

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Monday, 3 December 2012
8 (The hearing starts in open session at 9.06 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
13 open session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Good morning. I welcome Prosecution team, legal
19 representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo. Good morning
20 our interpreters, court reporters.
21 We will continue today with the testimony of Witness 66 but, before the witness is
22 brought into the courtroom, the Chamber has a short oral decision to be issued. It's the
23 oral decision on the Defence's proposal for the ordering of witnesses and request to
24 convene an ex parte status conference.
25 By oral decision of 20 November 2012, the Chamber approved the Defence's amended
26 03.12.2012

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1 witness schedule for the time period between 18 November and 13 December 2012. In its
2 decision, the Chamber accepted the Defence's proposal to call Witness D-49, D-16, D-18
3 and D-66 prior to the winter recess and further instructed the Defence to explore, together
4 with the VWU, the possibility of bringing at least one additional witness before the winter
5 recess.

6 On 28 November 2012, the Registry filed a confidential report on the feasibility of the
7 arrangements in relation to witnesses' testimony (Filing 2447-Conf). By decision of 30
8 November 2012, the Chamber asked the parties and participants to file their observations
9 on the Registry's report, if any, by no later than 4 o'clock on Friday, 7 December 2012. It's
10 Filing 2448.

11 Also on 30 November 2012, by way of email, the Defence informed the Chamber that the
12 next witness to testify is D04-18. However, the Defence specified the appearance of this
13 witness was still subject to the completion of certain formalities. The Defence further
14 requested the scheduling of an ex parte status conference - VWU, Registry and
15 Defence - in order to discuss the details of any obstacles certain groups of witnesses might
16 be facing in coming to testify at the seat of the Court in The Hague. Finally, the Defence
17 transmitted a proposal for the ordering of witnesses after the winter recess.

18 Concerning the schedule prior to the winter recess, the Chamber asks the Defence and
19 VWU to do their utmost and take all necessary measures to ensure that Witness D04-18
20 can be brought prior to the winter recess. If it appears that it will not be possible to bring
21 Witness D04-18 prior to the recess, the Defence and the VWU shall immediately explore
22 the possibility of bringing an alternative witness and inform the Chamber and
23 participants accordingly. For example, the Chamber notes that the VWU, by way of
24 email of 30 November 2012, anticipates the possibility of Witness D04-44 being brought to
25 testify prior to the winter recess.

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1 The Chamber will take its decision on the Defence's request for an ex parte status
2 conference to convene prior to the recess and the proposed ordering of witnesses for the
3 period after the recess in due course, after having received and considered the parties' and
4 participants' submissions, if any, on the Registry's report.

5 I ask, please, court officer to turn into closed session in order for the witness to be brought
6 into the courtroom.

7 *(Closed session at 9.13 a.m.) Reclassified as Open session

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

9 (The witness enters the courtroom)

10 WITNESS: CAR-D04-PPPP-0066 (On former oath)

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

12 (Open session at 9.14 a.m.)

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

14 PRESIDING JUDGE STEINER: Thank you.

15 Good morning, Mr Witness.

16 THE WITNESS: (Interpretation) Good morning, Madam President.

17 PRESIDING JUDGE STEINER: We hope you had a restful weekend and that you are
18 ready to continue giving your testimony?

19 THE WITNESS: (Interpretation) Yes.

20 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under
21 oath. Do you understand that, sir?

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

23 PRESIDING JUDGE STEINER: I also want to remind you that you are under protective
24 measures that your image and voice that are broadcast outside the courtroom are being
25 distorted so that the public cannot identify you. In order to keep that protection, it's

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1 important, Mr Witness, that during public sessions - open sessions - you don't mention
2 any information that could lead to your identification. Is that fine with you, sir?

3 THE WITNESS: (Interpretation) We'll try.

4 PRESIDING JUDGE STEINER: If you realise that any of your answers could contain
5 information that may lead to your identification, please let us know in advance and we
6 can go into private session.

7 Finally, Mr Witness, once again I need to remind you that you need to speak really slower
8 than normal and that you give the five seconds after a question is put to you before you
9 start giving your answer. It's not an easy exercise, we recognise that, and that's why
10 sometimes I have to interrupt you and to remind you and ask you to slow down, but it is
11 really important in order to facilitate the work of our interpreters and court reporters.
12 I'm sure you understand that, sir?

13 THE WITNESS: (Interpretation) Yes, I do understand.

14 PRESIDING JUDGE STEINER: Mr Witness, today the Prosecution will start questioning
15 you and, for that purpose, I give the floor to Maître Badibanga.

16 You have the floor, Maître.

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

19 QUESTIONED BY MR BADIBANGA: (Interpretation)

20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 Q. During the discussions that we will be having this morning we will probably be
23 coming up against the same problem that you had with Maître Kilolo, notably that we are
24 both speaking the French language. So you will need to give the interpreters time to
25 interpret into English what we are saying and then you also need to give the court

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- 1 reporters time to transcribe everything that we are saying, which means that you really
2 need to speak slowly and you need to wait or observe a pause of five seconds between
3 each intervention. Have you understood me correctly?
- 4 A. I have understood, yes.
- 5 Q. Now, the rules governing these proceedings would have it that proceedings be
6 conducted in open session, as you know. The general public needs to follow what's
7 going on and we shall try and conduct most of our discussions this morning in open
8 session, therefore. As soon as you are under the impression that you are coming up
9 against a difficulty with regard to your security or identity, please merely say that we
10 should move into private session and we shall do so. If I am under the impression
11 subsequent to the question that I have put to you that your response might also identify
12 you, then I shall request that we move into private session.
- 13 On Friday last, you told us that you have been living in Bangui since the year 1996; is that
14 correct?
- 15 A. Yes.
- 16 MR BADIBANGA: (Interpretation) Madam President, might we move into private
17 session briefly so that I can establish --
- 18 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 19 *(Private session at 9.20 a.m.) Reclassified as Open session
- 20 THE COURT OFFICER: We are in private session, Madam President.
- 21 MR BADIBANGA: (Interpretation)
- 22 Q. The following question, Mr Witness, might have been put to you in open session,
23 but I requested that we move into private session so that we can really establish the
24 foundation for this exercise. You said that you obtained the (Redacted)
25 (Redacted). In which year was that, precisely?

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1 A. This was when Maréchal Mobutu left. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted) Do

7 we agree?

8 A. Yes.

9 Q. Now, (Redacted)?

10 A. I believe that I told you that we straddle or overlap the two countries, and at the

11 time that we came over, (Redacted)

12 (Redacted) like those

13 also came over to continue their activities in the field.

14 Q. Through my question what I meant to say was (Redacted)

15 for the entire period of your stay there, that (Redacted) did not change at any given

16 moment in time?

17 A. No, it did not change. As I told you, from that year on I lived in the Central

18 African Republic and I was -- I was living between the two countries. (Redacted)

19 (Redacted)

20 MR BADIBANGA: (Interpretation) Madam President, we might move back into open

21 session, please.

22 PRESIDING JUDGE STEINER: Before we go, I just want a clarification for me. It's not

23 clear that you had (Redacted) during this period?

24 THE WITNESS: (Interpretation) Yes, (Redacted)

25 (Redacted).

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1 PRESIDING JUDGE STEINER: Thank you.

2 Court officer, please turn into public session.

3 (Open session at 9.24 a.m.)

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

5 MR BADIBANGA: (Interpretation)

6 Q. Mr Witness, could you very briefly tell us what constraints you are under when you
7 benefit from the status of political refugee?

8 A. Could you please repeat your question?

9 Q. Could you please tell us which -- what limitations or what things are forbidden
10 when you hold the status of political refugee?

11 A. Yes. Legally speaking, if somebody goes to the CAR as a refugee, as soon as they
12 are issued an identity card enabling him or her to move around, then they are forbidden
13 to return to their secteur, or their country, that they hail from.

14 Q. And as a political refugee, does one have any aid - any subsidy - in order to -- a
15 subsistence allowance, if you like, to keep going, to make ends meet?

16 A. Yes, let us take the example of those people who did not have any means
17 whatsoever. They were taken a few kilometres away from the town, where they were
18 given rugs, they were given some food, but others who had our means, well, we would
19 provide for our own subsistence. However, there was a group of refugees that went to
20 Bossangoa and they would live off humanitarian aid.

21 Q. Bearing in mind the answers that you have just provided us with, notably the
22 answer with reference to constraints associated with travelling, during that stay in Congo
23 and during the five or six years following that when you obtained the status of refugee,
24 was this stay compatible with your status of refugee?

25 A. Legally speaking, it wasn't.

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1 Q. To use your expression again, "Legally speaking, no," could one therefore say that
2 this stay or these journeys were illegal?

3 A. Indeed, yes, they were illegal.

4 Q. Please remember to wait those five seconds. You can see that I'm making the effort.
5 Now, your business activities between the two countries, were they compatible with your
6 status of political refugee, or was this once again an illegal activity?

7 A. Well, it was compatible because there were shop-holders, there were warehouse
8 managers who lived on the other side, so our activities were not affected, and when we
9 were conducting our business transactions on the other side, in view of the fact that I was
10 there I was always in charge of shipping because it was compatible. It didn't have any
11 effect on my personal activities, or title.

12 Q. So the fact that you had business partners - Congolese business partners - had
13 nothing to do with your status of political refugee in the CAR, did it?

14 A. I believe that I was not stopped from doing anything. I wasn't arrested. There
15 was no effect. I just carried on to the very last day, and I am not a man of legal training,
16 nor do I know the law to be able to say that I have the freedom to do so. If I was stopped
17 from doing it, I might have taken the necessary measures, but I wasn't stopped.

18 Q. Now, amongst the various customers that you mentioned when you were
19 cross-examined by Mr Kilolo, it seems to me that the Kabila government was one of your
20 customers, your clients; is that correct?

21 A. I said so, yes, because in Zongo, there was the mayor of the town; there was the
22 various army commanders there in Zongo and (Redacted).

23 Q. Well, we're not going to go back to the whole issue of your asking for political
24 asylum - that's not necessary for the requirements of this Chamber - but could it be said
25 that to be recognised as a political refugee you would have had to explain to the CAR

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1 authorities or to the office of the High Commissioner for refugees, to the authorities, that
2 you could not stay in the Congo for political reasons, and if you were, your very life, your
3 survival, would have been at risk; is that correct?

4 A. Yes. Well, you see, I was very clear. I said that when -- after Mobutu's regime
5 came to an end, we crossed over to the CAR, and each exiled person was put the same
6 question. However, once you get the yellow card, which means that you have been
7 registered as a refugee, you were free to move about within the town or within the whole
8 country of the CAR, but in our case, once he came to power, he asked all of us, and the
9 others were able to go back, but we, well, we were able to cross back but we kept the
10 yellow card. That is what we did.

11 THE INTERPRETER: Interpreter correction: The witness mentioned the AFDL taking
12 power.

13 MR BADIBANGA: (Interpretation)

14 Q. Now, you mentioned going back to the DRC and you said that this was illegal
15 because of your status, so my question is this: You are -- you said to the CAR authorities
16 that you were entitled to protection because you were a political refugee and, on the basis
17 of that statement, they gave you that status; you were a political refugee. Then, at the
18 same time, you were conducting business with the political authorities in the Congo and
19 you said that you needed to be protected from the system. So are those two things
20 compatible?

21 A. Well, I've told you and let me reiterate. As soon as the AFDL took power, they
22 asked the Congolese, who were in exile in the CAR, to come back to the DRC and since
23 we -- we had made arrangements to remain in the CAR, we crossed over like everyone
24 else and we came back to the CAR as we wished. So I said quite clearly that the two
25 countries, you could go -- you could cross over, and there was another spot further down

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1 where you could also cross over without showing papers, necessarily. So we were living
2 between the two countries. We were astraddle the two countries, so to speak.

3 Q. Now, when Mr Kilolo asked you about the taxes you were paying or not paying
4 during that entire period of time, you answered saying that you had not registered, that
5 your business activities were not registered; is that correct?

