

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Have you finished your answer, sir?

6 A. Yes, that will be all.

7 Q. Okay, thank you very much. So when did you leave the Central African
8 Republic?

9 A. I left the Central African Republic on 16 March, in the night of 16 March 2003.
10 That is when I left the Central African Republic.

11 Q. And without revealing your identity, can you in general terms tell us why you
12 left the Central African Republic on 16 March 2003?

13 A. It was after Bozizé had taken power on 15 March. I fled on 16 March 2003.
14 Therefore, I fled because Bozizé had come to power. It is for that reason that I fled
15 from the Central African Republic on 16 March 2003.

16 Q. What did you fear might happen to you if you stayed?

17 A. I had served under President Patassé, and then Bozizé had taken over. I
18 therefore could not remain in Bangui. No, I could not, because (Redacted)
19 (Redacted). It is for that reason that I left. (Redacted)
20 (Redacted)

21 Q. (Redacted)

22 A. When I left on the 16th I was no longer aware or informed of what happened
23 after I left, so I do not have any information regarding your question. You see, I
24 myself was trying to find refuge and so I did not have any information about what
25 was happening behind me, or after I left.

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1 Q. That's fine. Sir, you told us at the very start of this evidence that you and I
2 hadn't met before. Have you met any other lawyers who represent Jean-Pierre
3 Bemba?

4 A. Yes, I do remember that in March 2012 a lawyer called me. His name is Aimé
5 Kilolo. I don't know how he obtained my contact or my number, but he called me
6 and when I picked up the phone I hung up after he had introduced himself. But he
7 called again and then I answered the phone, and he went on to tell me that he wanted
8 to meet with me and that is how we ended up meeting once in Douala and then
9 again --

10 Q. It's not necessary for you to give us places, okay? You met him once and then
11 again when?

12 A. Well, three weeks ago.

13 Q. What happened at this second meeting?

14 A. We met. He had been waiting for me in front of a hotel. We went together to
15 some place where he introduced me to the members of the ICC and we haven't met
16 again thereafter.

17 Q. Sir, have you ever met Jean-Pierre Bemba?

18 A. Never.

19 Q. Are you a supporter of his --

20 A. (No interpretation)

21 THE INTERPRETER: Overlapping speakers.

22 MR HAYNES:

23 Q. Sir, can you carry on?

24 A. What I wanted to say is that I did not even know him.

25 Q. Sir, did Maître Kilolo offer you any money to come and give evidence for

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1 Jean-Pierre Bemba?

2 A. Never.

3 Q. Were you introduced to Maître Kilolo by a committee designed to harmonise
4 the evidence for him?

5 A. Never, not at all. Not a committee. I am here testifying before this Court to
6 tell the truth and nothing but the truth.

7 Q. I take it, therefore, you haven't received an envelope with \$3,000 in it?

8 A. Never. When Maître Kilolo --

9 MR HAYNES: Thank you, sir. Those are all the questions --

10 THE WITNESS: (Interpretation) Thank you.

11 PRESIDING JUDGE STEINER: Let -- Mr Haynes, let the witness finish please.

12 MR HAYNES:

13 Q. You must finish your answer, sir.

14 A. What I wanted to say is that Maître Kilolo reimbursed the money that I spent on
15 transportation from the place I left to the point at which I met him. That is all. He
16 simply reimbursed my transportation costs. He did not give me anything else,
17 nothing, and that will be all.

18 Q. And was that in relation to the first or the second time you met him?

19 A. It was in relation to the second time.

20 Q. And that was the occasion when he introduced you to the ICC at the point
21 where you are now?

22 A. Yes, it was at that time that he automatically introduced me to the ICC, and then
23 the ICC took over and that has been the case to this date.

24 MR HAYNES: Thank you, sir. I have no more questions for you.

25 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

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1 If Mr Scaliotti allows me before I give you the floor, I would like to seek some
2 clarification. Otherwise, my doubts will be lost in the middle of the transcript.
3 Mr Witness, you start your testimony by referring to a meeting at Patassé's residence
4 the same day as MLC troops arrived, before MLC troops arrived. At that time, as far
5 as I understood, the rebels were already in Bangui. Were the rebels already around
6 Patassé's residence or not, or close to Patassé's residence or not?

