

1 International Criminal Court
2 Trial Chamber III - Courtroom I
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo
5 - ICC-01/05-01/08
6 Presiding Sylvia Steiner, Judge Joyce Aluoch, and
7 Judge Kuniko Ozaki
8 Trial Hearing
9 Friday, 21 June 2013
10 (The hearing starts in open session at 3.11 p.m.)
11 THE COURT USHER: All rise.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good afternoon.
14 Good afternoon and welcome back, Mr Witness.
15 THE WITNESS: (Interpretation) Good afternoon.
16 PRESIDING JUDGE STEINER: Are you ready to continue with your
17 testimony, sir?
18 THE WITNESS: (Interpretation) Yes, I'm ready.
19 PRESIDING JUDGE STEINER: Then I'll give back the floor to
20 Mr Scaliotti.
21 MR SCALIOTTI: Thank you, Madam President. And good afternoon,
22 your Honours.
23 WITNESS: CAR-D04-PPPP-0006 (On former oath)
24 (The witness speaks French)
25 (The witness gives evidence via videolink)

Witness: CAR-D04-PPPP-0006 (On former oath) (Open Session)
Questioned by Mr Scaliotti (Continuing)

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1 QUESTIONED BY MR SCALIOTTI: (Continuing)

2 Q. Good afternoon, Mr Witness. Can you hear me?

3 A. Yes, very well.

4 Q. Very well. Thank you. So we continue where we stopped this
5 morning. Just once again, I will remind you. We are now in open session
6 so, again, be careful what you say, and if at any point in time you need
7 to make reference to information that may make reference to your
8 identification, please let the Chamber know and so we will move to
9 private session.

10 This morning before we stopped for the break, we were discussing
11 the date of the arrival of the MLC troops in Bangui. And I mentioned to
12 you a document, a message sent from the MLC troops in Central African
13 Republic to the MLC headquarters in which there is a reference to the
14 Bangui operation, there is a situation report, and the date was the 26th
15 of October, 2002.

16 So my question is: Does this document that I referred to you --
17 or that I mentioned to you, does it change your evidence that the MLC
18 troops only arrived on the 29th of October?

19 A. No, Counsel.

20 Q. So, Mr Witness, if I understand, you're not conceding that your
21 recollection may be wrong?

22 A. No, Mr Prosecutor.

23 Q. Mr Witness, before we move to another topic, I would like to make
24 reference to another piece of evidence.

25 MR SCALIOTTI: The reference is CAR-OTP-0017-0363, redacted

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1 version, and it's document 17 in the Prosecution list of evidence.

2 Q. For your knowledge, Mr Witness, I'm referring here to a letter
3 that was signed and written by Mr Bemba himself. This letter was sent to
4 General Cisse, the Special Representative of the Secretary-General of the
5 United Nations. And in this letter, Mr Bemba stated that these MLC
6 troops intervened in Central African Republic on the 27th of October,
7 2002. What is your reaction to this date that was actually given by
8 Mr Bemba himself?

9 A. Mr Prosecutor, I would like to tell you once again that that date
10 was given by Mr Bemba. I am not there to contradict the date given by
11 Mr Bemba. I am here to clarify the information for the purposes of
12 justice. I arrived with General Yangongo at the naval base on the 29th
13 of October, 2002. Let me repeat: On the 29th of October, 2002. That is
14 the date on which I saw the MLC troops which had crossed over. Whatever
15 Mr Bemba is saying is not my problem. I'm simply telling you what I
16 experienced and what I saw. It was on the 29th of October, 2002, in
17 Bangui.

18 Q. So, Mr Witness, finally, do you concede that Mr Bemba may have a
19 better knowledge about this date compared to your recollection after ten
20 years?

21 A. Mr President, I am saying that in all conscience. What Mr Bemba
22 is saying is different from what I am saying. Let me tell you once
23 again: The date was the 29th of October, 2002. That is when the MLC
24 troops crossed over right in front of my eyes. Thank you, Mr Prosecutor.

25 Q. Very well, Mr Witness. The Chamber will assess why it is so

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1 important for you to keep insisting on this date, on the 29th of October,
2 2002.

3 I think we can now move to something different. And I'm
4 referring now to what you stated this morning, so I'm referring to
5 transcript 328, page 21, lines 4 to 8, when you said that the MLC
6 soldiers, after they crossed to Central African Republic, to Bangui, they
7 were given uniforms and boots. And later on on -- at page 23, line 1 and
8 2, you said they were also provided with heavy weapons.