6 A. Yes. In the CAR I did not have any papers showing that I was a merchant.
7 However, in the DRC I had my business number for my business activities and -- but I did
8 not have to pay taxes in the CAR. I just had to pay for things that I brought over. When
9 I brought them over, I paid at the customs.

10 Q. If you were not registered that means that officially, the CAR authorities did not
11 know that you were engaged in such activities?

12 A. I think that -- well, if there's a service at the port that represents the state, well, it's
13 the customs office, the immigration people. They saw me going to and fro.

14 Q. And the CNR was also informed, when they saw you at the port?

15 A. As a refugee, I did not want to be seen by the CNR. They might take my card away
16 from me so I stayed far away from them.

17 Q. Well, this gets back to the question that I put to you earlier: Were your business
18 activities between these two countries compatible with your status as a refugee, and you
19 said that there was no problem. Now, in this answer that you're giving us, well, it means
20 that if the CNR was aware of these activities, they would have taken your political status
21 away from you; isn't that so?

22 A. Well, that's what I'm saying.

23 Q. Well, if we sum up this particular issue, Mr Witness, you got the status of political
24 refugee. Then, for at least six years, you were utterly in violation of your requirements,
25 going back and forth as you wished. For those six years you did not tell the CNR that

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1 you were engaged in business activities, fearing for the loss of your status. During those
2 same years you did not pay any taxes and you did not register in the country that had
3 given you shelter. Are the Judges of this Court in a position to attach any credibility to
4 what you're saying, if you are guilty of such fraud?

5 A. Well, you're the one saying that it's fraud. I'm saying that there was a justice
6 system in place and I was not criticised for anything. I think that when it came to my
7 business activities, I was subjected to a number of checks and I didn't have problems.
8 The way we lived in the DRC and the CAR, I've told you, we were living in the two
9 countries. We were going back and forth, and I think that the response -- I think the
10 authorities were aware that we were living in the two countries so that we were going
11 back and forth. There were the channels in the Congo, coming back, the MLC in the
12 Équateur province. That allowed us to go back to the country and we conducted our
13 business properly, but that doesn't mean that for six years I was unable to do anything
14 and, well, if there was a problem, they would have criticised me, or done something.
15 Right now, if you go to the border between the two countries, you'll see that there are
16 people going back and forth without papers, and some person might spend three years in
17 one country and then go back. I think you'll see that there are Congolese travelling about
18 without papers, so it's -- it's difficult to really monitor that sort of thing in our part of the
19 world. You're saying what you're saying, but I really did not have any problems. I was
20 not subjected to any constraints.

21 Q. You said earlier that you didn't inform them and that -- didn't you say that you were
22 afraid of losing (Redacted)? So, if they weren't informed, they couldn't impose any
23 constraints on you?

24 A. I think they were aware but they didn't catch me, because if the -- if the statement (Redacted)
25 (Redacted) -- well, if (Redacted) and, you see, there were trucks -- what -- I

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1 had trucks so what would I have been doing with a truck, or with trucks? They knew I
2 was conducting business. They didn't keep me from doing my business. They let me
3 go about doing my business, so I was transporting goods (Redacted). I had my status as
4 a refugee.

5 Q. We are in open session, so please don't give any information that could identify you
6 specifically. Just tell us this: Are you still having business dealings with the Central
7 African Republic?

8 A. No. On 15 March, when Bozizé came to power, I left. I left
9 everything -- correction, I lost everything in the CAR. Everything was looted from me.

10 Q. Could you tell us the circumstances under which you left the CAR on 15 March 2003?
11 Could you do this in open session, or would you prefer that we go into private session?

12 A. I'd prefer us going into private session.

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

14 *(Private session at 9.44 a.m.) Reclassified as Open session

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

16 MR BADIBANGA: (Interpretation)

17 Q. Witness, what were the circumstances under which you left the CAR on
18 15 March 2003?

19 A. Well, as I told you, and as I told Mr Kilolo, at one particular time (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted).

4 Q. Now, since we're are in private session, could I ask you how are you supporting
5 yourself these days, Mr Witness?

6 A. Could you repeat? I haven't understood.

7 Q. I was asking you what do you do now? Do you have a job, some sort of activity
8 that allows you to get by?

9 A. (Redacted)

10 (Redacted)

11 MR BADIBANGA: (Interpretation) We can go back into open session now.

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

13 (Open session at 9.47 a.m.)

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

15 MR BADIBANGA: (Interpretation)

16 Q. Now, on Friday, Mr Witness, you said this: You said that you had family members
17 in the CAR. And please don't give any specific details, but just speaking generally, is
18 that correct?

19 A. Yes.

20 Q. Would it be odd for someone from the Congo to have family members in Bangui?

21 A. Well, it's not particularly out of the ordinary. Such things happen. For example,
22 you might have ancestors back in the other country. I have my aunt, my brother and
23 others in the CAR. We might go and visit them or go spend holidays with them. So,
24 yes, we do have relatives in the CAR at the present time. Yes, I do have family members
25 there.

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1 Q. Well, you see, Witness, the Defence asked you exactly the same question on Friday
2 and I purposely used the very same words as Mr Kilolo, and I make reference to Friday's
3 transcript, 30 November, that's transcript 279, transcript 279, French version, page 67, line
4 26 and on to the following page. In the English version, page 61 as of line 3 and
5 onwards.

6 Now, Witness, I asked you that question repeating the very same words as the ones used
7 by Mr Kilolo because your reply was completely different, and your answer had nothing
8 to do with the question; it was quite unrelated.

9 Mr Kilolo asked you: Would it be unusual for someone from the Congo to have family
10 members in Bangui? And you explained to him that there was a difference between
11 Sango and Lingala, but everyone spoke Lingala beyond the borders and everyone spoke
12 Sango, and there were several different ethnic groups, but my question was the following:
13 Were you briefed to give such a reply as you did Friday, because there was no link
14 between the question and the answer you gave?

15 A. I think that you asked me the question to ask me whether I personally had family
16 ties in the CAR. If you're saying that it was the same question that Mr Kilolo asked me, I
17 would say no, that's not so, because he asked me whether in my part of the world,
18 whether between the Congolese and the Central African Republic, there were any links in
19 term of language or dialect; and you asked me whether I had links to the CAR, and I said,
20 "Yes, I have relatives in the CAR." So I think there's a major difference between the
21 question that you put to me and the question that Mr Kilolo put to me.

22 Q. Well, Witness, you know, ever since Friday the Presiding Judge has been insisting
23 that we speak slowly because, you see, there are people here whose job it is to transcribe
24 the words that are spoken here by everyone. So what I've said to you is actually to be
25 found in a document - a transcript - and I gave the reference and, if I said to you that

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1 Mr Kilolo's question was exactly the same as mine, it's because I used the very same
2 words.

3 He said to you: "Is it unusual for a Congolese person to have family members in the
4 CAR?" And you answered, "Well, Sango isn't like Lingala," and so on and so forth. So
5 it was indeed the same question that I put to you today, and I see that your answer
6 is -- well, today you are answering the question. On Friday you answered -- you told us
7 about something else, so you weren't briefed in response -- regarding your response?

8 A. Today's question is not correct in comparison with Mr Kilolo's question. I reiterate
9 you asked me, but Kilolo's question was about the difference between a Congolese person
10 from the DRC and a Sango -- and someone -- and a Congolese person speaking Sango, so I
11 think that's what the question was. So I think you should check. I think you're the one
12 who is off track. I think your question is a bit off track.

13 Q. Well, I'll trust the Judges for that. I think they will check that point. Now,
14 without giving any details that would identify you, and don't talk about specific places or
15 possible meetings that might have been held, but I would like to ask you about your
16 contacts with the Defence team of Mr Bemba. When was the first time you were
17 contacted by Mr Jean-Pierre Bemba's Defence team?

18 A. The ones who are here? Is that what you're asking about?

19 Q. No. I'd like to know when did the first contact occur with a member of the Defence
20 team of Mr Jean-Pierre Bemba, whether they're here in the courtroom right now or not?

21 A. Okay. I think -- well, I didn't tell you, but I explained that in March I met Mr Kilolo.
22 He called me on the telephone and asked me whether he could go to my country to talk,
23 and I said, "Well, I'll be in Brussels soon." I got to Brussels. Since he had -- well, he had
24 called me and he had given me his number, so I let him know that I was in Brussels, but in
25 the evenings I would be travelling. He called me back and he mentioned a number of

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1 things, and we talked for about 15 minutes and then off he went. After that, I finished
2 my various errands or my business in Brussels. I went back home to my country. So
3 that's how it happened.

4 The other time he called me and -- well, that was the second time he called to tell me that I
5 would have a visitor, that someone from Moreno's office would visit me, and I said I
6 would be in contact with Mr --

7 THE INTERPRETER: Inaudible.

8 THE WITNESS: (Interpretation) -- here at the Court. So there was that contact as
9 well.

10 MR BADIBANGA: (Interpretation)

11 Q. You just mentioned telephone contacts. Did you actually have face-to-face
12 meetings as well?

13 A. Yes, I told you we saw one another in Brussels. I saw him in Brussels. It was
14 maybe a 15 or 20-minute meeting.

15 Q. Who was the second person?

16 A. Someone that he worked with. I don't know that person's name.

17 THE INTERPRETER: Interpreter correction: The interpreter believes the witness
18 mentioned a Mr Kun, K-U-N, in the previous answer.

19 MR BADIBANGA: (Interpretation)

20 Q. Do you recognise?

21 A. Yes, I do.

22 Q. Could you tell us where that person is?

23 A. Behind the lady.

24 MR BADIBANGA: (Interpretation) For the purposes of the transcript, let us make clear
25 that the witness seems to be referring to the case manager, Jean-Jacques, who is sitting

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1 behind Ms Gibson.

2 Q. Now, other than this meeting in Brussels with those two people, did you meet with
3 any other Defence team members?

4 A. No, just here, the day I got here, I met Mr Kilolo for the second time. That was the
5 second time that I met him.

6 Q. Now, when I asked you the question, and I'll try to repeat the exact words, I said -- I
7 said "other than the people here." Did you meet any other members of the Defence team
8 who are not here?

9 A. No, I thought -- I thought that when you were asking me the question you were
10 asking about people in the CAR during the time of the events.

11 Q. Now, the trip you made to Brussels, did you pay for that yourself, or was the travel
12 covered by someone else?

13 A. No, I said I came to Brussels for business purposes and I -- I paid for that trip out of
14 my own pocket. We spoke on the telephone and the second time he --

15 THE INTERPRETER: Inaudible.

16 Interpreter correction: He did not give me a dime.

17 MR BADIBANGA: (Interpretation)

18 Q. So you did not receive any compensation for any expenses?

19 A. No, not at all. He didn't even buy me a Coke.

20 Q. During that meeting, were any notes taken during that meeting? Was anyone
21 jotting down any points during the discussions?

22 A. Yes, the other was writing when I was talking to him.

23 PRESIDING JUDGE STEINER: Mr Witness -- I'm sorry, Maître Badibanga. Don't forget
24 the five seconds, Mr Witness, please.

25 THE WITNESS: (Interpretation) Thank you.

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1 MR BADIBANGA: (Interpretation)

2 Q. During those discussions, did they help you to prepare for your testimony in the
3 Court?

4 A. Maître Kilolo asked me some question, "Mr So-and-so, we're sorry to call you. My
5 name is this and that and I have come to find out from you such-and-such information."

6 THE INTERPRETER: The witness mentions his name.

7 THE WITNESS: (Interpretation) Then I said that, "There is no difficulty. If you need
8 me, I will answer," but he didn't say anything else. He didn't tell me the questions they
9 would be putting to me and how to answer and so on and so forth. He didn't tell me
10 what the Court was going to ask me. He simply asked me about what had happened in
11 2003 and asked whether I was aware of what happened in 2002 and 2003.

