

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Closed 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 Tuesday, 4 December 2012
8 (The hearing starts in closed session at 9.04 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in closed session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good morning. I welcome Prosecution team, legal representatives of victims.
20 Good morning to the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning
21 our interpreters, court reporters.
22 We will continue and for sure conclude today the testimony of
23 witness -- Defence Witness 66, and for that purpose I ask, please, court usher to bring
24 the witness in.
25 (The witness enters the courtroom)

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- 1 WITNESS: CAR-D04-PPPP-0066 (On former oath)
- 2 (The witness speaks French)
- 3 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 4 (Open session at 9.07 a.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Thank you.
- 7 Good morning, Mr Witness, and welcome.
- 8 THE WITNESS: (Interpretation) Good morning.
- 9 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
- 10 testimony?
- 11 THE WITNESS: (Interpretation) Yes, I am ready.
- 12 PRESIDING JUDGE STEINER: For sure your testimony will be concluded today
- 13 and you will be released in order to go back home to your work, to your family.
- 14 Mr Witness, before I give the floor to legal representatives of victims, I need to
- 15 remind you that you are still under oath. Do you understand that, sir?
- 16 THE WITNESS: (Interpretation) I do.
- 17 PRESIDING JUDGE STEINER: I also want to remind you that you are under
- 18 protective measures that your image and your voice that are broadcast outside the
- 19 courtroom are being distorted so that the public cannot identify you. In order to
- 20 keep such protection, it's very important that when we are in open session you don't
- 21 give any information that could lead to your identification. If need be we go into
- 22 private session, and in private session you can speak freely because nobody outside
- 23 the courtroom can hear what you say.
- 24 Is that fine with you, sir?
- 25 THE WITNESS: (Interpretation) Yes, thank you.

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- 1 PRESIDING JUDGE STEINER: And finally, Mr Witness, I remind you once again
2 about our ground rules, that you are expected to speak really slowly, really slower
3 than normal, and to give the five seconds after a question is put to you before you
4 give your answer in order to facilitate the job of our interpreters and court reporters.
5 Otherwise, I'll have to interrupt you and ask you to slow down.
- 6 THE WITNESS: (Interpretation) Thank you.
- 7 PRESIDING JUDGE STEINER: Today legal representatives of victims will question
8 you, starting by Maître Zarambaud.
- 9 Maître Zarambaud, you have the floor.
- 10 MR ZARAMBAUD: (Interpretation) I thank you, Madam President.
- 11 Good morning, your Honours.
- 12 QUESTIONED BY MR ZARAMBAUD: (Interpretation)
- 13 Q. Good morning, Witness, who -- you who seem to know me so well.
- 14 A. Good morning, Counsel.
- 15 Q. I do need to apologise to you, Mr Witness, because I was not able to attend the
16 familiarisation session and I was not able to meet you at an earlier date. My name is
17 Maître Zarambaud Assingambi and I am a lawyer with the Central African Bar and,
18 as Madam President has just told you, I am one of the two legal representatives for
19 victims.
- 20 I shall not repeat to you the recommendations just made by Madam President, but I
21 know that if you have come here to testify it is because you would like to contribute
22 to the establishment of the truth and you are seeking to actively participate in
23 establishing the truth.
- 24 For this to be possible everything needs to be transcribed, and this is why we request
25 that you speak slowly and observe the golden five-second rule because you are

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1 following what I am saying directly live, if you like, because we are both speaking
2 French, but if you answer in sequitur then the interpretation is ongoing in English
3 language and there might be something missing, where "(inaudible)" will be written
4 in the transcript, and your testimony will not be as effective as you might wish.

5 Now, I have a number of questions to put to you, Mr Witness. Firstly, were you
6 present when the ALC troops started to make the crossing over the Ubangi River
7 from Zongo to Bangui?

8 A. I recall that on 30 February I was in Bangui and I saw the soldiers making the
9 crossing.

10 Q. And amongst the soldiers whom you saw making the crossing, were there any
11 children and women?

12 A. Well, I did not see any women and children.

13 Q. Did you learn, or come to learn, that before making the crossing Mr Bemba had
14 made a speech before his soldiers?