7 THE WITNESS: (Interpretation) The rebels were in the following neighbourhoods:
8 Boy-Rabé, Gobongo, Fouh, PK12, 4th roundabout. The rebels were not around the
9 presidential residence.

10 PRESIDING JUDGE STEINER: Thank you. Then on page 22, 5, you start
11 describing how the MLC soldiers were queuing at the régiment de soutien, that each
12 one would come forward, collect a uniform, et cetera. How do you know that?
13 Were you there inside the régiment de soutien?

14 THE WITNESS: (Interpretation) Could we go to private session?

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

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

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

18 PRESIDING JUDGE STEINER: We are in private session, Mr Witness. You can
19 answer.

20 THE WITNESS: (Interpretation) (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: I am asking, Mr Witness, because you said that,
25 when General Bombayake went to one place or the other, (Redacted)

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- 1 (Redacted). So that's my question: When the MLC troops were
2 receiving uniforms, boots and weapons, were you inside the régiment de soutien, or
3 were you (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 PRESIDING JUDGE STEINER: Thank you. I have another question that maybe it
12 was -- I am misled by the summary presented by Defence about the issues on which
13 you would testify. (Redacted)
14 (Redacted). Is that correct?
15 THE WITNESS: (Interpretation) That is correct, Madam President.
16 PRESIDING JUDGE STEINER: So all information you have is related to the two first
17 weeks of the conflict; is that correct?
18 THE WITNESS: (Interpretation) That's correct, Madam President.
19 PRESIDING JUDGE STEINER: And may I ask you where were you during the four
20 months and a half of the conflict, (Redacted)?
21 THE WITNESS: (Interpretation) (Redacted)
22 (Redacted)
23 PRESIDING JUDGE STEINER: Let me understand, Mr Witness. (Redacted)
24 (Redacted)
25 THE WITNESS: (Interpretation) (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: So I think I misunderstood the summary then.

11 Let's go back into public session, please.

12 (Open session at 12.34 p.m.)

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

14 PRESIDING JUDGE STEINER: Mr Witness, now it's the Prosecution that will start
15 questioning you, and for that purpose I'll give the floor to Mr Scaliotti. Mr Scaliotti,
16 you can start.

17 MR SCALIOTTI: Thank you, Madam President, and with your leave, if it is
18 convenient for you, I will be sitting down for my examination. Thank you.

19 QUESTIONED BY MR SCALIOTTI:

20 Q. Mr Witness, good afternoon.

21 A. Good afternoon, Madam President.

22 Q. We met recently, a couple of days ago, via video link, and so I had the
23 opportunity to introduce myself. Anyway, I will do it once again. My name is
24 Massimo Scaliotti, and I represent the Office of the Prosecutor. So I will be asking
25 questions to you today. I don't want to add recommendations to what Madam

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1 President already explained to you, only shortly two things: One, we have to
2 continue speaking slowly, and I would like to remind you that you should wait about
3 five seconds after I finish my question before you answer.

4 And, secondly, I will be grateful if you could be focussed on my questions and try to
5 answer in a concise manner. That would certainly expedite your examination.

6 Do you understand what I told you?

7 A. Yes, Madam President.

8 Q. And of course, Mr Witness, during my questions we have to keep the same we
9 were doing so far, meaning, refrain from giving any information that may lead to
10 your identification. So I will do my best to identify in advance questions that may be
11 asked more safely in private session. In any event, feel free at any point in time to
12 ask the Chamber to move to private session whenever you think that it's not safe for
13 you to give answers in open session. Again, do you understand me?