9 My question is: Do you know whether the MLC, when they crossed
10 to Bangui, whether they had any equipment that had been given by the MLC
11 leaders in Gbadolite?

12 A. The MLC troops crossed over as civilians, but they were wearing
13 the same boots. All of them were wearing the same types of boots, but
14 these were not ranger, military ranger boots.

15 Q. Apart from uniforms or boots, did they carry any weapons with
16 them?

17 A. Some of them had weapons but not heavy weapons. Just some of
18 them, not all of them.

19 Q. Did they have ammunitions?

20 A. They had not crossed over with boxes of ammunition. I observed
21 that they crossed over only with light weapons but no ammunition. I did
22 not see any ammunition. They received everything in Bangui. Thank you,
23 Mr Prosecutor.

24 Q. Do you know if the MLC, when they crossed the river and arrived
25 in Bangui, do you know if they had any radio equipment?

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1 A. No. They received the radios, the communication radios at the
2 support regiment. However, when they started the fighting in PK12, they
3 received Thurayas, the same that were used by André Mazi and
4 General Bombayake. When they passed PK12, they set up their base at the
5 Begoua school. They had medicines, food, and even ambulances at their
6 disposal. So they received the radios before PK12. And after they
7 passed PK12, they received the Thurayas. Thank you, Mr Prosecutor.

8 Q. Mr Witness, so you said that they had no radio, the MLC, when
9 they crossed. So according to you, on the 30th of October, they were not
10 in a position to communicate with the headquarters of the MLC in
11 Gbadolite; is this correct?

12 A. No. The fighting was not in the south of Gbadolite. The
13 fighting was in the north of the country, so they had no contact in
14 Gbadolite when they crossed over, because they received the communication
15 radio on the spot in Bangui.

16 MR SCALIOTTI: Madam President, I would like to have just for now
17 one document displayed, and I will kindly ask the Court Officer to
18 display one document with your leave.

19 So can the Court Officer please show document CAR-D04-0002-1514,
20 page 1637. And the document is number 40 in the Prosecution's list of
21 evidence and it is a public document.

22 THE COURT OFFICER (via videolink): (Interpretation) Document
23 CAR-D04-0002-1514, page 1637, is being shown to the witness. Please
24 specify what message this is.

25 MR SCALIOTTI: Yes, thank you, Mr Court Officer. I would like to

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1 have the message on the left side of the page starting more or less from
2 middle of the page, mid-left.

3 THE COURT OFFICER (via videolink): (Interpretation) The page
4 bottom left? The page has now been displayed.

5 MR SCALIOTTI: Thank you, Court Officer.

6 Q. Mr Witness, you can read French, right?

7 A. Very well, Mr Prosecutor.

8 Q. Thank you, Mr Witness. So you can see in the screen before you
9 this document. Am I correct?

10 A. Yes, Mr Prosecutor.

11 Q. So you see from the first line, it says: "Extremely urgent," then
12 the second line is: "From Commander Operation Bangui."

13 That was Colonel Moustapha, am I correct? He was the commander
14 of the MLC in Bangui. Do you agree?

15 A. Yes, I agree with you.

16 Q. And if I continue reading, the next line says: "To," meaning the
17 recipient of the message is the chief of the -- "Chief of Staff of the
18 ALC," of the Armée de Libération du Congo. Do you see that?

19 A. Yes, Mr Prosecutor, I can see that.

20 Q. Very well, Mr Witness. And the next line states, "Info:
21 Chairman," and the chairman of the MLC was Mr Bemba; am I correct?

22 A. That I do not know, Mr Prosecutor.

23 Q. Mr Witness, this is a document that was used many times in this
24 trial before this Chamber, so I suggest to you that "chairman" stands
25 for -- actually, "C/MAN" stands for "chairman," and the chairman was

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1 Mr Bemba.

2 Now, I would like to ask you to please reading the message
3 starting from: "HVS vous signaler." Can you do that?

4 A. Yes, Mr Prosecutor.

5 "Inform you my arrival in the field at 0900. After a
6 co-ordination meeting with the officers, L'OPS starting at 1300 hours.
7 Situation of the enemy: 25 dead and 3 Chadians captured. Weapons: 15
8 SMG. 04 large vehicles, including one full of vehicle tires; one with
9 one large generator with two tractors; 5 pairs --"

10 THE INTERPRETER: Interpreter didn't get the word read by the
11 witness.

12 THE WITNESS: (Interpretation) "-- in a poor state; 15 SMG
13 magazines. On our side: 2 dead and 1 wounded. Difficulties in the
14 field: We have been abandoned by the nationals. Co-ordination with the
15 Libyans: Lack of means of communication for inter-OPS liaison; lack of
16 emergency pharma products; lack of foodstuffs. Other situation reports
17 will follow. HI.