15 A. I did not hear of that.

16 Q. Did you come to hear that the ALC soldiers at PK12, which is generally
17 speaking called Begoua because they are one and the same thing -- did you hear that
18 the ALC soldiers occupied civilian homes?

19 A. I was not aware of the fact.

20 Q. Do you know whether Colonel Moustapha, the head of the ALC contingent,
21 lived in the house belonging to the investigating judges?

22 A. I do -- I did not know where he was living. I knew that Moustapha was
23 around Camp Béal.

24 THE INTERPRETER: Correction from the interpreter: The house of the dean of the
25 investigating judges.

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1 MR ZARAMBAUD: (Interpretation)

2 Q. Do you know whether along the Avenue Boganda and at the Maximum Café
3 that we mentioned, do you know whether looted cars were done up before being sold
4 on?

5 A. No, I do not know that fact.

6 MR ZARAMBAUD: (Interpretation) Madam President, I have no further
7 questions to put to this witness.

8 And I would like to thank you for having answered my questions, Mr Witness.

9 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. I now
10 give the floor to Maître Douzima Lawson, authorised by the Chamber to put
11 questions to the witness.

12 MS DOUZIMA LAWSON: (Interpretation) I thank you, Madam President.

13 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

14 Q. Good morning, Mr Witness.

15 A. Good morning.

16 Q. I would like to introduce myself. My name is Maître Marie-Edith Douzima
17 Lawson. I am of Central African origin and I am a lawyer with the Central African
18 Bar. I am here serving as a legal representative for a number of victims admitted to
19 participate in the proceedings before which you have come to testify.

20 Mr Witness, during yesterday's hearing, that is Monday 3 December 2012, transcript
21 280, page 23, lines 18 to 22, you stated as follows: "I came here to testify because
22 I was in Bangui. I was somewhat aware of what went on during the period 2002 to
23 2003, and I left the CAR on the 15th, that is to say 15 March, just when President
24 Patassé was leaving and when President Bozizé was arriving, in view of the fact that
25 I was aware of the history and that (Redacted) I

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1 presume the ALC." So on the basis of this statement I am going to be putting
2 questions to you on your knowledge or things that you are somewhat aware of,
3 according to what you have said, during this period of October 2002 until you left the
4 CAR on 15 March 2003, and I'm also going to be putting questions to you on your
5 knowledge in general. So I shall start my first question by asking you questions of a
6 general nature.

7 Now, Mr Witness, as a Congolese national, are you aware of Article 15 in the DRC?

8 A. I am not. I do not know Article 15.

9 Q. Very well. During the hearing of 30 November 2012, that is last Friday, that
10 was transcript 279, page 67, from line 17 onwards, you stated that from your birth
11 you made trips to the Central African Republic and that you returned, or went home,
12 to complete your studies and that you were in the Central African Republic all the
13 time. Now, what language do they speak in the CAR?

14 A. The Central Africans speak Sango, that is the language known to all people, and
15 they also speak French.

16 Q. I thank you, Mr Witness. Now, let us talk about the ALC troops. Do you
17 know which role they played during the events from October 2002 to March 2003 in
18 the CAR?

19 A. The -- we were all aware of the fact that the ALC troops had come to intervene
20 for the Central African government. That is what I am aware of.

21 Q. And at that time in the Central African Republic, do you know how they
22 operated in order to assist the Central African government?

23 A. No, I do not. All I know is that they intervened. As for the private service,
24 this was not something I was aware of.

25 Q. Very well. Now, with regard to Moustapha, the leader of the troops, that is to

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1 say the commander of the ALC troops in Bangui, who you know well and whom you
2 invited, now, how was he? How did he behave with his troops?

3 A. I know that Moustapha was the troops' commander. He was in Bangui at a
4 given moment in time. There were Central African soldiers working there with him.
5 I know that he was always with the troops and he had instructions that he passed on
6 to them. As for their private lives, I do not know.

7 Q. In view of the fact that you were in Bangui at the time, were you aware of the
8 serious incidents that occurred between the FACA and the MLC troops?