14 A. Very well, Madam President.

15 MR SCALIOTTI: Madam President, for the next questions, I think it's quite safe to
16 move to private session, please.

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

18 *(Private session at 12.37 p.m.) Reclassified as Open session

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

20 MR SCALIOTTI:

21 Q. Mr Witness, you were asked some questions about (Redacted),
22 and just to start, I would like to expand a bit on that topic. (Redacted)
23 (Redacted)

24 (Redacted)

25 A. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Can you please clarify for me within (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. You said you started with (Redacted); am I correct?

9 A. That's correct, Madam President.

10 Q. And you said that (Redacted) if I understood you correctly, (Redacted)

11 (Redacted). Is this right?

12 A. That's correct.

13 Q. Do you remember when you (Redacted)?

14 A. It was in (Redacted).

15 Q. Do you remember more specifically the day when (Redacted)?

16 A. It was in the month of (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 Q. (Redacted); is this true?

22 A. (Redacted)

23 (Redacted).

24 Q. Can you please repeat the date, or at least the year, when (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: Mr Scaliotti, just for my knowledge, (Redacted)

4 (Redacted) Mr Witness, you understood my question,

5 (Redacted)

6 Mr Witness? Mr Witness, can you hear me?

7 THE WITNESS: (Interpretation) Very well, your Honour.

8 PRESIDING JUDGE STEINER: Mr Witness, I was asking you whether (Redacted)

9 (Redacted)

10 THE WITNESS: (Interpretation) No, your Honour. I repeat: (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted). I'd like to make that precision.

15 PRESIDING JUDGE STEINER: Thank you very much.

16 Mr Scaliotti?

17 MR SCALIOTTI:

18 Q. Mr Witness, just to further clarify and avoid any misunderstanding, you said at

19 some point you were (Redacted). So what time was that? Was it

20 before the conflict in CAR started, or after?

21 A. It was before. At the time of the conflict, I (Redacted).

22 Q. How old were you when the conflict in Central African Republic started?

23 PRESIDING JUDGE STEINER: Mr Scaliotti, are you talking about the 2002 conflict?

24 Make it clear, please.

25 MR SCALIOTTI: You are right, Madam President. It's better to clarify with the

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1 witness.

2 Q. Mr Witness, the conflict I was referring to is the conflict in Central African
3 Republic that started in October 2002. So my question was: How old were you
4 when that conflict started?

5 A. I was (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Is it fair to say that at the time of the start of the conflict - and, again, I'm
9 referring to the conflict in October 2002 - (Redacted)

10 (Redacted)

11 A. I didn't get the question, Madam Judge. I didn't understand the question.

12 Q. Mr Witness, my question was: If you agree that when the conflict started in
13 Central African Republic in October 2002, we can say that you were (Redacted)
14 (Redacted) Do you agree with that?

15 A. What I said was as follows: (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Mr Witness, some more questions that we need to ask in private sessions. I
19 tried to understand something more from the following up on the questions that
20 Madam President asked you before I started my examination. So am I correct if I
21 understand that you were (Redacted)

22 (Redacted) Is my understanding correct?

23 A. No, Madam Judge. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) It was just in March 2000 -- 2003, to

8 be precise, that I stopped my functions. That was 16 March 2003, when Bozizé took

9 power on 15 March 2003. So before the conflict and after the conflict I still continued

10 (Redacted)

11 Q. Mr Witness, I asked you this question for a very good reason, because when

12 Madam President asked you before whether you stopped doing these functions

13 (Redacted) you -- your answer was "Yes" and also because the

14 summary of your expected testimony that was provided to the Prosecution by the

15 Defence says that you were (Redacted).

16 What do you have to answer to that?

17 A. Perhaps the Defence didn't understand me, Madam President? After the

18 conflict, I worked until March 2003. I continued to work.

19 Q. When you were answering the questions that Madam President asked you, at

20 some point you said that you were stationed at (Redacted) and, if

21 my understanding was correct, you were doing a sort of (Redacted).

22 Can you please explain a bit more about that?

23 A. During the conflict, (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. So if I understand from what you are now saying, your functions never changed
6 during the five months of the conflict; is this right?