18 "30 October 2002, 1520 RT KBL."

19 That's the end, Mr Prosecutor. Thank you.

20 Q. Thank you, Mr Witness, for reading this message. Now, we have
21 seen at the -- at the top of this message that it originates from the
22 Bangui operation commander, Colonel Moustapha, and it was sent to the MLC
23 chief of staff and chairman, who were in Gbadolite. So doesn't this
24 message show that the MLC troops in CAR on the 30th of April were able to
25 send a message to the MLC headquarters in Gbadolite?

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1 A. Mr Prosecutor, the MLC troops were mixed in with the
2 Central African Armed Forces. They received their PGA, their food, the
3 medicines were all available to them because they were mixed in with the
4 Central African forces. They were all being treated in the same way. So
5 with regard to the latter, I don't know what I can say in response to
6 this document. I have no idea, Mr Prosecutor.

7 Q. Mr Witness, I don't think this answers my question because what I
8 asked you was if you agree that on this day, 30 October 2002,
9 Colonel Moustapha, commander of the Bangui operation, was able to send a
10 message to the headquarters of the MLC in Bangui -- in Gbadolite, I
11 apologise. That was my question. Can you please answer that?

12 A. That's it, Mr Prosecutor. I am replying on the basis of what I
13 know. Even if the letter had been sent to Gbadolite -- well, I don't
14 know. As far as I know, the MLC troops were mixed in with the
15 Central African Armed Forces and were treated in the same way, they were
16 fed the same way, they received their PGA in the same way. So, again, as
17 to this letter, I don't know. I have no idea about this letter. So I
18 would repeat to the Court: What I know is what I experience. Thank you,
19 Mr Prosecutor.

20 Q. You just read that, and this is the message from Colonel
21 Moustapha, and Colonel Moustapha said:

22 "We have been abandoned by nationals."

23 Is that an indication, in your view, of a good co-ordination
24 between the MLC troops and the FACA troops?

25 A. I was not in the field at the time to answer these questions.

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1 I'm answering a question about what I heard and what I saw (Redacted)
2 (Redacted). So everything I'm saying to you today is
3 what I have heard or what I experienced (Redacted) or
4 (Redacted), so I
5 was not in the field with the MLC troops. Thank you, Mr Prosecutor.

6 Q. Thank you, Mr Witness. And I appreciate what you're saying. It
7 is your obligation to tell the truth and say to the Judges what you know,
8 what you saw and what you heard. So my question, based on your good
9 faith, is: So you agree that you are not in a position to speak about
10 the co-ordination or if there was any co-ordination between the MLC
11 troops and the FACA troops; is it what you're saying?

12 A. The MLC troops and the FACA troops were in good co-ordination
13 because they were mixed in together. They were mixed up. So the MLC
14 troops and the FACA troops were in good co-ordination, well co-ordinated.
15 Why?

16 Q. Mr Witness, there seems to be a contradiction now because you
17 just said:

18 "I was not in the field to answer these questions."

19 And now you're saying that there was good co-ordination and the
20 troops were mixed up. How do you know if you were not in the field?

21 PRESIDING JUDGE STEINER: Before you answer, Mr Witness, please,
22 Court Officer, turn into private session.

23 *(Private session at 3.44 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: You can answer to the question now,

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1 Mr Witness.

2 THE WITNESS: (Interpretation) Those commanding -- that -- the
3 commander of the operation was André Mazi. André Mazi reported all the
4 time to General Bombayake about the conduct of the troops in the field,
5 so at all times André Mazi was telling the general that the situation was
6 good between the MLC troops and the FACA. So that is my answer, really,
7 Mr Prosecutor.

8 PRESIDING JUDGE STEINER: Mr Scaliotti, depending on your next
9 question, we can turn into open session. Are you insisting now on the
10 source of his knowledge?

11 MR SCALIOTTI: I think, Madam President, I can just finish with
12 the previous topic, so I think we can just turn back to open session.
13 Thank you, Madam President.

14 PRESIDING JUDGE STEINER: Court Officer, please turn into open
15 session.

16 (Open session at 3.46 p.m.)

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

18 MR SCALIOTTI:

19 Q. Mr Witness, just to finish with the document that you have read.
20 So we have seen that Colonel Moustapha said the MLC troops had been
21 abandoned by the nationals. This is what you read, right?