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

14 PRESIDING JUDGE STEINER: Court officer, please.

15 *(Private session at 10.02 a.m.) Reclassified as Open session

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

17 MR BADIBANGA: (Interpretation)

18 Q. Witness, in spite of all our efforts, every now and then we can make a small mistake.

19 A. I'm aware of that.

20 Q. I simply want to reassure you that everything that is said here in the courtroom is
21 broadcast outside with a lag of about 30 minutes, and during those 30 minutes the
22 Presiding Judge can ask that certain words from your testimony be wiped out.

23 A. Thank you.

24 Q. So, this is what happens. You just mentioned your name and this will be taken out
25 of the texts, and those who are listening to us outside this courtroom will not be able to

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1 hear this information because it will be taken out. So I urge you to be very careful. This
2 is not an easy exercise but, since we are here and if we are in open session, please just say,
3 "Yes, we met," but do not mention your name.

4 A. Well, this is -- this is very difficult and I'm talking about things that happened and it
5 would be spontaneous for me to talk about these things, so maybe if we were to proceed
6 in closed session that would be fine.

7 Q. Whenever we have to deal with any such information that may disclose your
8 identity, please, we will go into private session.

9 THE INTERPRETER: Overlapping speakers.

10 PRESIDING JUDGE STEINER: Maître Badibanga, could you please just confirm for the
11 Chamber exactly the page and line in which the witness mentioned his name, because it
12 does not appear in the English transcript?

13 MR BADIBANGA: (Interpretation) I have just asked our team to provide the reference,
14 and ordinarily it would be page 22, line 25.

15 PRESIDING JUDGE STEINER: So here when we have, "Mr So-and-so," I presume?

16 THE INTERPRETER: Madam President, the interpreter simply said that the witness had
17 mentioned his name.

18 MR BADIBANGA: (Interpretation) I was talking to the witness about his discussions
19 with Maître Kilolo, and in the French version it's page 21, line 19, and I said to the witness,
20 "During those discussions, were you assisted with preparing for your testimony?" And
21 in answer the witness at line 19 said, "Maître Kilolo asked me some questions and then
22 went on to say, "(Redacted), we are sorry to have called you, and so on and so forth, and
23 that's where I talked about the so on and so forth."

24 Can we proceed? It would appear that there is less of a problem in the English version
25 than the French version, because in the French version the name is clearly mentioned.

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

2 (Open session at 10.07 a.m.)

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

4 MR BADIBANGA: (Interpretation)

5 Q. Witness, we are in open session now and we need to continue to be careful not to
6 disclose your identity. Now, would it be correct of me to summarise as follows: That
7 you said that you were not a member of the MLC; is that correct?

8 A. Yes.

9 Q. You also said that you did not know Jean-Pierre Bemba personally; is that correct?

10 A. Yes.

11 Q. You also testified that you knew nothing about the military or political affairs of the
12 MLC; is that correct?

13 A. Yes.

14 PRESIDING JUDGE STEINER: Yes, Maître?

15 MR KILOLO: (Interpretation) With your leave, your Honour, I think it might be proper
16 for the references to be provided so that we can carefully follow the questions that are
17 being put to the witness.

18 PRESIDING JUDGE STEINER: Yes, Maître Badibanga.

19 MR BADIBANGA: (Interpretation) Your Honour, I believe that when one makes such
20 a short summary on specific points, as I have referred to, to which the witness could say
21 "Yes" or "No," I think that would be asking for too much if we went into these references,
22 but otherwise, if Mr Kilolo were to be satisfied, then I will proceed differently.

23 Q. Now, Mr Witness, rather than saying that you didn't know anything about the MLC
24 business, let me put the question to you differently. Did you know what the business of
25 the MLC was and were you involved in their business?

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1 A. No.

2 Q. Witness, were you involved in the MLC intervention in the Central African Republic;
3 the military intervention by the MLC in the Central African Republic?

4 A. What do you mean by "military intervention"?

5 Q. Did you play any role? Were you one of the members of the troops that were in the
6 Central African Republic, or were you one of the actors during that military intervention
7 by the MLC in the Central African Republic?

8 A. No. Well, (Redacted) but nothing to do with the politics and the
9 military activities. No, nothing.

10 Q. Against that background, I would like to know what is the reason for your coming
11 here to testify? What contribution have you come to make in this case?

12 A. I have already told you that Maître Kilolo called me once and then I met him in
13 Brussels, and then I also received a phone call from one of the members of the Court,
14 whose name is Kun. He called me on the phone. We were in Kinshasa. We met and
15 we had a discussion. Then he explained to me the following: "Mr Witness ..." --

16 Q. I interrupted you, Witness, because I was not referring to the procedure, or what
17 happened between you and any other one in relation to your travel. My question was
18 specifically about you, about your motivation for coming to testify. You said you were
19 not involved; you were not a member of the MLC; you did not know anything about the
20 political and military activities of the MLC.

21 Now, when you were invited to come and testify, what is it that motivated you to agree or
22 to come and testify before this Court?

23 A. I came to testify because I was in Bangui and I knew a little bit of what happened
24 there at the time in 2012/2013 (sic). I left the Central African Republic on the 15th, shortly
25 after President Patassé left and President Patassé (sic) arrived -- Bozizé arrived, rather,

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1 and (Redacted) and they wanted to find out from me whether I

2 knew a little bit about these things and I said, "Yes," and it is within that context that I

3 agreed to appear before the Court and testify.

4 Q. Witness, do you have any contacts with Mr Jean-Pierre Bemba's family members?

5 A. I know the Bemba family, but when you say "contacts with the Bemba family or
6 relations with the Bemba family," it's a bit difficult to -- to answer that.

7 Q. Are you in contact on a regular basis, or not, with any members of Mr Bemba's
8 family?

9 A. No.

10 Q. What do you mean by, "I know Jean-Pierre Bemba's family"?

11 A. Well, the Bemba family, without speaking about Jean-Pierre specifically, Bemba was
12 a big businessman in the Central African Republic -- in the DRC, who was known by
13 everybody. He was someone from the Équateur. The Équateur is in the DRC.
14 Jean-Pierre Bemba, talking about him now, was a leader, he was the leader of a movement,
15 and then he became the vice-president of our country. He is a senator and I know him,
16 and it is in that context that I can assert that I know the Bemba family.

17 PRESIDING JUDGE STEINER: Maître, if you would allow me?

18 Mr Witness, just a -- to understand exactly what kind of relationship you have with
19 Mr Bemba or his family. I noticed from many times yesterday, and right now, and I will
20 be back to the Defence with the references on the yesterday's transcript, yesterday,
21 Friday's transcript, that I heard many times you called Mr Bemba in a very informal way.
22 Many times you called him "Jean-Pierre." Other times, as now, "Bemba", "because
23 Bemba," and it sounds, I must confess, a little bit strange because all persons present here
24 and other witnesses always referred to him as "Mr Bemba." So do you have any form of
25 more personal contact that allows you to call him by his first name?

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1 THE WITNESS: (Interpretation) There are many ways of speaking, African and
2 European. Now, if I were to speak about somebody directly, I use the father's name, and
3 that's the name that Mr Jean-Pierre Bemba used. So when I say "Jean-Pierre," it is my
4 way of speaking, just as I can refer to "Maître Zarambaud" or I can say "Zarambaud," or I
5 can look at -- what's the name now? I can look -- I can say "Maître Kilolo." It's just my
6 own way of speaking and it's my upbringing.

7 MR KILOLO: (Interpretation) With your leave, your Honour, let me refer to the
8 transcript, French version, T-279 of 30 November 2012, at page 16, line 6 and follows.
9 You will see that this witness, when speaking about President Kabila, also said "Kabila,"
10 "Kabila's army." When he referred to late President Mobutu, he also said, "When
11 Mobutu left." I simply want to draw your attention to that point.

12 PRESIDING JUDGE STEINER: I understand, Maître Kilolo. I just -- on Friday I thought
13 it was interesting that he was referring to Mr Bemba as "Jean-Pierre," by the first name,
14 but anyway it's not relevant. It's just for clarification on the level of intimacy that the
15 witness is saying he has no -- is not privy to Mr Bemba's family, or Mr Bemba's circle --
16 more close circle of acquaintances.

17 Mr Badibanga?

18 MR BADIBANGA: (Interpretation)

19 Q. Witness, on this point, the President took the wind out of my sail, but we will return
20 to that issue subsequently. Now, you said that you lived in Bangui since 1996; is that
21 correct?

22 A. Yes.

23 Q. And that you left the Central African Republic on 15 March 2003?

24 A. Yes.

25 Q. Well, I want to remind you of the five-second rule. When I raise my hand, please

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1 note accordingly.

2 So you were in Bangui between October 2002 and March 2003; is that correct?

3 A. Yes, I was in Bangui.

4 Q. One could then expect that you saw the MLC arrive in Bangui, because you were
5 living there at that time; is that the case?

6 A. Yes, that's absolutely correct.

7 Q. One could also imagine that you were also there when they arrived in Bangui in
8 2001, that's one year before?

9 A. No. In 2001 when they arrived, I was not there but, in 2002 when they came, I was
10 in Bangui.

11 Q. Very briefly, to situate you, you said in your previous answer - the interpreter
12 corrects - that you had travelled. Now, were you away for the entire period, or what
13 happened?

14 A. When I came back, they were already there and things had already calmed down.

15 Q. How long did they stay in the Central African Republic in 2001? Do you
16 remember?

17 A. No, no, I don't.

18 Q. Do you know whether at that time there were any rumours or any complaints or
19 any information alleging any crimes or offences against the population?

20 A. In 2001, well, it was former President Patassé who was in power, and they had come
21 to defend him, and we did not hear any such things.

22 Q. Now, let us talk about 2002, when you were present. Did you see them moving
23 about in Bangui?

24 A. I who am talking to you, I told you that I met them at Camp Béal, because I was in
25 contact with the military officials (Redacted), but to talk

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1 about seeing them move about, no. I was in contact with the commanders who would
2 come by, but the troops proper did not really come to town, as such.

3 Q. What were people talking about, or what did people say, when they arrived in
4 October 2002?

5 A. I went to the port towards the end of the month of October. I (Redacted)
6 (Redacted), and that is when the MLC troops arrived and, for the population, it was an arrival
7 that was one that brought freedom and liberation because they, the people, felt that their
8 arrival was going to put an end to the war.

9 Q. Do you know the towns within the CAR to which the MLC troops went, between
10 October 2002 and March 2003?

11 A. I -- I don't know. I knew -- I knew that they were in Damara because I had relatives
12 in Damara. I was at PK55, with the owners of the (Redacted). Now, but I cannot tell
13 you whether they were everywhere. I'm not aware of that.

14 Q. Do you know where the headquarters, or the base, of the MLC was during the
15 2002/2003 period?

16 A. That was a little bit difficult. I came to Camp de Roux (Redacted)
17 (Redacted), I believe, and when the soldiers came, they came along with the soldiers of the
18 Central African Republic. What I know is that everybody came to Camp de Roux before
19 going to the front, and there was no distinction as to who was an MLC soldier and who
20 was a soldier of the CAR.

21 Q. Do you know where Colonel Moustapha's residence was located, while he was in
22 Bangui?

23 A. I can say no, but once (Redacted), but I think
24 he was at Camp de Roux, or rather, Camp Béal I would say.

25 Q. Do you know where Commander René's residence was located when he was in the

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1 Central African Republic?

2 A. I can only provide the same answer to that question.

3 Q. Would that be the same answer to the other MLC officers, if I were to put the
4 question to you about their residence, or are you aware of any other residences?

5 A. The officers were regularly in contact with me, but I never got to know the location
6 of the residences of any of the officers in Bangui.

7 Q. Without mentioning your name, or any information that can disclose your identity,
8 please follow me as I mention a number of towns, and you tell me whether you ever went
9 to those places during that period. During October 2002 and March 2003, did you go to
10 Bossembélé?