9 A. I would say no to that. I was not aware.

10 Q. Mr Witness, during yesterday's hearing, transcript 280, page 27, lines 3 to 10, in
11 answer to the question, "What did the population do or say when the MLC troops
12 arrived in October 2002," you answered the following: "I arrived at the port. It was
13 towards the end of the month of October. (Redacted)
14 (Redacted) It was at the time when the MLC troops were arriving and it was
15 liberating for the population, at the outset. So for them, they felt that the arrival, or
16 entry, of these troops into the town meant that the war would come to an end,
17 because people did not want war."

18 So when you say, " ... it was liberating for the population, at the outset," and, well,
19 what was it subsequently for the population?

20 A. As I said, when the ALC troops entered the town, I was at the port, and the
21 population, or the civilians, were very happy because this meant the end of the war.
22 I do not know what happened afterwards.

23 PRESIDING JUDGE STEINER: Maître Douzima, if you allow me. Court officer,
24 please very briefly into private session.

25 (Private session at 9.25 a.m.) * Reclassified as Open session

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

2 PRESIDING JUDGE STEINER: Maître Douzima, when you are putting your

3 questions to the witness, try please to avoid the references, even when you are

4 quoting. But the reference that (Redacted)

5 (Redacted)

6 yesterday's transcript, and I started already ordering again the redactions. So if we

7 could avoid this kind of information in public session, please.

8 MS DOUZIMA LAWSON: (Interpretation) Madam President, I did realise this

9 subsequently, and I do apologise. I will be more careful. Madam President, for the

10 following question, I would like to remain in private session, please.

11 PRESIDING JUDGE STEINER: Let's wait, court officer, and stay in private session,

12 please.

13 MS DOUZIMA LAWSON: (Interpretation)

14 Q. Mr Witness, still during yesterday's hearing, page 35, lines 13 to 18, you said

15 that you fled on 15 March 2003 because, firstly, your Congolese brothers had come to

16 intervene and you were in contact with them, (Redacted)

17 (Redacted)

18 (Redacted)

19 Now, my question is: Why was it that the fact that you were in contact with your

20 Congolese brothers might have been problematic for you?

21 A. I thank you. I believe that my Congolese brothers who came to intervene came

22 to do so for reasons of power, and because President Bozizé's rebellion took over

23 power, well, had I stayed there, I would have had to leave, because everybody knew

24 in the Central African Republic that (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. And to finish, Mr Witness, yesterday you -- I believe we could move into open
4 session, Madam President.

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

6 (Open session at 9.29 a.m.)

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

8 MS DOUZIMA LAWSON: (Interpretation)

9 Q. As I was saying, Mr Witness, yesterday when the Prosecutor put the question to
10 you as to whether you had heard of the crimes committed by the MLC over the radio,
11 whether it be over the RFI, over Ndeke Luka, et cetera, you said you hadn't. I would
12 like to know whether you were at least reading the local press?

13 A. I told you that I do not read the newspaper or watch the telly, watch the
14 television, but I do not read newspapers.

15 MS DOUZIMA LAWSON: Well, thank you, Mr Witness. I thank you for
16 answering my questions. Madam President, I have finished with the witness.

17 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

18 Mr Witness, during the whole period of the events, from October 2002 and
19 March 2003, according to your testimony you were in constant contact with the ALC
20 troops due to your business. You say that you never heard anything about crimes
21 committed by ALC troops, you never heard anything about crimes committed by
22 Bozizé's troops, you didn't hear the radio, you didn't read newspapers, as you
23 mention now, so during this period you were doing your business normally? There
24 was a civil war and you didn't hear anything from anyone, from any of the sides, and
25 you continued doing your business as if nothing was going on? This is what

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1 I would like to understand.

2 THE WITNESS: (Interpretation) I thank you, Madam President. With regard to
3 what you have just said, I did not heed sources of communication. I was not
4 interested in communication. And at the time Bangui was calm. There were
5 aeroplanes coming to land and there was movement throughout the town. Even on
6 15 March, when I told you that I made the crossing, things were still moving around,
7 so we did not think that something would -- somebody was saying that commercial
8 activities, trading activities, were still being conducted at the time. We never dreamt
9 that it would come to that.

10 PRESIDING JUDGE STEINER: Thank you for the clarification. Judge Aluoch
11 I think has a question to put to you as well.