22 A. Yes, Mr Prosecutor.

23 Q. And that Colonel Moustapha went on saying that there was a lack
24 of communication equipment; is this right?

25 A. No, Mr Prosecutor. Colonel Moustapha had a Thuraya, the same as

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1 the vice-chief of the army staff, Colonel -- General Bombayake.
2 Colonel Moustapha had the same Thuraya. This is why I said earlier that
3 General Bombayake called Colonel Moustapha from time to time and
4 André Mazi was in communications with Colonel Moustapha at all times.
5 Thank you, Mr Prosecutor.

6 Q. Mr Witness, you are referring to a Thuraya but that doesn't
7 answer the question how could the MLC troops in Bangui transmit via radio
8 a message to the MLC headquarters. So they couldn't do that with a
9 Thuraya, and I propose to you that they did it because they had radio
10 transmitters with them.

11 A. Well, before, when they first arrived at the support regiment,
12 these first had the transmission radios which they -- they were given at
13 the support regiment. They first had the transmission radios that they
14 were given at the support regiment, so they used this to communicate.
15 And Colonel Moustapha -- when they crossed PK12, that was when
16 Colonel Moustapha received the Thuraya, because Colonel Moustapha had
17 direct contact with André Mazi and, from time to time, with
18 General Bombayake, whom he called to -- from time to time to clarify
19 orders. Thank you, Mr Prosecutor.

20 Q. Mr Witness, just before we move to something different, I would
21 just like you to observe that this not what Colonel Moustapha stated
22 because he said in his message, as you read, lack of communication
23 equipment. So I'll put to you a final time: Do you agree that if
24 Colonel Moustapha stated that there was -- they had been abandoned by the
25 nationals and there was a lack of communication equipment, they could

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1 only transmit the message to Gbadolite because they had radio with them
2 that they had brought from Gbadolite? Do you agree with this?

3 A. No, Mr Prosecutor. Mr Prosecutor, I don't agree with that. Why
4 not? Because of what I saw, what I heard. The MLC troops were well fed,
5 they were well cared for, they had everything available to them. So this
6 message intrigues me somewhat. I can't reply to this message because the
7 MLC troops were mixed in with the FACA. They were all being treated
8 together, so I can't give an answer to this letter. Thank you,
9 Mr Prosecutor.

10 Q. Mr Witness, do you know if during the conflict, during the five
11 months of the conflict, the MLC troops in Central African Republic were
12 ever provided with any supply or equipment from the MLC headquarters in
13 Gbadolite?

14 A. Could you please repeat the question, Mr Prosecutor? I didn't
15 quite grasp it.

16 Q. Sure, Mr Witness. And I will try to make it shorter. I'm asking
17 you: If, during the period of the conflict, the MLC troops in
18 Central African Republic received any equipment or supplies from the MLC
19 headquarters in Gbadolite?

20 A. No, Mr Prosecutor. They received everything in Bangui, and I
21 repeat that the uniforms, the weapons, the PGAs, food, medicines, and
22 even ambulances were made available to them. So they received everything
23 in Bangui the same day that the MLC troops crossed. So in the
24 president's concession, there was a 40-foot container full of uniforms,
25 so I say again it was in Bangui that they received everything: Uniforms,

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1 weapons, the ranger boots. In Bangui, not sent from Gbadolite. That I
2 saw with my own eyes. Thank you, Mr Prosecutor.

3 Q. Mr Witness, I would like you to be very careful. If you have to
4 give any information leading to your identification for my next question,
5 please let the Chamber know so as to move to private session. But my
6 next question is: You're saying that everything was given to the MLC
7 troops in Bangui by the Central African authorities because you saw that,
8 but how can you know that other equipment or supplies were not sent from
9 Gbadolite? How can you exclude that? And again, if you need to give
10 details that may identify you, please let us know.

11 A. I would like a public session --

12 THE INTERPRETER: Sorry, the witness corrects himself.

13 THE WITNESS: (Interpretation) The private session, please.

14 *(Private session at 3.57 p.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Yes, Mr Witness. You can answer.

17 THE WITNESS: (Interpretation) I would ask Mr Prosecutor to repeat
18 the question, please.

19 MR SCALIOTTI:

20 Q. Mr Witness, my question was the following. You stated that the
21 MLC troops in Bangui received logistics, supplies, equipments, from the
22 Central African authorities because you said you saw that. But my
23 question was: How can you know that the MLC troops did not receive
24 equipments from -- also from Gbadolite, from the headquarters of the MLC?
25 How can you exclude that this happened?