11 A. Unfortunately, I never went to Bossembélé before leaving the Central African
12 Republic.

13 Q. Did you go to Boali?

14 A. Boali? No.

15 Q. Did you go to Sibut?

16 A. Sibut? No.

17 Q. Did you go to Bossangoa?

18 A. Bossangoa? No.

19 Q. Did you go to Bozoum?

20 A. Bozoum? No.

21 Q. Did you go to Bouar?

22 A. Bouar? No, but I know Bouar. I have passed through Bouar once.

23 Q. Did you go to Mongoumba?

24 A. I know Mongoumba, but during that time I did not go to Mongoumba.

25 Q. Even in connection to your business, you did not need to travel to any of these

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1 locations? If I understand clearly, you said you'd been to Bangui, Damara and PK55.

2 Are those the only three locations?

3 A. Yes. Yes, those are the locations to which I went during that period from 2002 to
4 2003.

5 MR BADIBANGA: (Interpretation) Madam President, by precaution I would like to go
6 into private session for this question, please.

7 *(Private session at 10.30 a.m.) Reclassified as Open session

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

9 MR BADIBANGA: (Interpretation)

10 Q. Mr Witness, in Friday's court record, last Friday, that is -- that's page 54, lines 19 to
11 25, in the French version -- I'm sorry, that's the English version. That's the English
12 reference. That's lines 19 to 25, page 54, and in the French version it's page 61, lines 14
13 and 21. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. And why was it that they could not go (Redacted)?

23 A. I do not know the reason why, but because (Redacted)

24 (Redacted)

25 (Redacted) the soldiers did not want to see -- appear in front of the population. They would

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1 rather that (Redacted)

2 (Redacted)

3 (Redacted)

4 THE INTERPRETER: Madam President, could the witness please be requested to slow
5 down? He has sped up again.

6 MR BADIBANGA: (Interpretation)

7 Q. We have understood that you are doing your job, or you were doing your job. It
8 (Redacted)

9 (Redacted). Now, you said that they couldn't do it themselves. You repeated this, page 34
10 in the French version, lines 1 and 2. You said that this meant that they could not go and
11 purchase things themselves. They had to order things. Why was it that they could not
12 go (Redacted)?

13 A. Well, this was their internal business. I couldn't put the question to them.

14 MR BADIBANGA: (Interpretation) Madam President, might we move back into open
15 session please?

16 PRESIDING JUDGE STEINER: Court officer, please, open session.
17 (Open session at 10.34 a.m.)

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

19 MR BADIBANGA: (Interpretation)

20 Q. In view of the fact, Mr Witness, that you were there throughout the duration of that
21 period and that you had the opportunity to see them on a number of occasions, could you
22 please describe to us the uniform that the MLC soldiers were wearing?

23 A. They were wearing Central African Republic military uniform. They had the same
24 uniform on.

25 Q. It might be that my question will seem obvious to you: How is it then that you

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1 knew that the people that you had dealings with were Congolese, and not from the CAR?

2 A. I did not have dealings with all soldiers. As I said, I told you that I had contact
3 with Moustapha, with René, who were officers who were taking care of their troops, and
4 when Moustapha was there his two bodyguards had the same military uniform as himself.
5 I knew Moustapha and René well, but I did not know the names of the other individuals.

6 Q. But how is it that you knew that the individuals that you saw were Congolese and
7 not Central African because they were wearing a Central African uniform?

8 A. I believe that this is an easy thing to understand. When I see Maître Badibanga
9 wearing his black robe, I can see Maître Badibanga. I know that it's he. It is he. If I see
10 Maître Zarambaud sitting by his side, I know who he is. Of course you can understand
11 these things, the difference notably. I knew the Central African soldiers, I knew who
12 they were, and I knew Moustapha who was not Central African, but he was Congolese,
13 but he was in the CAR. This is easy to understand.

14 Q. I do agree with you. Is it also easy to understand that the Central African Republic
15 population could also recognise Congolese individuals?

16 A. Yes, there are certain people from the CAR who know the DRC well, and before
17 Moustapha and René arrived they would familiarise themselves with the Central Africans
18 who went there.

19 PRESIDING JUDGE STEINER: Mr Witness, slow down please. It's making difficult the
20 work of our interpreters.

21 THE WITNESS: (Interpretation) Thank you.

22 MR BADIBANGA: (Interpretation)

23 Q. Mr Witness, could you very briefly just explain to us where the Banyamulengue
24 term comes, that term Banyamulengue to describe the soldiers? Would you know why
25 the Central Africans described the soldiers as such?

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1 A. I thank you. Banyamulengue is a tribe from the CAR -- from the DRC, correction,
2 DRC, and those leading the troops, notably Moustapha, I believe that he must be
3 Banyamulengue, and as he introduced himself as a Banyamulengue all the soldiers
4 present were called Banyamulengue.

5 Q. And were all the soldiers present in the Central African Republic territory
6 Banyamulengue? Were they all called Banyamulengue or was this only applied to the
7 MLC soldiers, this term?

8 A. As I indicated, when Moustapha arrived in the CAR, he said he was
9 Banyamulengue, and all the Congolese soldiers by his side, who had come with him, were
10 called Banyamulengue.

11 Q. Were you there when the Banyamulengue left in March 2003?

12 A. I arrived -- or I left the CAR at 11 a.m. on the 15th and it was after me that the
13 soldiers left.

14 Q. Do you know under what circumstances the Banyamulengue left the Central
15 African Republic in March 2003?

16 A. Yes. On 15 March, (Redacted), and I went to the
17 other side in order to prepare (Redacted). I was going to get a goat ready so that we
18 (Redacted).

19 Now, in Zongo we knew that the MLC soldiers had to go home because there was a
20 contingent that had come for the security of the republic and I had just come over when I
21 heard that there was gun-fire at PK12, so we saw soldiers starting to go home and we
22 could see that things were not working, and this was the end of the situation.

23 Q. You just said at line 23 of the French version - Madam President, that is page
24 37 - you just said that, "We, generally speaking, knew that the MLC soldiers had to go
25 home or were to go home." So did you or had you heard at an earlier stage that the MLC

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1 soldiers were to go home to the DRC?

2 A. Yes, because there had been an agreement. There had been some soldiers who had
3 come to provide security for the town. Everyone was aware of this in the Central African
4 Republic and we knew that the MLC soldiers had to leave, and in view of the fact that I
5 had brothers, well, you know, we had to sort of wrap up our various business deals.
6 They paid me in francs and that was on the 14th. They said to me, "Well, of course, we're
7 going to leave the country," so we calculated everything and they paid me in Camp Béal.
8 And I went home because they could not do their job, they could not provide security,
9 they had to leave, and on the 15th I knew that they were going to make the crossing. I
10 was -- as I said, (Redacted) on the other side. I heard that things were
11 getting hot on the other side, heating up.

12 Q. Mr Witness, you said last Friday, in the French version that was page 67, lines 20 to
13 22 -- and I believe, Madam President, that this corresponds to page 61 of the English
14 version. I think we're going to check, or we shall check the reference immediately.
15 Now, you said this about your departure, Mr Witness. I quote, "On 15 March I fled in
16 (Redacted) and that people wanted to
17 attack me." Can you confirm this?

18 A. Well, there we are.

19 Q. I just wanted to have you observe that we are in open session. If you find it
20 difficult we can move into private session, but otherwise we can quite simply relate what
21 happened without identifying yourself by location, or by a person by your side.

22 A. I fled from Zongo. As I said to you, I fled on 15 March. I could not leave the
23 country. I did not have the intention of leaving the town under such circumstances. I
24 had my family. I had my children. I fled, I abandoned my family and all my goods and
25 possessions, so I did not have the intention of leaving forever.

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1 Q. And all the (Redacted) with the MLC at any moment in time,
2 did they have to flee the country?

3 A. Yes, indeed. I believe that we all fled, because that morning they left to go and
4 work in Zongo and they stayed there. We had all fled. All of the (Redacted), whether
5 they be Congolese, Chadian, from Guinea, all of those who were in Zongo remained there
6 until activities in the Central African Republic resumed. I also thought that I could go
7 home, because I did not have any bad intentions, but I was told that the serious -- the
8 situation was serious for me, so I left and my children followed and joined me
9 subsequently.

10 MR BADIBANGA: (Interpretation) The reference that I was giving at an earlier stage,
11 Madam President, in the English version was page 60, lines 20 to 25, and maybe to be
12 more specific on this point I might need to move into private session, please.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 *(Private session at 10.46 a.m.) Reclassified as Open session

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

16 MR BADIBANGA: (Interpretation)

17 Q. Now, Mr Witness, if you would like to be more specific, keep the information to
18 yourself and we'll move into private session and we'll be able to talk about it.

19 Now, my question is as follows: (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. Well, my Congolese brothers had come to intervene and I was in contact with them
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)

9 Q. And why was it that it should have been -- it might have been held against you that
10 (Redacted) ? Were people angry with the MLC? What was the
11 problem?

12 A. Well, as I told you, (Redacted). There were other
13 individuals who were also trying to get hold of them. Even Central African friends, they
14 also wanted some. (Redacted)
15 (Redacted)
16 (Redacted)

17 THE INTERPRETER: Message from the interpreter: The end of the witness's answer
18 was not clear.

19 MR BADIBANGA: (Interpretation) Madam President, we might move back into open
20 session, with your leave?

21 (Open session at 10.50 a.m.)

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

23 MR BADIBANGA: (Interpretation)

24 Q. Mr Witness, and the Congolese who were residing in the Central African Republic,
25 were they threatened, or were they in danger, from the date of 15 March because of the

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1 bad memories that the MLC troops left behind in the Central African Republic?

2 A. Yes, there were other individuals who were indeed under threat.

3 Q. Can we say, therefore, that it was difficult for those who had been identified as
4 being in contact with the MLC -- it was difficult for them to remain in the Central African
5 Republic after 15 March?

6 A. Yes, it was difficult because others had gone home. There are some who have still
7 not returned home to the Central African Republic.

8 Q. And is this a consequence of the abuses that the MLC troops committed against the
9 population; notably that the atmosphere is no longer favourable for Congolese individuals
10 to live there?

11 A. I would say, "No." I think it is quite simply (Redacted) jealousy because, you know,
12 they're competing against each other and they are trying to sort of block each other.

13 Q. Now, to be sure that I understood you correctly, if you -- the fact that you did not go
14 back since -- you have not been back since March 2003, you have not conducted any
15 business with the Central African Republic since 2003, this is because of (Redacted),
16 (Redacted) not because of MLC -- what the MLC did there?

17 A. Yes, but of course the reason being that the MLC arrived in the area. Before that,
18 we did not have problems with the country. Today this is one of the reasons why, you
19 know, if you have problems with them, some friends were there, it didn't work for them
20 and they came home.

21 PRESIDING JUDGE STEINER: Maître Badibanga, would you mind if I ask you to
22 continue after the break?

23 So first I would like to give some of the references, as promised, of the transcript 279, page
24 32, lines 15/16, the English transcript, "I also got to know them, but to say that
25 Jean-Pierre -- got to know Jean-Pierre officially, no, but I got to know certain Central

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1 African officials."

2 And again on page 44, line 4 to -- 3 and 4, "Air France landed from time to time. There
3 were also Libyan aircrafts and then Jean-Pierre's Antonov."

4 I was asked by Ms Kneuer to give her the floor in the final minutes of this session.

5 Ms Kneuer, you have the floor.

6 MS KNEUER: Thank you, Madam President, for giving me the floor one last time.

7 Madam President, your Honours, in light of my departure from the Court, I wish to
8 inform the Bench, the parties and participants that Mr Badibanga will be lead counsel and
9 my successor.

10 Thank you very much.

11 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer. It's just to say - and
12 I think I speak on behalf of parties, participants and the Chamber - that we wish you all
13 the best in your new activities, that you -- we congratulate you for your dedication to the
14 work before this Chamber in the present case and, on behalf of the Chamber, to thank you
15 very much for this -- your attempts all the time to act and to keep these affairs as much
16 professional as possible, and we are sure that Maître Badibanga, as your successor, will
17 continue with the line chosen by yourself for the activities of the Office of the Prosecutor
18 in the present -- in the present case.