7 A. That's right, Madam President. That is -- that's very much it.

8 Q. That was not exactly my understanding, Mr Witness. Anyway, let's move on
9 to something different. You said you were in Bangui when the conflict in October
10 2002 started; is this correct?

11 A. That's correct, Madam President. That's right.

12 Q. And my understanding is that you have been in Bangui for the entire period of
13 the conflict, because you said (Redacted)
14 (Redacted). Is this right?

15 A. You want to say that during the conflict, or do you mean after the conflict?

16 Q. I mean since the conflict started in October 2002 until the end of the conflict,
17 March 2003. That is my question. If during this period you have been always in
18 Bangui?

19 A. Yes, I stayed in Bangui. I left Bangui on the 16th, 16 March 2003. I left Bangui
20 then.

21 Q. So just to make it sure, you never went out of Bangui during these five months?

22 A. That is correct, your Honour.

23 MR SCALIOTTI: Madam President, I think we may try to move to open session, but
24 of course I will remind the witness once again to be very careful.

25 PRESIDING JUDGE STEINER: I have some follow-up questions, but I will put later.

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1 Court officer, please turn into open session.

2 (Open session at 1.02 p.m.)

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

4 MR SCALIOTTI:

5 Q. Mr Witness, we are now in open session, so I would like to remind you once
6 again to be careful what you say. Don't mention anything that may lead to your
7 identification, and if at any point in time you think that to give an answer you need to
8 provide this type of details, please let the Chamber know and the Chamber, the
9 Presiding Judge, will order to move to private session again. Do you understand
10 what I explained to you?

11 A. Yes, your Honour.

12 Q. Mr Witness, during your examination-in-chief today, you talked about the
13 arrival of Bozizé's -- General Bozizé's troops and the intervention of the MLC troops.
14 Now, you said that Bozizé's forces attacked on 25 October 2002. Is this correct?

15 A. Yes, that is correct, your Honour.

16 Q. And is it true that after the forces of General Bozizé attacked Bangui to take
17 power, President Patassé asked for military support from the troops of Mr Bemba?

18 A. That is correct, Madam President. It is President Patassé who asked for help
19 from the MLC troops. He asked them to come to his assistance.

20 Q. Do you know why President Patassé asked for help from the MLC troops?

21 A. Madam President, I do not know. All I know is that on 29 October we went to
22 fetch the MLC troops who had crossed over, and that is all. I do not know what the
23 reasons may have been. I do not know why Patassé called them over.

24 Q. But isn't it true that President Patassé called for this military assistance because
25 the FACA army was not able to resist to the attack?

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1 A. That must be it, your Honour. Now, even before the MLC troops came, some
2 loyalist forces were already in Bangui. Therefore, the president wanted to have
3 more troops on the ground. He wanted to have more troops in order to be able to
4 fight off Bozizé's men. You see, Bozizé's men were many in number. They had
5 alongside with them the Chadians, who had come to assist Bozizé's troops. That is
6 why it was necessary to reinforce the loyalist troops, in order to be able to fight them.
7 That is what I know, your Honour.

8 Q. And am I correct if I say that because of the previous coup d'état that happened
9 over the previous years in Central African Republic, also the weaponry of the Central
10 African Army was not strong, so there was actually a lack of weaponry; is this
11 correct?

12 A. Your Honour, would you please kindly repeat the question?

13 Q. I'll try to make my question more simple. Is it true, Mr Witness, that the
14 weaponry at the disposal of the Central African Army was not sufficient to resist to
15 the attack by General Bozizé's forces?

16 A. It was not a matter of weapons. You see, there were weapons. The issue was
17 with the troops, the men, the number of soldiers. And the evidence is that when the
18 MLC soldiers crossed over, they received heavy weapons in Bangui. So what I can
19 say is that we were well-armed, but we did not have men. We did not have troops.
20 In fact, we even have two Libyan planes, and Libyan troops on the ground. So it
21 was not a matter of weapons or weaponry. The problem was with the troops, the
22 number of men, which would have made it possible for Bozizé's troops to be pushed
23 back, because Bozizé's men were many in number, including the Muslims. You see,
24 we did not need weapons. We did not need heavy weaponry. What we needed
25 was men; men to ward off the troops of Bozizé. That will be all, Madam President.