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1 A. Well, I have no idea. But what I'm explaining to the Court is
2 that when the MLC troops crossed, they were based with the support
3 regiment. (Redacted) the residence of
4 President Ange-Félix Patassé where there was a 20-foot container (Redacted)
5 (Redacted). But as to what may or may not have come
6 from Gbadolite, I have no idea. I can't speak to the Court on that.
7 Thank you, Mr Prosecutor.

8 Q. So, Mr Witness, you -- you accept, you concede that there are
9 things that you don't know, things that may have happened despite the
10 fact that you don't know; is this correct?

11 A. That, I don't know. (Redacted)
12 (Redacted)
13 (Redacted) I do not know what happened.

14 Q. Mr Witness, now I would like to talk about these merging of
15 troops that you were talking about this morning, and I would like to ask
16 you if, to answer my questions in this regard, you think we have to stay
17 in private session or we can move to open session because, of course, I'm
18 going to ask you how you know certain things. So maybe it's just safe to
19 stay in private session for a while, and then if it is acceptable for the
20 Chamber, we will see if -- if we really need to stay in private session.

21 MR SCALIOTTI: If it is acceptable for the Chamber.

22 PRESIDING JUDGE STEINER: In principle, many questions of this
23 kind were answered in open session, but with the witness we never know.
24 So let's stay in private session.

25 MR SCALIOTTI: Thank you, Madam President. I also asked the

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1 witness because I have seen that he is very sensitive to that and he
2 asked it. So that's why I asked him, which we normally don't do.

3 Q. Mr Witness, you said this morning that there were these mixed
4 Central African troops in the MLC troops. Can you explain again how do
5 you know that?

6 A. When we arrived at the support regiment, they were initially
7 there, and it was there that they were mixed up, they were merged, and
8 sent to the field. So it was at the support regiment that they were
9 mixed together with the Central African troops. Thank you,
10 Mr Prosecutor.

11 Q. But how could these mixed troops -- so you're saying that it was
12 a mix of troops, Central African and -- with Central African soldiers and
13 MLC soldiers. Is this what you're saying?

14 A. Yes, that is correct, Mr Prosecutor. This is because the MLC
15 troops did not know the town. They had to be mixed with the others who
16 would show them the northern neighbourhoods because they did not know the
17 town, and so they were mixed with the troops of the Central African Army.

18 Q. Wasn't it a problem to identify these mixed units; for instance,
19 for commanders who had to give orders?

20 A. No, that was not a problem because they were all wearing the same
21 uniforms in the field, just like the Central African soldiers. So it was
22 not very easy to distinguish between an MLC soldier and a Central African
23 soldier in the field. Thank you, Mr Prosecutor.

24 Q. Units usually have names; isn't it right?

25 A. I beg your pardon, Mr Prosecutor. Can you repeat?

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1 Q. Is it correct, Mr Witness, that normally a unit is identified by
2 a name?

3 A. Some of them were mixed with the FACA while others were mixed
4 with the USP. The FACA were the Central African Armed Forces while the
5 USP was the presidential security unit. That is how it was,
6 Mr Prosecutor.

7 Q. I'll try to explain once again. I'm not a military person,
8 Mr Witness, so I'm just trying to talk out of common sense, but if a
9 commander at a higher level that -- the commander of the unit has to
10 address a particular unit and give an order, how can the commander
11 identify these mixed units that were just formed at the last minute? Do
12 you understand my question?

13 A. They were split into sections and all the section commanders were
14 Central African nationals, so they were divided into sections.

15 Q. I think, Mr Witness, this doesn't answer my question because I
16 don't understand how a given unit just formed at the last minute with
17 both Central African soldiers and MLC soldiers, how it could be
18 identified? What the name would be of a unit just formed at the last
19 minute with these two different armies. Do you understand my question?

20 A. Mr Prosecutor, please be more specific.

21 Q. I will move to another question, Mr Witness, still with regard to
22 these mixed units. Do you agree that a given unit usually works together
23 and it is trained to work together? Am I right?

24 A. Yes.

25 Q. So the soldiers that are part of a given unit usually work

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1 together, they train together, they obey orders, they move in a
2 synchronised manner; is this right?

3 A. Yes. During the conflict, they were together. The MLC troops
4 were together either with the presidential unit or with the FACA, that
5 is, during the period of the conflict. That is true, Mr Prosecutor.

6 Q. I think, Mr Witness, did you not understand my question. My
7 question was if I understand from you that these FACA soldiers and MLC
8 soldiers were fighting side by side, is that what you're saying?

9 A. Let me point out clearly that the FACA troops were mixed in with
10 the MLC troops, so in a section you would find FACA soldiers and MLC
11 soldiers carrying out manoeuvres together, fighting together, so they
12 were all in mixed units. I hope I am making myself clear, Mr Prosecutor.