19 Mr Witness, we are going into a break. You have the time to rest a little bit, take some
20 coffee, some tea, to keep reminding yourself that you are expected to speak slower. It's
21 almost 11 o'clock. We'll be back at 11.30.

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

24 *(Closed session at 10.57 a.m.) Reclassified as Open session

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

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- 1 (The witness stands down)
- 2 THE COURT OFFICER: All rise.
- 3 (Recess taken at 10.57 a.m.)
- 4 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session
- 5 THE COURT USHER: All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE STEINER: Welcome back.
- 8 Could, please, court usher bring the witness in.
- 9 (The witness enters the courtroom)
- 10 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 11 (Open session at 11.37 a.m.)
- 12 THE COURT OFFICER: We are in open session, Madam President.
- 13 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 14 THE WITNESS: (Interpretation) Yes, good morning.
- 15 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 16 THE WITNESS: (Interpretation) Yes.
- 17 PRESIDING JUDGE STEINER: Maître Badibanga?
- 18 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 19 Q. Witness, I'll take advantage of the fact that you were in Bangui at the time of the
- 20 events to ask you to share some information with us about what happened. You see, no
- 21 one else in this courtroom was actually there, no one other than you, so what you can tell
- 22 us will certainly be of assistance to the Chamber, to the Judges. Just a reminder, please
- 23 speak slowly and observe the five-second rule. Is that all right by you?
- 24 During your testimony, when you were asked the name of the MLC officers, you gave
- 25 three names, unless I'm mistaken: Moustapha Mukiza, Commander René and

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1 Commander Seguin, is that correct, or have I forgotten someone?

2 A. That's correct.

3 Q. Other than those three names, do you remember any other name, the name of any
4 other soldier, even just an ordinary soldier, not an officer, that you might have met at that
5 time?

6 A. Well, I would say, "No. "

7 Q. Do you know the name of any people around Colonel Moustapha, his driver, his
8 bodyguard, any of the people who worked directly with him? Do you know any of
9 those people?

10 A. No.

11 Q. Now, by any chance, if I were to say to you, let's say -- well, if I gave you a name
12 such as Coup-Par-Coup, does that ring a bell, Coup-Par-Coup.

13 A. I don't understand. Is that a name or is that -- I don't understand, no.

14 Q. Well, Aimé Kabamba, does that ring a bell?

15 A. I'm not familiar with that name.

16 Q. Now, you did not mention the name of Commander René. You just said, "René."
17 Do you know what his surname is?

18 A. Well, that's the name I knew him by. I don't know what his surname was.

19 Q. Well, you said that you knew Commander Seguin, at least. Now, do you know of
20 any other names, other than Seguin, any other names used by that individual?

21 A. Yes, that's what I knew him by. I don't know any other names for him.

22 Q. Now, do you know when Commander Seguin left the Central African Republic?

23 A. Well, myself personally, I don't know, but I know that when others fled, but I don't
24 know when he crossed over.

25 Q. But do you know when he got to the Central African Republic?

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- 1 A. I do know that the MLC soldiers began to cross over on the 30th, around the
2 30th - around the 30th - but I don't know the exact date on which they began to cross over.
- 3 Q. And Commander René, do you know when he arrived in the Central African
4 Republic?
- 5 A. I think that all the soldiers came around that time, around that period of time in the
6 war, around the 30th, but I don't know when they came or what time they came, but it
7 was around the 30th, that's when they came.
- 8 Q. Well, I won't dwell on the point, namely the date on which the troops arrived,
9 because this matter has been discussed with others who were in a better position to know
10 because they were actual members of the MLC, they were before this Chamber, so I won't
11 waste time on that, but could you tell us when Commander René left the Central African
12 Republic?
- 13 A. Commander René left the CAR -- well, I don't know. I think he died. But to say
14 that he left on a certain date, I don't know.
- 15 Q. Yes, indeed, you are correct. Do you know the circumstances under which he
16 died?
- 17 A. Well, it was in Zongo that I learned that Commander René had died.
- 18 Q. Well, my question wasn't where you were when you learned that he had died, my
19 question was: Do you know the circumstances of his death?
- 20 A. No.
- 21 Q. Witness, now, do you know what the units of the MLC -- which units of the MLC
22 came to the Central African Republic, which specific units came?
- 23 A. Well, I don't -- I'm not familiar with the units. I just knew that the MLC troops
24 were in Bangui, but I don't know the names of the actual units.
- 25 Q. Do you know approximately how many MLC soldiers were in the CAR at that time?

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1 A. No. I was not in a position to know that.

2 Q. Now, since you were actually there at the time of the events, during those five
3 months that are of interest to us, I'd like to ask you if we could go into detail regarding the
4 crimes attributed to the MLC soldiers. Did you see or did you hear talk about crimes
5 committed by MLC soldiers, crimes against CAR citizens, civilians?

6 A. Frankly on that point I didn't know because we were there until we had to leave the
7 CAR on the 15th. There were no problems with the MLC soldiers. Perhaps after me,
8 but in my presence I don't know. I have no knowledge. I didn't follow that.

9 Q. Did you know that Jean-Pierre Bemba was being prosecuted before this Court for
10 crimes that were allegedly committed by MLC soldiers in the CAR? Did you know
11 about that?

12 A. Yes, I heard about that on the radio. Yes, I did hear talk of that.

13 Q. But you never heard or knew about MLC soldiers allegedly committing crimes?

14 A. Frankly, as God is my witness, I did not see, I did not hear of such things, the
15 coming in of the MLC soldiers at that time. Since it was the CAR government who had
16 called them, they were --

17 THE INTERPRETER: Inaudible.

18 THE WITNESS: (Interpretation) -- by the population, but after that, I don't know what
19 happened. I really couldn't tell you.

20 MR BADIBANGA: (Interpretation)

21 Q. However, when Mr Kilolo asked you about the violence and the abuse, you
22 remembered that a -- a guard -- you did tell us about looting, isn't that right, by a Bozizé
23 follower?

24 A. Yes. Yes, I was the one who raised that point. Kilolo asked me the question and I
25 said that I went to PK55.

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1 Q. Be very careful, we're in open session, that's my first point, and you have already
2 told us the events that occurred. I am just asking you whether you remember what the
3 guard said regarding Bozizé?

4 A. Yes.

5 THE INTERPRETER: Message from the interpreter: The witness and the counsel are
6 speaking at the same time.

7 MR BADIBANGA: (Interpretation)

8 Q. You see, Mr Witness, judging by the testimony you gave on Friday, you provided
9 ample explanations to the Chamber, to what extent you were a local, so to speak. You
10 felt at home in the CAR. They were your brothers and sisters, you knew all these people,
11 and I'm having a hard time squaring that information with what you're telling us now,
12 that you did not see anything, you did not hear anything about any crime whatsoever
13 created by an MLC soldier. How can you explain this?

14 MR KILOLO: (Interpretation) Your Honour, we object to this question which is very
15 much a misleading question. If there was a specific question there, I think perhaps the
16 question could be at the very least rephrased.

17 PRESIDING JUDGE STEINER: Any comment, Maître Badibanga?

18 MR BADIBANGA: (Interpretation) Your Honour, I don't see why I would have to
19 rephrase my question. I am confronting the witness with his contradictions, and I'm
20 asking for an explanation, for the Judges and for the participants.

21 PRESIDING JUDGE STEINER: Maître Kilolo, which point of the question you consider
22 as misleading? Could you please be more precise?

23 MR KILOLO: (Interpretation) The witness has already answered the question, whether
24 he had heard about any crimes attributed to or committed by MLC troops in the CAR.
25 He has given a specific answer. There was no ambiguity about it. And now

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1 Mr Badibanga is returning to the charge with the same question, claiming that the
2 response provided by the witness contradicted the fact that he lived for many years in the
3 CAR. So here, Mr Badibanga is insinuating that because the witness had lived for many
4 years in the CAR, necessarily he had heard about crimes attributed to the MLC troops
5 during the period of time in question. This is what is misleading the witness.

6 PRESIDING JUDGE STEINER: I'm sorry, Maître Kilolo, I don't see any misleading
7 question here. Maître Badibanga is saying that there is a contradiction, and I think the
8 witness himself can try to explain whether there is a contradiction or not.

9 MR KILOLO: (Interpretation) As you wish, but otherwise I would have been ready to
10 give the --

11 PRESIDING JUDGE STEINER: Maître Kilolo, I have the transcript here in front of me.
12 What Maître Badibanga has said, that the witness was living in Central African -- in
13 Central African Republic, had friends, knew everyone there, and at the same time the
14 witness says that he did not hear anything about any crime whatsoever. Do you think
15 this is misleading?

16 MR KILOLO: (Interpretation) Quite so, that's the very problem. How can you say
17 that a person has lived in the CAR for many years and then say there's a contradiction
18 because he did not personally hear about any complaints about crimes attributed to the
19 MLC in the CAR during the time. I don't see the contradiction unless someone thinks
20 that any person who had lived for several years in the CAR had to have heard about
21 crimes attributed to the MLC troops in the CAR, but that has not been established.

22 PRESIDING JUDGE STEINER: I am not convinced. The witness said that he heard on
23 the radio, and I think it would be interesting to know whether he heard it only on the
24 radio, since he was there during the events. I will allow the question.
25 Maître Badibanga.

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1 MR BADIBANGA: (Interpretation) Thank you, your Honour.

2 Q. Witness, let's just go step-by-step on this particular matter because first of all I'd like
3 to ask you to answer, explain this contradiction to us. You had lived in the CAR for six
4 years, and you were entirely integrated within society, and then on the other hand you
5 say that you never heard anything at all, anyone speaking about possible crimes
6 committed by the MLC. Can you explain this to us?

7 A. Thank you. It's good that you give me this opportunity to explain, instead of
8 taking the Court's time to talk amongst one another. I said I was there up until 15 March.
9 The day I left Bangui, I did not know or hear of MLC soldiers looting or committing
10 crimes, no. I left. It was the government of the current president at the time, Patassé,
11 who had brought those people there. They had come to support him, and if something
12 happened, well, maybe it would have been on the television and you could hear that, but I
13 never heard any such thing. And on the 15th, I went back to the DRC, 15 March, and I
14 never heard anything about that. It was later I heard that Jean-Pierre Bemba had been
15 arrested in Brussels for war crimes, a case of war crimes. I heard about that over the
16 radio but not by people of the CAR, so no one told me about that, no.

17 Q. Well, we are going to talk about the period of time that ended late February 2002
18 and ended on 15 March. We're not talking about what happened after 15 March; we're
19 talking about during that time when the troops were there. All right? Now, during
20 those five months, Mr Witness, you did not hear foreign radio stations, such as RFI, talk
21 about violence or abuse committed by MLC soldiers in the CAR?

22 A. Myself, no.

23 Q. During those five months, Mr Witness, you didn't hear Radio Ndeke Luka or other
24 national radio stations talk about such violence?

25 A. Once again, no.

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1 Q. During those five months, Mr Witness, you did not hear local people complaining
2 about the behaviour of the MLC soldiers?

3 A. I was there, and I'm saying no.

4 Q. During those five months, Mr Witness, you did not hear a speech made by President
5 Patassé in which he made allusion to those -- he made reference to those events?

6 A. A speech by Patassé? At what event, please?

7 Q. Well, we're still talking about the same thing. We're talking about what you heard,
8 or did not hear, regarding violence and abuse by the MLC. Did you hear about any
9 reports on the national or international radio stations, RFI or the local stations, Radio
10 Ndeke Luka, and now I'm asking you did you hear of any such things by way of a speech
11 given by President Patassé.

12 A. Yes, I did once hear a speech made by him congratulating the MLC soldiers for the
13 support that they had provided, and that was on the radio. I did hear that, yes. He
14 congratulated them on how they had defended and protected his government, I did hear
15 that, and he asked his CAR brothers, who were part of the rebellion, to come back,
16 but -- but to say that there had been looting or -- I did not hear any such thing in his
17 speech.