12 JUDGE ALUOCH: Mr Witness, I have a follow-up question on -- basically on the
13 same answer that you are giving. What I want you to clarify is for the five months
14 that the civil war was on in the CAR and you were in Bangui, did it affect Bangui as
15 the capital? Did it affect it in any way? Because you say you did not notice
16 anything. Was it affected at all, in any way? Was life normal in Bangui where you
17 were and there was a civil war for almost five months?

18 THE WITNESS: (Interpretation) Thank you, your Honour. The war broke out in
19 Bangui around the 25th, and that's when we started hearing the firing. I used to live
20 in town, and there was firing around PK12, around the residence of the former Head
21 of State of the Central African Republic, President Patassé. Central African soldiers
22 launched an attack, and during that time we were not able to travel to PK12, but in
23 our area things were calm and we were protected, and we were able to travel to
24 Zongo and back. (Redacted) and around
25 the 30th the ALC soldiers arrived and were able to push back Bozizé's soldiers from

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1 PK12. From that date to the 15th, there was calm in the city. No gun-firing, as such,
2 and nothing was happening in the town.

3 JUDGE ALUOCH: I have a further follow-up question, Mr Witness. This is in
4 answer to a question put to you yesterday by Mr Badibanga, by the Prosecution.
5 Though it was put in private session, but your answer was general, so I can go back
6 to your answer. I think the question was, if I can read just a part of it: "There is
7 information arising about things which you saw yourself and then there is also
8 information arising from things that you heard about." I'm quoting Mr Badibanga.
9 "For example, did you not see Bozizé's soldiers committing any acts of pillage?"

10 And your answer was, this is where I want you to clarify, Mr Witness: "No, I did
11 not see Bozizé's soldiers do such things, but I heard from guards that they had taken
12 things away. I cannot say that I was -- I saw them with my own eyes."

13 The same way you heard -- the same way you heard from guards about Bozizé's
14 soldiers, did you not hear anything at all about the allegations against the MLC at all?

15 THE WITNESS: (Interpretation) Please kindly repeat the question. I did not hear
16 you clearly because of interferences on the system. I couldn't hear you clearly.

17 JUDGE ALUOCH: Yes, I will. I was seeking a clarification on part of the answer
18 you gave yesterday to questions by --

19 (Trial Chamber confers)

20 JUDGE ALUOCH: Sorry, Mr Witness, I understand there was a problem in the
21 French booth, but since I'm in the English booth I didn't realise that.

22 Now, you gave an answer yesterday to a question put to you by Mr Badibanga, the
23 Prosecution. I will not repeat the question, but I want to repeat your answer. The
24 answer you gave was as follows, and I'm quoting your answer: "No, I did not see ...
25 " is it okay? Do you -- it's fine?

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1 THE WITNESS: (Interpretation) Yes, I can hear you now.

2 JUDGE ALUOCH: The answer you gave was always follows: "I did not see
3 Bozizé's soldiers do such things, but I heard from guards that they were -- they had
4 taken things away." You were being asked about pillaging. "I cannot say that I saw
5 them with my own eyes."

6 What I want you to clarify from this answer is, the same way you heard from the
7 guards, did you not hear from those same guards or whoever about the allegations of
8 the MLC pillaging or doing any acts that we have gone over? Did you not hear from
9 these same guards? Was it so selective that the guards were only talking about
10 Bozizé's soldiers? That's what I want you to clarify.

11 THE WITNESS: (Interpretation) Thank you. What I told you is that I was at
12 PK55 and that at that time the ALC and Central African government soldiers were
13 already at that location. The guard who talked to us did not talk about the ALC; he
14 talked about Bozizé's soldiers who had taken a vehicle, a jeep, and some litres of fuel.
15 That is what I am aware of. I am not aware of anything else. That is when we met
16 the guards, and it was only on one occasion, and then thereafter I went back.
17 Whatever transpired further into the country I was not aware of. I never learnt that
18 ALC or other soldiers were involved in any acts of pillaging.

19 PRESIDING JUDGE STEINER: Thank you.

20 Maître Kilolo, would you intend to redirect the witness?

21 MR KILOLO: (Interpretation) Not at all, your Honour.

22 PRESIDING JUDGE STEINER: Mr Witness, that now concludes your testimony. I
23 told you that you would be released very soon. Mr Witness, before you leave the
24 Court I would like, on behalf of the Chamber and on behalf of the Court, to express
25 the thanks of the Judges for the time that you have taken to come to this country, to

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1 this Court, and give evidence in this trial.