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1 Q. Okay, Mr Witness. So we agree that because of this lack of men, President
2 Patassé had to resort to the intervention of the MLC troops into the conflict? We
3 agree on that, right?

4 A. Yes, Madam President.

5 Q. Nevertheless, Bozizé's forces, after the attack on 25 October, they advanced but
6 they didn't take power. Is this correct?

7 A. Yes, that is correct. The first attack was unsuccessful because we pushed them
8 back and they were not able to take power. It is on 15 March, in March 2003, on
9 15 March to be specific, it is on that day that he took power.

10 Q. However, Bozizé's forces did not take power at the beginning of the conflict.
11 So my question is: If there was such a need of men because there was a lack of
12 manpower within the FACA, how could it be that Bozizé's forces didn't take power if,
13 as you said this morning, the MLC troops only intervened on 29 October? Did you
14 understand my question?

15 A. Yes, I've understood very clearly, Madam President. But let me say that, to be
16 specific, there were troops in Bangui which were resisting the attack before the arrival
17 of the MLC troops, CEN-SAD was there, the Libyans were there, Sudan was there,
18 Paul Barril's mercenaries were there, the Kodos were there, the Sarawi were also there,
19 that is of Abdoulaye Miskine, they were all there. So it was possible for some
20 resistance to be put up against Bozizé's men while waiting for the arrival of the MLC
21 troops.

22 You see, there were already some forces on the ground even before the MLC troops
23 arrived. So it was not only the MLC troops that were on the ground, there were
24 other troops on the ground before the arrival of the MLC troops. That's somewhat
25 the picture, Madam President.

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1 Q. However, it is a fact that in March 2003, as soon as the MLC withdrew, General
2 Bozizé took power; is this right?

3 A. That is correct, Madam President.

4 Q. So it appears that the presence of the intervention of the MLC in Central African
5 Republic was actually crucial, right?

6 A. Madam President, could you please explain to me what the word "crucial"
7 means? If I understand that, then I might be able to offer you an answer.

8 Q. Of course, Mr Witness, I will clarify. I mean that -- in my question that without
9 the presence of the MLC forces General Bozizé easily took power, which means that
10 the resistance by the MLC forces was very important. Without their presence,
11 Bozizé's forces took power easily. Is this correct?

12 A. Well, what I can say is, yes, maybe the MLC forces came in to help Patassé's
13 regime, and the evidence of that is that when the MLC troops arrived it was possible,
14 or it became possible, to push back Bozizé's troops. So to that extent I could say that
15 their presence was indeed necessary for President Patassé. Why? Because they
16 were the last troops that came in and made it possible for them to be pushed back.
17 In any event, Bozizé's people had been there for five days prior to their arrival. So
18 that is what I can say, Madam President.

19 Q. Now, you agreed on the fact that the presence of the MLC forces was very
20 important. Is it possible that Bozizé's troops did not take power at the beginning of
21 the conflict, I mean in October 2002, because the MLC forces intervened not on
22 29 October, as you are saying, but they intervened before?

23 A. Before then, well, Bozizé's troops arrived five days before, but they did not enter
24 the city. They remained in the northern suburbs of the city. They occupied PK12,
25 PK10, Fouh, Gobongo, Boy-Rabé. They occupied those areas, but they did not take

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1 over the country. It is when the MLC troops arrived that we were able to ward them
2 off.

3 Q. You said this morning that you saw the MLC troops arriving, but -- and you
4 said that happened on 29 October, but could you concede that some other MLC
5 troops arrived before that day and simply you did not see them?

6 A. This is my answer: I did not see any MLC troops who had come in before
7 29 October and I therefore cannot say anything about that. I did not see, I did not
8 hear and therefore I cannot answer along those lines. Why? Because I am here to
9 talk, to speak about -- to tell the truth and nothing but the truth about what I saw and
10 what I heard. Therefore, I don't know how else to answer your question.