18 Q. And during that period, a period of five months, Mr Witness, did you hear any
19 mention made of reports being produced by the United Nations, such as Human Rights
20 Watch, on the subject of crimes committed by the MLC in the CAR?

21 A. Well, I did not hear anything; any such thing.

22 Q. And during that period, Mr Witness, did you have the opportunity to follow any of
23 Mr Bemba's interviews over the radio when the question was put to him as to crimes
24 committed by MLC soldiers?

25 A. No.

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1 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

2 MR KILOLO: (Interpretation) Madam President, we believe that this line of
3 questioning is extremely repetitive, because the same thing is being repeated again and
4 again and the same ground is being covered as to whether he heard speak of crimes
5 between October 2002 and March 2003. I believe the witness has been very clear on the
6 matter. He has said, "No," so may we please move forward?

7 PRESIDING JUDGE STEINER: Maître Badibanga, you can proceed.

8 MR BADIBANGA: (Interpretation) I thank you, Madam President.

9 Q. Now, Mr Witness, without giving any specific details which might disclose your
10 identity, but generally speaking when conducting business dealings is it not important to
11 know about the security situation in order to know how to operate? Does security not
12 have anything to do with business?

13 A. Well, it depends. It varies from one person to another.

14 Q. What is of importance here, Mr Witness, is that we cannot content ourselves with
15 answers of a general type, we have to be precise, and Maître Kilolo intervened saying that
16 you had provided us with a general response and I'm trying to provide the Chamber with
17 specific evidence. We need to know about your knowledge of specific events and that is
18 why I have provided you with five or six sources which made mention of crimes being
19 committed in the CAR, so I shall spare the Chamber the exercise of producing to you
20 those letters which Jean-Pierre Bemba wrote to the Secretary of the United Nations, saying
21 that there had been -- that mention had been made about violence committed by his
22 troops.

23 PRESIDING JUDGE STEINER: Maître Kilolo?

24 MR KILOLO: (Interpretation) Madam President, I don't want to interrupt my learned
25 friend all the time, but do understand that Mr Badibanga is here testifying by --

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1 THE INTERPRETER: The witness is making a lot of noise over his microphone. The
2 interpreter cannot hear what is being said. Could please -- could Maître Kilolo please
3 repeat what he just said? We could not hear it in the booth.

4 PRESIDING JUDGE STEINER: Maître Badibanga, put a question to the witness please.

5 MR BADIBANGA: (Interpretation) I thank you, Madam President. Sometimes we
6 have to put certain questions in context.

7 PRESIDING JUDGE STEINER: Maître Kilolo, for the sake of the record could you please
8 repeat your objection, because the witness was making noises in the microphone and the
9 interpreter could not hear what was being said.

10 MR KILOLO: (Interpretation) Yes, indeed, Madam President. What I was saying,
11 I was raising an objection to the manner in which the questions by Mr Badibanga have
12 been phrased. Rather than putting questions and waiting for answers from the witness,
13 he is allowing himself to testify and provide information on events to the witness, whilst
14 these events or facts are not facts that have been agreed upon by the Prosecution and the
15 Defence. For example, when he alleges that Mr Jean-Pierre Bemba in Gbadolite was
16 informed of acts committed by the MLC troops in the Central African Republic, this is an
17 allegation. It is a gratuitous allegation, which is not at all accepted by the Defence, and it
18 is within this context that we believe that it would be better to move forward in the
19 discussions and limit ourselves to putting questions to the witness and to also put to one
20 side any comments or testimony.

21 PRESIDING JUDGE STEINER: And I repeat what I said: Maître Badibanga, put the
22 question to the witness please.

23 MR BADIBANGA: (Interpretation) I thank you, Madam Witness -- Madam President.

24 Q. Mr Witness, have you ever heard talking -- talk of killings by Chadian soldiers
25 during those events?

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1 A. No.

2 Q. And did you hear speak about the rape of a Belgian woman, who was the wife of a
3 figure of authority in the Central African Republic?

4 A. No.

5 Q. Did you hear talk of looting and rapes which were committed in the villa -- 36 Villas
6 area?

7 A. I do not believe so.

8 Q. You know the 36 Villas neighbourhood, do you not?

9 A. Yes, I do know that area very well, because I had a friend who lived there and he
10 had a property there.

11 Q. And did your friend or was your friend living there during the period of interest to
12 us?

13 A. Yes. Yes, he was in business there and he stayed in that house until he died and
14 then his family is still living in that house to date.

15 Q. And that friend never spoke to you about any incidents which might have occurred
16 in the surrounding neighbourhood during that period, did he?

17 A. No, he never did. That's what I said. He didn't, because otherwise he would have
18 informed me. Even if I was in the Congo before his death he might have informed me,
19 but no.

20 Q. Did you hear speak of any of the events occurring round the school in Begoua?

21 A. A school in Begoua? I do not know. You must explain that to me, because I do
22 not know.

23 Q. And throughout these long years that you lived in the Central African Republic, did
24 you ever go to PK12?

25 A. Yes, PK12 is in the CAR. I would sometimes go to PK12.

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1 Q. Do you know that there is a school located there in PK12 and it is said that that
2 school is in Begoua?

3 A. I do know that there is a school there, but I did not know that it is said that it is in
4 Begoua; that it is called the Begoua school.

5 Q. Did you hear anyone say that there were violent acts, or abuses, committed by the
6 MLC soldiers around that school?

7 A. No, I wasn't aware of that.

8 Q. You said that the MLC had set up at the Camp Béal when they arrived; is that
9 correct?

10 A. I said the following: I said that the MLC officers were in the Camp Béal, that was
11 their headquarters, whereas for the soldiers, well, I know that this is where I met people.
12 This is where I would meet with them to supply them with products.

13 Q. And during the five months of the conflict, from October 2002 to March 2003, the
14 only place where you would meet with the MLC people was in or at Camp Béal; is that
15 correct?

16 A. They had a permanent station for the delivery of goods and (Redacted)
17 (Redacted).

18 Q. Should we understand from your answer that this permanent place was at Camp
19 Béal?

20 A. Yes, it was Camp Béal (Redacted)
21 (Redacted).

22 Q. So if we take a date willy-nilly, (Redacted) around 1 March, for
23 example? Let's say between 15 February and 1 March, did you make (Redacted)?
24 Did you have any contact with them?

25 A. As I told you, around the month of March we had stopped our dealings with those

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1 people because they were on the verge of departing. Things had come to a standstill.

2 Q. (Redacted), when was that?

3 During what period?

4 A. I believe that it was around 27 February that I went to the Camp Béal and they were

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. And during that period of five months, did you see or hear of any speak of pillaged
9 goods going across the river and returning to the DRC?

10 A. I was along the banks of the river all the time, I was conducting my activities there,
11 and I didn't notice that. I didn't see anything like that.

12 Q. Mr Witness, I'm trying to ascertain with you what you know about this. Could you
13 please tell us which -- which were the warring parties between these -- between -- during
14 this conflict?

15 A. Well, it was the soldiers who had come with President Bozizé. Those were the ones
16 who had attacked the government, and they -- the MLC soldiers intervened. That's what
17 we were all aware of.

18 Q. Well, it's what you know, what you are aware of, that is of importance to us, not
19 what other people know. Now, as for the Chadians in the CAR, which side were they
20 on?

21 A. There were Chadians who were soldiers and there were Chadians who were
22 civilians. Now, I had Chadian friends who were living in the CAR, and we were
23 delivering beans to them, but there were Chadian soldiers who were fighting alongside
24 the current president, Bozizé. We knew that there were Central African soldiers, but
25 according to the rumours we heard they were there.

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1 Q. I'm not very sure what we were saying at an earlier stage, or what you said. Could
2 you remember whether any Chadians themselves were targeted, whether any Chadians
3 were killed? I cannot recall what you said at an earlier stage.

4 A. I told you that in the CAR there were Chadian operators, or businessmen, who were
5 also my friends, and there was one -- one Chadian person with whom (Redacted)
6 (Redacted).

7 THE INTERPRETER: Message from the English interpreter: Could the witness please
8 be requested to slow down?

9 THE WITNESS: (Interpretation) There were military Chadians who were on the other
10 side, that is another thing, but there were -- as for Chadian businessmen, they were
11 conducting their business in Bangui.

12 PRESIDING JUDGE STEINER: Mr Witness, the interpreters are asking again if you
13 could please slow down.

14 THE WITNESS: (Interpretation) Yes, I shall repeat. As I was saying, in the Central
15 African Republic there were Chadian businessmen who were not involved in any of the
16 problems or in the army. However, we did hear that there were Chadian soldiers who
17 were working with Mr Bozizé, the current president, (Redacted), I had a
18 Chadian friend, and (Redacted) to Jean-Pierre Bemba's
19 soldiers.

20 MR BADIBANGA: (Interpretation)

21 Q. Mr Witness, did you hear speak of anything which might have occurred in the town
22 of Mongoumba during the conflict?

23 A. Yes, I did. I know that at a certain moment in time there was -- there was some
24 businessmen coming back from Zaire to Dongo, and the Mongoumba frontier post had
25 arrested them and they had been looted. That's what I knew. That's what I was aware

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1 of.

2 Q. And what happened after those businessmen were looted by the Central African
3 soldiers? What happened subsequently?

4 A. I know that they went home empty-handed. They lost everything.

5 Q. And you didn't hear speak of any subsequent things that happened after this
6 incident in Mongoumba?

7 A. I do not know whether anything subsequently happened. I wasn't aware.

8 Q. Mr Witness, at any given moment in time, did you hear people say that the
9 Congolese would call Zongo the Kuwait market?

10 A. Kuwait market was in Bangui, not in Zongo. This was before this event. This
11 refers to the botanical gardens in Bangui. There was a market there, but as to say that this
12 was the Kuwait market, or the marché Kuwait, I do not know.

13 MR BADIBANGA: (Interpretation) Now, just in case the reference is requested of me,
14 Madam President, this is a piece of information that was presented to the Chamber quite
15 some time ago now. This was transcript 144, page 22, lines 22 to 28. I was referring
16 here to the English version, and this is Witness 173.

17 Q. Now, to be sure that we're talking about the same thing, Mr Witness, I'm going to
18 give you a small excerpt, and if this is not the case we shall move forward. Now, a
19 witness explained to the Chamber that at a given moment in time Zongo was called
20 marché Kuwait, or Kuwait market, because it referred to Kinshasa in the year 1992, where
21 there was also a marché Kuwait.

22 Now, this market in Kinshasa was set up when Mobutu soldiers had pillaged the entire
23 town, and in Zongo, after the pillaging, then people also started calling it marché Kuwait,
24 or Kuwait market. Does this refresh your memory in any way?

25 A. No.

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1 Q. So I presume that it was an error on Maître Kilolo's part. Yesterday he talked to
2 you about a cotton company called SONECO. In fact, it is called SOCODO, SOCODA,
3 OR SOCADA. Does this ring a bell with you, this cotton company in the Central African
4 Republic?

5 A. SOCADA is a name known throughout Bangui, but SONECO is (Redacted)
6 (Redacted). It has nothing to do with it. SOCADA, well, I didn't know. I know it, but I
7 didn't know that they were involved in cotton. I know their offices. (Redacted)
8 (Redacted)
9 (Redacted) but I do not know this company.

10 Q. And did you hear speak about any looting at the SOCADA company during that
11 period?

12 A. I do know SOCADA, the SOCADA's offices in Bangui town. As to whether they
13 were looted, I am not aware.

14 Q. Mr Witness, do you know whether the MLC soldiers were looted during their
15 period there?

16 A. I do not know. I do not know whether they were looted --

17 THE INTERPRETER: Or whether they were paid, correction from the booth.

18 THE WITNESS: (Interpretation) -- but I do know that -- as to all their internal
19 management, I do not know.

20 THE INTERPRETER: Correction from the booth: Do you know whether they were
21 paid?

22 MR BADIBANGA: (Interpretation)

23 Q. Mr Witness, we are talking here about Friday's transcript, that is transcript -- as I
24 said at the outset, 279 is the transcript I'm referring to when talking of this witness's
25 testimony before the Chamber. We're talking here about page 44, lines 4 to 7, and it

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1 continued, lines 24 to 28. We're talking here about visits made by Mr Jean-Pierre Bemba
2 in the Central African Republic and the question was put to you as to whether he went to
3 the Central African Republic, and I believe that you said, and do correct me if I'm wrong,
4 that he went on one occasion, his plane landed in Zongo, and then he took the ferry to
5 make the crossing. Am I faithful to your words?