13 Q. Yes, Mr Witness, and that is why I'm asking you how could these
14 soldiers coming from different armies work in a synchronised manner
15 without previously working -- without any prior training to work
16 together. Do you understand what I mean?

17 A. Yes, Mr Prosecutor. Let me once again repeat my answer so as to
18 be more precise. These were soldiers who had arrived there to support
19 the Central African Army, so the MLC soldiers were already considered as
20 soldiers. There was no time to train them. They were already trained
21 before their arrival. That is why it was necessary to mix them in units
22 with the Central African soldiers. Because they had just arrived, they
23 did not know the town, so they had to be together, and advance together,
24 and fight together. That was the case, Mr Prosecutor.

25 Q. Just to finish with this topic, Mr Witness, would you agree that

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1 these mixed units with soldiers that never met before, that never worked
2 together, could not fight efficiently and work in a synchronised manner
3 like it should be in an army?

4 PRESIDING JUDGE STEINER: Mr Scaliotti, I'm -- I really, I'm so
5 sorry to intervene, but with no offence, (Redacted)
6 (Redacted). Do you think that this kind of military analysis is
7 appropriate to ask from him?

8 MR SCALIOTTI: Madam President, if you so wish, I will -- I was
9 actually about to finish on this topic, but anyway, I will move to
10 something different.

11 PRESIDING JUDGE STEINER: Can we move into open session?

12 MR SCALIOTTI: Sure.

13 PRESIDING JUDGE STEINER: Court Officer, please, turn into open
14 session.

15 (Open session at 4.15 p.m.)

16 THE COURT OFFICER: We're in open session, Madam President.

17 MR SCALIOTTI: Madam President, I apologise, but the next set of
18 question, actually, I wanted to address something that unfortunately
19 should be in private session. So I'm really sorry. It is a bit
20 unfortunate, but if we can move back to private session.

21 PRESIDING JUDGE STEINER: No problem.

22 Court Officer, please, turn into private session.

23 *(Private session at 4.16 p.m.) Reclassified as Open session

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

25 MR SCALIOTTI:

Witness: CAR-D04-PPPP-0006 (On former oath) (Private Session)
Questioned by Mr Scaliotti (Continuing)

Page 19

1 Q. Mr Witness, I would like to go back again to something that you
2 stated this morning, and I'm referring to transcript 328, page 30, line 8
3 and following. You said that it was André Mazi who controlled the men
4 who were in field. What do you mean by "the men who were in the field"?

5 A. This morning I said that it was André Mazi, deputy chief of
6 staff, who was the chief, the head of the command in the field. So it
7 was more André Mazi who gave instructions to all the MLC soldiers in the
8 field. That is what I said this morning, Mr Prosecutor.

9 Q. Once again, Mr Witness, you said you have never been in the
10 field, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) That's it, Mr Prosecutor.

17 Q. Do you mean (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. This doesn't answer my question, Mr Witness, anyway, because I
22 asked you if (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0006 (On former oath) (Private Session)
Questioned by Mr Scaliotti (Continuing)

Page 20

1 (Redacted)

2 (Redacted)

3 (Redacted) That is all. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). Thank you, Mr Prosecutor.

7 Q. So you were saying that you were (Redacted)

8 (Redacted)

9 (Redacted) is this right?

10 A. Yes. Yes. It was not only (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted). Thank you, Mr Prosecutor.

14 Q. (Redacted)

15 (Redacted)

16 (Redacted); am I right?

17 A. (Redacted)

18 (Redacted)

19 (Redacted). I would like to remind you,

20 Mr Prosecutor, that (Redacted)

21 Q. Mr Witness, do you agree that (Redacted)

22 (Redacted)

23 (Redacted)

24 A. Mr Prosecutor, (Redacted)

25 (Redacted).

Witness: CAR-D04-PPPP-0006 (On former oath) (Private Session)
Questioned by Mr Scaliotti (Continuing)

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1 PRESIDING JUDGE STEINER: Mr Scaliotti --

2 THE WITNESS: (Interpretation) (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: Mr Witness, I would like you to clarify
5 for me this last question put by Mr Scaliotti, but I -- I am not sure I
6 understood your answer, because Mr Scaliotti said that you could just --
7 you could not (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 THE WITNESS: (Interpretation) (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted). Thank you,

17 Mr Prosecutor.

18 MR SCALIOTTI:

19 Q. Mr Witness, this, anyway, doesn't change the fact that you could
20 not (Redacted). Is
21 this correct?

22 A. Let me come back once again to what I said. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0006 (On former oath) (Private Session)
Questioned by Mr Scaliotti (Continuing)

Page 22

1 (Redacted)

2 (Redacted). Thank you, Mr Prosecutor.