11 Q. Mr Witness, just to clarify, are you simply saying that you didn't see any MLC
12 troops before 29 October, or are you excluding that this could happen?

13 A. Before 29 October I did not see any MLC troops, and I want to be specific. I
14 saw the MLC troops on 29 October. It is on that date that I saw MLC troops, not
15 before. It was on 29 October that I saw the MLC troops with my own eyes.

16 Q. Mr Witness, the date you are referring to is more than ten years ago. Can you
17 tell the Chamber how you remember so clearly this date after such a long time?

18 A. Well, it is as if the Court were asking me for my date of birth. These are very
19 specific dates relating to a country that was at war, so I have that date in my mind. I
20 have kept it in my mind because I was present. So it is very normal that I should
21 clearly remember that date today, particularly in my capacity as a soldier.

22 Q. So, Mr Witness, if I tell you that there is evidence in this case pointing to a
23 different date - and I will give the reference immediately - would you be able to
24 accept that your recollection is wrong, or not?

25 A. Madam President, I am here to testify and to give statements about what I know

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1 and what I saw. I am not here to testify about what anybody else may have seen, or
2 what anybody else may have done. So what I'm saying is in relation to what I know
3 and what I saw. That's about it, your Honour. Therefore, what anybody else may
4 have seen or what anybody else may have done doesn't really concern me.

5 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

6 MR HAYNES: I invite the Prosecution to put to this witness, as a matter of courtesy
7 to him and to the Defence, the date on which it says the MLC troops arrived in the
8 Central African Republic. It's about time, isn't it?

9 PRESIDING JUDGE STEINER: I must confess that I did not understand, but
10 Mr Scaliotti?

11 MR SCALIOTTI: Thank you, Madam President. This is exactly what I was about to
12 do.

13 Q. So, Mr Witness, what if I tell you that there are documents in this case showing
14 a different date, which is actually 26 October for instance? I'm making reference
15 here to CAR-D04-0002-1514, at page 1630. This is the document number 40 in the
16 Prosecution list of documents, and just to be fair to the witness I will give a short
17 explanation of the document.

18 I think, Madam President, just to try to expedite the process also, looking at the time,
19 I can just try to explain and refer to the contents of the document without displaying
20 it to the witness.

21 Mr Witness, the document which is in the record of this case that I was -- that I'm
22 referring to is actually a log-book of messages that were transmitted between the
23 MLC officers in Central African Republic and the MLC headquarters, meaning the
24 leaders of the MLC, in Gbadolite. The document I'm referring to is a list of situation
25 reports given in the morning by all units of the MLC. The date of this document, of

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1 this situation report, is 26 October, and it says -- I'm just quoting verbatim. It says
2 "OPS Bangui" and it says "Situation calm."
3 Since this document has been used on previous occasions I suggest to you that "OPS
4 Bangui" means "Operation Bangui," which means the operation had started, and that's
5 why there is a situation report saying the situation was calm in Bangui.

6 What about this date, 26 October 2002? Do you agree that there were MLC troops in
7 Bangui at that time?

8 A. Let me repeat to the Court that, as far as I am concerned and as far as I know
9 and regarding what I saw, it was on 29 October that I saw the MLC troops in Bangui.
10 Before that date I do not know, but it was on the 29th that I saw them. I was present
11 and I saw them with my own eyes.

12 PRESIDING JUDGE STEINER: Mr Scaliotti.

13 Mr Witness, we'll suspend now for one-and-a-half hours. It's our lunch-break. It's
14 time for you to have lunch and take some rest. It's 1.30. We'll be back at 3 o'clock.
15 The hearing is suspended.

16 THE COURT USHER: All rise.

17 (Recess taken at 1.29 p.m.)

18 (Transcription of the hearing continues in Transcript:

19 ICC-01/05-01/08-T-328bis-CONF-ENG)

20 RECLASSIFICATION REPORT

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

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