6 A. Yes.

7 Q. Do you remember when that crossing happened?

8 A. Jean-Pierre Bemba made the crossing when I was in Bangui. The plane landed in
9 Zongo. The person in charge in Zongo working with me told me that Mr Bemba had just
10 landed, that he was taking the boat in the direction of the town, and I wanted to come and
11 see him. I wanted to come and have a look at him. I did not have the opportunity,
12 because at the time when I arrived along the river, on the riverbank, he was already going
13 home. This was approximately 1500 hours. I do not know at what time he arrived, I do
14 not know that. When I arrived at the port at approximately 3 p.m., he had already left.

15 Q. And these are the hours during the day, but did this journey occur in October?
16 January? February? March? When did this journey occur?

17 A. Well, I can't recall. I know that it was in the month of approximately -- between
18 December and February that this journey occurred. As it wasn't really -- well, you know,
19 I can just remember those dates approximately.

20 Q. And do you know that what Mr Bemba came to do in the CAR? Did you come to
21 know anything about this, because people spoke about it, or were there any rumours
22 being mongered on the subject or over the radio?

23 A. Well, it was really confidential between the MLC and the power in place at the time.

24 Q. So you would not be in a position to tell us whether he met with any Central African
25 officials during that journey?

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1 A. As I said to you, I can't tell you whether "Yes" or "No" because I was not there and
2 this is not part of my -- within my purview.

3 Q. I have understood your response, but I do have to put questions to you in order to
4 make sure that we have covered the matter from all angles. So you're not in a position to
5 tell us whether he met the MLC troops during that journey in the CAR?

6 A. As I said, Jean-Pierre Bemba, well, I wasn't privy to such information as to what he
7 came to do, and if he did meet with those people or not, well, I don't know. He's in a
8 position to tell you that.

9 Q. Witness, I would like us to understand these issues clearly. There is information
10 arising about things which you saw yourself, and then there is also information arising
11 from things that you heard about. For example, you did not see Bozizé's soldiers
12 committing any acts of pillage, did you?

13 A. No, I did not see Bozizé's soldiers do such things, but I heard from guards that they
14 had taken things away. I cannot say that I saw them with my own eyes.

15 Q. That is correct. So you have told the Court what you heard from someone else. It
16 could also happen in relation to a whole series of other pieces of information which would
17 come from my questions that you also heard things from people you were in contact with;
18 is that not the case?

19 MR BADIBANGA: (Interpretation) Now, with your leave, Madam President, could we
20 go into private session?

21 PRESIDING JUDGE STEINER: Court officer, please.

22 *(Private session at 12.30 p.m.) Reclassified as Open session

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

24 MR BADIBANGA: (Interpretation)

25 Q. Witness, we are in private session and I want to cross-check something with you.

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1 Madam President, I was not able to find the reference to this in the documents that were
2 made available to us. Now, Witness, from you I would like to find out whether you had
3 any contacts with any lawyer since you came here and did such a lawyer advise you
4 about self-incrimination and things of that nature? Did you have that opportunity?

5 A. No.

6 MR BADIBANGA: (Interpretation) This, your Honour, would lead me to move on and
7 leave out some questions that I had to raise. I'll therefore continue.

8 PRESIDING JUDGE STEINER: Are you going to continue in private session, Maître?

9 MR BADIBANGA: (Interpretation) Yes, your Honour.

10 Q. Witness, do you know what the offence of holding property that has been stolen, do
11 you know what that is?

12 A. No.

13 Q. Throughout your testimony, are you afraid that you may be accused of having taken
14 part in any acts of pillaging?

15 A. I do not blame myself for anything because I do not know anything.

16 Q. Can you therefore confirm, or are you confirming before this Court, that you were
17 not in any way involved (Redacted), for example, nor in any
18 way related (Redacted); is that -- is that the case?

19 A. This question was put to me by Maître Kilolo, but personally, I am not aware of this
20 issue.

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 A. That would have been impossible.

25 Q. Witness, you said that (Redacted); is that correct?

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1 A. Yes, my Congolese brothers used to call me by that nickname.

2 Q. Were you the only (Redacted) or were there other people within the Congolese
3 community going by that nickname?

4 A. I was referred to as (Redacted), and there was a brother who was known as chargé
5 de mission at the time. That brother's name was (Redacted).

6 Q. Were you the one referred to as (Redacted)? Was that also a name that
7 people called you by?

8 A. (Redacted)

9 (Redacted)

10 Q. (Redacted)

11 (Redacted)

12 A. Jean-Pierre Bemba did not live in Zongo. Jean-Pierre Bemba did not live in Bangui.
13 He was in Gbadolite. Now, if one had to talk to Jean-Pierre Bemba in Gbadolite, one had
14 to go to the radio, and it was not anybody who could talk to him, so (Redacted)
15 (Redacted). I told that you that yesterday, and I stand by
16 my position today.

17 Q. Although you were -- let me rephrase. Could we say that you were a (Redacted)
18 (Redacted) to the MLC during that period?

19 A. Yes. (Redacted)

20 Q. Thank you. Could it be said that the MLC was a (Redacted)
21 (Redacted)?

22 A. Well, if I say -- well, (Redacted), but I know that (Redacted)
23 (Redacted)

24 (Redacted)

25 Q. (Redacted)

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- 1 A. It depended on the (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 Q. (Redacted)
- 5 (Redacted)
- 6 A. (Redacted)
- 7 (Redacted)
- 8 Q. (Redacted)
- 9 A. (Redacted)
- 10 (Redacted)
- 11 Q. (Redacted)
- 12 A. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 A. (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. Witness, you said you never had any telephone like the Thuraya; is that the case?

2 A. Personally, I did not have any Thuraya, but it is when I went back to Congo and
3 started working in a company, that is when I owned a Thuraya. Well, personally, I never
4 had a Thuraya. I could not afford it.

5 Q. During that period, 2002 to 2003, how did you manage to communicate with your
6 (Redacted)? How did you do that without a Thuraya
7 set?

8 A. We had the Telcel antenna in Bangui. I have -- I had a telephone, and I still
9 remember my telephone number at the time. Zongo had coverage, and it was possible
10 for us to contact them by phone. However, (Redacted), we did not have a telephone link.
11 There was a transmission radio at PK5 owned by a businessman who made his phonie
12 radio available at PK5, (Redacted)
13 (Redacted).

14 Q. Witness, under those circumstances, would the Thuraya not have been a logical
15 investment (Redacted)?

16 A. It depends on the available resources. I did not have such resources. At the time
17 it costs -- it cost -- it did cost millions to get one.

18 Q. Are you telling us then that in 2002 there was mobile phone coverage enough for
19 you to work?

20 A. I've already told you that the mobile telephone system in the Central African
21 Republic also covered part of Zongo entirely.

22 Q. What you are telling us, therefore, is that there were mobile telephones in use
23 already in Bangui at that time?

24 A. Yes, the mobile telephone was already in use in Bangui at the time.

25 Q. And you claim that you had a mobile phone which you used at the time; is that the

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1 case?

2 A. Yes. If you go to (Redacted), check -- you will see (Redacted).

3 Q. So it was that telephone number that you used (Redacted)?

4 A. The radio phonie or that phone number.

5 Q. Talking about the radio signals, you said that there was a phonie system you used to
6 contact Bozene and --

7 THE INTERPRETER: Another location which the interpreters did not get.

8 MR BADIBANGA: (Interpretation)

9 Q. -- is that correct?

10 A. Yes.

11 Q. What type of phone did you use?

12 A. It was the Yaesu phonie system. A single frequency system.

13 Q. What was the range of that system? What distance could it cover?

14 A. 200 kilometres.

15 Q. Did you also use that phonie system to contact Gbadolite?

16 A. You had to do it in parallel, call Gemena and then Gemena would link you up, but
17 there were no activities there. In any event, there were some phonie companies at the
18 time and, if I needed somebody from Gbadolite -- something from Gbadolite, I would
19 send someone to that agency.

20 Q. When you returned to the Congo, Witness, you said that you had a Thuraya
21 telephone; is that correct?

22 A. No, I said that upon my return to Congo I was given a Thuraya set by the company
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted), which also had a Thuraya, and I was able to use those Thuraya sets either to
2 contact Zongo or Gemena, because there was no phonie in (Redacted). You see, the MLC at
3 that time already had the Pretoria Accord and they were in Kinshasa already.

4 Q. Do you remember the number of the Thuraya that you used?

5 A. No, not at all. I didn't own it, so I don't remember the number.

6 Q. So you had a number of phone numbers of Congolese companies as well, mobile
7 phone numbers; is that the case?

8 A. Yes, in 2003, towards the end of the year, the -- there were mobile telephone systems
9 in place: Vodacom, for example, and then Celtel which came in one year later.

10 Q. Do you still use those numbers to this day?

11 A. Yes, to this day.

12 Q. Can you tell us the numbers?

13 A. (Redacted)

14 Q. That's a Vodacom number. Do you have your cell -- can you give us your Celtel
15 number?

16 A. Yes, Celtel number was given to us parallelly, in (Redacted) rather, (Redacted)
17 (Redacted).

18 Q. Did you have an opportunity to talk with Mr Bemba over any of those two
19 telephone numbers that you have provided while in the DRC, or over a Central African
20 phone number?

21 A. You know it was possible for me to contact Bemba (Redacted)
22 (Redacted) unfortunately (Redacted) shortly thereafter he
23 was arrested and he was here. So I did not have any opportunity to visit him as such,
24 because back home you are supposed to be able to be known by that person to be able to
25 know him and to have contact with him, but unfortunately I wasn't able to do that.

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1 Q. Well, we began this entire series of questions by asking whether you had any
2 telephone contact with Mr Bemba. At the beginning, you told us that you had never had
3 any telephone contact with him, and so let us conclude by asking you the following: You
4 never had any telephone contact with Mr Bemba, irrespective of whichever phone number
5 you used; is that the case?

6 A. (No audible response)

7 MR BADIBANGA: (Interpretation) I would like to refer to document
8 CAR-OTP-0044-0037, page 57. This document was already disclosed, and I can tell you
9 the specific time at which it was disclosed to the Defence if necessary.

10 Q. Now, Witness, (Redacted)
11 (Redacted).

12 A. Twenty what?

13 Q. (Redacted)
14 (Redacted)

15 MR KILOLO: (Interpretation) Is that a question, or an assertion, by Mr Badibanga?

16 PRESIDING JUDGE STEINER: Maître Badibanga?

17 MR BADIBANGA: (Interpretation) Well, I would have liked to have some time - for
18 Mr Kilolo to give me some time - to conclude my sentence.

19 Q. Now, Witness, when I put that to you, does that cause you to change your testimony
20 before this Court, or do you stand by your position that you never talked to Mr Bemba on
21 the phone?

22 A. I repeat - and I insist - that I never spoke to Mr Bemba on the phone. I have given
23 you the numbers. Those are my numbers. If ever I talked to Mr Bemba on the phones
24 on those numbers I would say that I did, but I never talked to him on those phone
25 numbers.