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

5 JUDGE ALUOCH: Mr Witness, it appears to me that (Redacted)
6 (Redacted) and most -- are we in private session? Yes, sorry. I was
7 just confirming that we were in private session.

8 But you (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) Do you have any idea? Or this is just how
13 it works?

14 THE WITNESS: (Interpretation) I took an oath to serve my country,
15 and if (Redacted)
16 (Redacted). And once again, I would like
17 to state that (Redacted). Thank you.

18 MR SCALIOTTI:

19 Q. Mr Witness, looking again at the -- at the transcript of this
20 morning when you gave evidence in chief, and I'm referring to page 32,
21 line 2 to 4, you also stated that:

22 (Redacted)

23 (Redacted)

24 Again, how can you state this to the Chamber?

25 A. Yes. When Thierry Lengbe had fled, the president no longer fully

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Questioned by Mr Scaliotti (Continuing)

Page 23

1 trusted André Mazi. So the general took over command, and then he began
2 to give orders to Moustapha. After Thierry Lengbe of the CCOP had fled,
3 the general no longer had full confidence in André Mazi, so that's when
4 he took over command of the operations. Thank you, Mr Prosecutor.

5 Q. I don't think, Mr Witness, you answered my question because I
6 asked you (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted). Thank you,

12 Mr Prosecutor.

13 Q. You stated this morning that (Redacted)

14 (Redacted). Who is this person,

15 Totokoesse? Can you tell me, please?

16 A. Totokoesse was the commander of 124, the liaison commander
17 between the MLC troops and the USP. So Totokoesse was the liaison
18 commander.

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0006 (On former oath) (Private Session)
Questioned by Mr Scaliotti (Continuing)

Page 24

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted). That's

8 my answer, Mr Prosecutor.

9 Q. That is not very clear to me, Mr Witness. (Redacted)

10 (Redacted)

11 (Redacted) Because it

12 seems you are changing your testimony here now.

13 A. I said this morning in my testimony that (Redacted)

14 (Redacted)

15 (Redacted). That was all, Mr Prosecutor.

16 Q. Mr Witness, before we move on from this, don't you agree that

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) That's all I wanted to say. Thank you.

25 Q. Mr Witness, (Redacted), so if I say "chain of

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Questioned by Mr Scaliotti (Continuing)

Page 25

1 command," that's an expression that (Redacted), right?

2 A. Pardon, Mr Prosecutor? Could you repeat the question? I didn't
3 understand it.

4 Q. Of course, Mr Witness. I was telling you, (Redacted),
5 (Redacted)

6 A. Yes, Mr Prosecutor.

7 Q. So considering the chain of command of the MLC, and I mean from
8 the top, from the commander-in-chief, Mr Bemba, to the officers of the
9 MLC that were in Central African Republic, do you know, these officers,
10 whether or not they were involved in the conflict, what their role was?

11 A. I know. I have heard tell of a Congolese officer working in the
12 CCOP. CCOP is the Command and Co-ordination of Operations, and there was
13 an officer from the MLC working there because the CCOP are responsible
14 for planning the operation in the field, and I heard talk of this officer
15 who was called Duku (* phon). So that's it, really, Mr Prosecutor.

16 Q. Let's turn to some of the MLC officers who were at the
17 headquarters of the MLC in Gbadolite. For instance, do you know who the
18 MLC chief of general staff was?

19 A. No, Mr Prosecutor.

20 Q. Do you know whether he played any role during the conflict in
21 Central African Republic?

22 A. Who you are talking about, Mr Prosecutor?

23 Q. Mr Witness, I was referring to the MLC chief of general staff in
24 Gbadolite, and I asked you if you know if he had any role in the conflict
25 in Central African Republic?

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Questioned by Mr Scaliotti (Continuing)

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1 A. During the whole of the conflict in the Central African Republic,
2 the orders were not coming from Gbadolite. Orders were coming from
3 Central African officers. So orders could not have been coming from
4 Gbadolite for Central African troops to follow. The command for the
5 whole conflict was some -- from the Central African Republic and not the
6 MLC. Thank you, Mr Prosecutor.

7 Q. Mr Witness, I asked you that question and you don't even know the
8 name of the MLC chief of general staff. How can you say that you know
9 orders were not coming from -- from Gbadolite from the headquarters? You
10 agree with me that you cannot know that?

11 A. Well, as far as I know, (Redacted)
12 (Redacted)
13 (Redacted) So I can't answer this question, Mr Prosecutor. That's why I
14 would remind you that it was a Central African operation. Thank you.

15 PRESIDING JUDGE STEINER: Mr Scaliotti, can we try turning back
16 into open session?

17 MR SCALIOTTI: Madam President, I -- I'm really sorry, I just
18 would like to conclude with something that the witness said this morning
19 about his role.

20 PRESIDING JUDGE STEINER: Okay.

21 MR SCALIOTTI: So I'll try to make it as short as possible.

22 PRESIDING JUDGE STEINER: No, no --

23 MR SCALIOTTI: Possibly five minutes.

24 PRESIDING JUDGE STEINER: No, no.

25 MR SCALIOTTI: Thank you.

Witness: CAR-D04-PPPP-0006 (On former oath) (Private Session)
Questioned by Mr Scaliotti (Continuing)

Page 27

1 Q. Mr Witness, I would like to now go back to what you stated this
2 morning about your role as a (Redacted). So you said
3 you were a (Redacted). Is this correct?

4 A. That is indeed the case, Mr Prosecutor. I was the (Redacted)
5 (Redacted). I can confirm that.

6 (Redacted)

7 (Redacted)

8 A. That is indeed so, Mr Prosecutor.

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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Questioned by Mr Scaliotti (Continuing)

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1 Q. You also stated, and I'm referring to page 13, lines 14 through
2 16 of the realtime transcripts once again, you said:

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 So you stated yourself that you didn't have generally (Redacted)

7 (Redacted)

8 (Redacted) is this right?

9 A. That is indeed so, Mr Prosecutor.

10 Q. You also stated that you didn't (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). Is this right?

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted). Thank you, Mr Prosecutor.

23 Q. You also stated that you never -- you have never been outside
24 Bangui during the conflict; is this correct?

25 A. During the conflict, (Redacted) did not go outside Bangui. (Redacted)

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Questioned by Mr Scaliotti (Continuing)

Page 29

1 (Redacted)

2 (Redacted). Thank you

3 Mr. Prosecutor.

4 Q. Mr Witness, do you agree that essentially what you told the
5 Chamber about (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. And, Mr Witness, do you agree that you know nothing about (Redacted)

14 (Redacted)

15 (Redacted)

16 right?

17 A. That is indeed so, Mr Prosecutor.

18 Q. So do you agree with me that you miss a lot of information with
19 regard to how things worked with regard to (Redacted)

20 (Redacted)

21 A. It's only the information about (Redacted) I don't
22 have. I had all the information about (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. But again, you have no idea about (Redacted)

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1 (Redacted). Do you agree?

2 A. Yes, I agree with that, Mr Prosecutor. The information coming
3 (Redacted), I don't know about. But the information coming from
4 (Redacted), I am well informed on
5 that subject.

6 Q. Just a final question, Mr Witness. You agree that you are not in
7 a position to help the Chamber understand how (Redacted)
8 (Redacted)

9 A. No. What I said was how (Redacted)
10 (Redacted) --

11 THE INTERPRETER: The interpreter didn't seize the date.

12 THE WITNESS: (Interpretation) (Redacted), I correct.(Redacted)
13 (Redacted)

14 (Redacted)

15 (Redacted). I knew everything about that.

16 PRESIDING JUDGE STEINER: Court Officer, please turn into open
17 session.

18 (Open session at 4.59 p.m.)

19 THE COURT OFFICER: We're in open session, Madam President.

20 PRESIDING JUDGE STEINER: Mr Witness, it's enough for today. You
21 are entitled to take some rest. It's 5.00. We will adjourn and we hope
22 you have a very restful weekend. We will resume on Monday morning at
23 9.00 when you will continue with your testimony.

24 I thank very much the Prosecution team, legal representatives of
25 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much

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1 our interpreters, our court reporters.

2 Mr Rojas, thank you very much.

3 THE COURT OFFICER (via videolink): (Interpretation) Thank you,
4 Madam President. I understand.

5 PRESIDING JUDGE STEINER: Again, thank you very much, and we will
6 be back again on Monday morning at 9.00.

7 The hearing is adjourned.

8 THE WITNESS: (No interpretation)

9 THE COURT USHER: All rise.

10 (The hearing ends in open session at 5.01 p.m.)

11 RECLASSIFICATION REPORT

12 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
13 ICC-01/05-01/08-3038, the version of the transcript with its redactions
14 becomes Public

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