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- 1 MR BADIBANGA: (Interpretation) Well, I have provided references to the Court and
2 the Judges are at liberty to determine the truth of your words. In any event, there is
3 evidence before this Court that shows a listing of phone calls (Redacted).
4 So, your Honour, could we revert to open session please?
5 PRESIDING JUDGE STEINER: Court officer, please.
6 (Open session at 12.52 p.m.)
7 THE COURT OFFICER: We are in open session, Madam President.
8 MR BADIBANGA: (Interpretation)
9 Q. Witness, did you ever listen to telephone or radio communication between
10 Moustapha and Jean-Pierre Bemba?
11 A. No, Moustapha did not live in Zongo. He was in Dongo, which is far away from
12 Zongo. He came to Bangui just at the time of the events, but the things that happened
13 during the events were happening there in their area, so I don't know.
14 Q. Witness, did you ever go to Maximum Café between October 2002 and March 2003?
15 A. Maximum Café in Bangui?
16 Q. Yes, Maximum Café in Bangui?
17 A. Yes, that's a restaurant I know.
18 Q. As far as you know, did the Maximum Café in Bangui play any role whatsoever in
19 connection with the pillaging that took place?
20 A. No, I'm not aware of that. I do not know.
21 Q. You said that you had been at the airport on a number of occasions and that
22 sometimes you had to wait for several hours; is that correct?
23 A. Yes.
24 Q. Do you know the registration number of the Antonov planes that came from
25 Gbadolite and can you tell the Court what those would have been?

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1 A. I do not have the registration numbers in my head, but I know that there was an
2 Antonov 26 that would land at the airport. That's all I can say.

3 Q. You said that those planes came in empty and then left loaded. Do you maintain
4 that? Do you maintain that they came in empty?

5 A. Well, yes. (Redacted)

6 (Redacted)

7 (Redacted).

8 Q. You -- (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted) It's up to them to decide whatever they want to do.

13 PRESIDING JUDGE STEINER: Yes, Maître?

14 MR KILOLO: (Interpretation) Before we proceed, Maître Badibanga referred to an
15 alleged telephone conversation between Mr Bemba and the witness and he was referring
16 to a document. Could he be specific as to which document he was referring to? Which
17 document was he referring to on the Prosecutor's list of documents?

18 PRESIDING JUDGE STEINER: Maître?

19 MR BADIBANGA: (Interpretation) We don't have that document on the Prosecution's
20 list of documents. Otherwise, I would have provided you with the specific document.
21 However, it emerged from what the witness said on Friday that he claimed to have never
22 spoken to Mr Bemba. I did not ask that the document be placed before the witness, but I
23 simply put some information to him and then asked him to answer by "Yes" or "No" and
24 he opted to say that he had never had any such contact with Mr Bemba. I hope that this
25 answers the question.

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1 PRESIDING JUDGE STEINER: Maître Kilolo?

2 MR KILOLO: (Interpretation) Let me point out for the record that the OTP does not
3 have the right to use those documents without authorisation and that, if that were the case,
4 then the Defence should have had a right to respond. For that reason, I believe that at
5 this level that document should not be part of the proceedings, except the appropriate
6 applications and responses were made in line with each party's rights.

7 Thank you.

8 PRESIDING JUDGE STEINER: Maître Badibanga?

9 MR BADIBANGA: (Interpretation) Thank you, your Honour. I used information,
10 which in any event I brought to the attention of the Chamber, in order to point out the
11 foundation on which I based this question. I did not use the document proper to point
12 out something from it to the witness. That's the first point.
13 Secondly, from the flow of the questioning an important point came up and, as I provided
14 the reference, this should enable the Defence to be able to respond through redirect, which
15 is allowed when a new question is brought in by the Prosecutor, or the Prosecution. So if
16 the Defence thinks that this is a new element then they are at liberty to redirect, but I felt
17 that this was information that would be useful to the Chamber.

18 MR KILOLO: (No interpretation)

19 PRESIDING JUDGE STEINER: Of course, Maître.

20 MR KILOLO: (Interpretation) Your Honour, we do not even know the document that
21 Prosecution -- that he is referring to. It is not in one or the other of the official languages
22 of the Court and we do not, therefore, see how such a document could be used.

23 PRESIDING JUDGE STEINER: I think the Chamber is sufficiently aware now on the
24 problems caused by the use of a document by Maître Badibanga, and the Chamber will
25 analyse whether the reference can be of use in due time.

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1 I ask, please, Maître Badibanga to proceed with further questions that are not related to
2 the referred document.

3 MR BADIBANGA: (Interpretation) I had finished with that document, your Honour,
4 and I had moved on to something else, but I realise that it is 1 o'clock, so -- oh, I beg your
5 pardon, I thought we were ending at 1 o'clock. Very well, I think I'll be finished in time.

6 Q. Witness, we were talking about the aircraft that would land, and you said that the
7 aircraft were empty when they came from Gbadolite. However, you were able to
8 remember the content of the Libyan aircraft. Unless I'm mistaken, you had explained to
9 us that Libyan aircraft were unloading goods. Can you confirm that?

10 A. Yes, I did say I saw a large plane that had brought goods, and there were some
11 people. There were bags of rice. I did see that two or three times, yes.

12 Q. Did you say that Mr Albatross was in charge of security at the airport, is that what
13 you told us?

14 A. Yes, he was the one, and if (Redacted), he was the one who would be at the
15 security office at the airport.

16 THE INTERPRETER: Interpreter correction: The Libyan planes were unloading
17 weapons; weapons.

18 MR BADIBANGA: (Interpretation)

19 Q. So your testimony is that the person in charge of security at the airport and the
20 Libyans let a civilian be present when weapons were being unloaded, is that what you're
21 telling us?

22 A. Well, I told you that I went there for the Antonov that came from Gbadolite, (Redacted)
23 (Redacted), with the team. We were together, and we had to stay there
24 and wait for the loading, and if the Libyan aircraft or the Air France, we would see and,
25 you see, we were there.

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1 Q. So you're confirming here that both the Libyan soldiers and the person in charge of
2 security at the airport and his team let civilians, including you, be present when weapons
3 were being unloaded, is that your testimony?

4 A. I was never driven out, and so I would say yes.

5 Q. From a purely practical point of view, how did this work, (Redacted)
6 (Redacted) in Bangui and
7 it would be stored in Zongo; is that correct?

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

9 *(Private session at 1.04 p.m.) Reclassified as Open session

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

11 PRESIDING JUDGE STEINER: Maître Badibanga, I think this information (Redacted)
12 (Redacted), is identifying
13 information. So I would like, please, you to refrain you from mentioning it in your
14 questions. If need be, we continue in private session.

15 MR BADIBANGA: (Interpretation) I beg your pardon, your Honour, that just slipped
16 out, and, yes, we should stay in private session. Once again, please accept my apologies.

17 Q. Witness, I was saying that -- well, you explained that (Redacted)
18 (Redacted); is that correct?

19 A. Yes.

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE STEINER: Mr Witness, slow down a little bit please.

6 THE INTERPRETER: Many thanks from the interpreters.

7 MR BADIBANGA: (Interpretation)

8 Q. (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Now, Witness, during this time, October 2002 to March 2003, was the supplying of
14 fuel essential to the MLC, to your knowledge?

15 A. Well, for the MLC, whether they needed -- if they needed it, they would (Redacted)
16 (Redacted).

17 Q. (Redacted)

18 A. Yesterday I explained to you that Mazangue was a commander. He was
19 responsible for security in Bangui. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted) is that right?

24 A. Yes.

25 Q. Witness, could you exchange -- correction, could you explain to the Chamber what

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1 the Union pour la Nation is, the Union for the Nation? What does that mean within -- in
2 the world of Congolese politics?

3 A. I don't know. Union for the Nation? Oh, yes, I see now. I see now. Yes, now I
4 see. In our part of the world, in the Congo, in 2006 I first came to know of the Union for
5 the Nation. It was all the opponents who came together to support the nation (Redacted)
6 (Redacted)

7 (Redacted)

8 Q. Who was the leader of the Union for the Nation?

9 A. Before it was the President of the MLC, Mr Jean-Pierre Bemba, and after his arrest it
10 was Mr Kanku who took over on an interim basis; Kanku Dominique.

11 Q. Well, could one say that at the time of the 2006 elections most of the political
12 stakeholders supported either the Union for the Nation, led by Mr Bemba, or the UNP, led
13 by Joseph Kabila? Could we put it that way? Could that be said?

14 A. Well, I think on the first round all candidates were free to support whoever they
15 wanted, and once we got to the point that only two candidates were left, Mr Bemba and
16 Mr Kabila, and the opposition and (Redacted) was another Member
17 of Parliament, (Redacted). He asked us to support the MLC because they had the same
18 ideology (Redacted), so that's how it came to be that we -- it came to be that (Redacted) the
19 Union for the Nation on the second round, and that didn't work. The Union for the
20 Nation was a way of getting to power.

21 Q. Witness, we are still in private session, so let's take advantage of that to deal with
22 the last few items. (Redacted)

23 (Redacted)

24 (Redacted)

25 A. Personally, I was not present.

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1 Q. (Redacted)

2 (Redacted)

3 A. I was not present. As I told you, I was not there. (Redacted)

4 Q. Now, the (Redacted)?

5 A. (Redacted)

6 Q. Now, (Redacted)

7 (Redacted)

8 (Redacted). Does this ring a bell?

9 A. Yes, I knew that there was (Redacted) by that name, (Redacted).

10 THE INTERPRETER: Interpreter correction: The earlier name was the (Redacted)

11 (Redacted).

12 MR BADIBANGA: (Interpretation)

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. I did double-check, otherwise I wouldn't have asked the question. My last question,
6 Witness, is this. You explained for quite a long time -- well, rather, your Honour, I think
7 we can go back into open session for this particular question, if you wish?

8 PRESIDING JUDGE STEINER: Court officer, please.

9 (Open session at 1.18 p.m.)

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

11 MR BADIBANGA: (Interpretation)

12 Q. My last question, Witness, is this. You provided a lengthy explanation during the
13 hearing on Friday on the fraternal ties between the Congolese and the people of the CAR
14 who live alongside the river. Do you remember that?

15 A. Yes, I do remember that.

16 Q. So my question is this. If there are such strong fraternal ties between the two
17 nations, why is it that those Congolese raped their sisters?

18 A. Well, myself personally I have -- I did not hear -- there was no evidence of rapes.
19 There may have been shortcomings within the family, but I did not see anything. I have
20 no proof of rape. I don't know what to say.

21 MR BADIBANGA: (Interpretation) I have no further questions for this witness.

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

23 Judge Aluoch wants a clarification.

24 JUDGE ALUOCH: Mr Witness, in the course of your answers today, it's on the
25 transcript - the English transcript - page 74, I think it's lines 10/11, you made reference to

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1 the Pretoria agreement, but you didn't -- can you explain what it was, how you
2 understand it? What was it, this agreement?

3 THE WITNESS: (Interpretation) Well, as a businessman there were responsibilities and
4 so there was a commitment with the MLC, and with the Pretoria agreement the
5 government had recognised everything that had been taken from the MLC side, from the
6 RCD side and from the government side. So everything was brought together and they
7 recognised all the commitments that were made by each party, so that's what the
8 agreement was all about. It allowed us to conduct business in all places and to recognise
9 all the documents that we had.

10 JUDGE ALUOCH: I see. I noted that you said "as a businessman," so I will not ask you
11 anything else about it because that was your understanding as a businessman, so I'll leave
12 it at that.

13 PRESIDING JUDGE STEINER: We still have I think seven minutes. Maybe it's more
14 appropriate if we adjourn for today and legal representatives of victims could start
15 questioning the witness tomorrow morning. I think it would be more convenient that
16 just -- it would be the time needed for introducing yourselves, if the parties agree?
17 Maître Kilolo? Maître Badibanga? So therefore we are anticipating in a few minutes
18 our adjournment.

19 Mr Witness, thank you very much. We will adjourn for today and continue tomorrow
20 morning, when legal representatives of victims that were authorised to put some
21 questions to you will do so.

22 I thank very much the Prosecution team, the legal representatives of victims, the
23 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters, our
24 court reporters.

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

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- 1 outside the courtroom. In the meantime, we will adjourn and resume tomorrow
- 2 morning at 9.
- 3 *(Closed session at 1.23 p.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in closed session, Madam President.
- 5 (The witness stands down)
- 6 THE COURT OFFICER: All rise.
- 7 (The hearing ends in closed session at 1.24 p.m.) Reclassified as Open session
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 10 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.