2 In order for the Judges, Mr Witness, to find the truth it's critical that witnesses, such
3 as yourself, are prepared and willing to give evidence and to assist the Judges in the
4 relevant issues of the case. We are aware that this may have been inconvenient for
5 you; you had to travel, to stay far from your business, far from your family, from
6 your country; stay a long time here in The Hague, and therefore you leave us with
7 our sincere thanks for your co-operation with the Court.

8 Before you leave, Mr Witness, I would like to ask whether you have anything that
9 you would like to address to the Chamber? If you so wish, now it's time. You have
10 the floor.

11 THE WITNESS: (Interpretation) Are we in private session?

12 PRESIDING JUDGE STEINER: We are in public session. You want us to go into
13 private?

14 THE WITNESS: (Interpretation) Yes, please.

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

16 (Private session at 9.43 a.m.) * Reclassified as Open session

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

18 THE WITNESS: (Interpretation) Thank you, your Honour. I thank you for the
19 time granted me here. Next time, if you need a witness, it may probably be best for
20 you to ask the witness what his or her programme is. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 I was very well-received, I was well -- I was provided with accommodation, but I
8 wasn't treated properly because I was not able to do my business. I was not able to
9 communicate over the telephone and so on and so forth, so this was not good for me
10 at all and I wanted to tell the Court about this before leaving.

11 In any event, I thank you very much and I think that it is also a good thing to give
12 witnesses an opportunity to enjoy their freedom. It is very important.

13 Thank you.

14 PRESIDING JUDGE STEINER: Mr Witness, the Chamber will get in contact with
15 VWU to understand exactly what happened, but what I can inform you in advance is
16 that, when witnesses come with a request for protective measures, the protective
17 measures, in order to protect your safety, your security and that of your family, these
18 protective measures are not only in-court protective measures. It is necessary that,
19 for instance, your location is not known to the outside public. There are some
20 restrictions exactly because you are under protective measures.

21 In relation to the Host State, the visas -- as far as the Chamber is aware, the visas are
22 issued for a specific purpose and for a certain period of time, so there are some rules
23 that the Court has to follow in order to protect its witnesses and victims and in order
24 to respect the agreements with the Host State.

25 But in any case, Mr Witness, the Chamber will get in contact with VWU to be

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1 informed about the details of your complaint and to see what decision has been taken
2 by VWU. VWU is a neutral organ of the Court, and all victims and witnesses that
3 are under protection receive exactly the same kind of attention and of treatment.
4 So in any case don't think there is anything personal, don't think that is anything to
5 deceive you or to mistreat you, but in any case the Chamber will try to obtain some
6 information on what happened.

7 Could, please, court officer turn into open session.

8 (Open session at 9.48 a.m.)

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

10 PRESIDING JUDGE STEINER: Mr Witness, again thank you very much. We will
11 get in contact with VWU and VWU will turn back to you in order to give you any
12 explanations that should be given.

13 I ask, please, the court officer to turn into closed session in order for the witness to be
14 taken outside the courtroom.

15 (Closed session at 9.49 a.m.) * Reclassified as Open session

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

17 (The witness is excused)

18 PRESIDING JUDGE STEINER: Can we turn into open session, please.

19 (Open session at 9.51 a.m.)

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

21 PRESIDING JUDGE STEINER: Thank you, court officer.

22 So we finish with the testimony of Witness -- Defence Witness 66, and unfortunately
23 we still don't have any information about the next witness to come, unless
24 Maître Kilolo has an update to give to the Chamber? Until yesterday, by the end of
25 the day, we had no information at all. I suppose we still don't know which witness

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1 will come?

2 MR KILOLO: (Interpretation) We still do not know, Madam President, and it is
3 generally the Registry which will bring witnesses to Court. We have done what we
4 can to provide the names of witnesses we intend to call, your Honour.

5 PRESIDING JUDGE STEINER: Yes, it is generally the -- it is the Registry who is in
6 charge to bring the witness, but with the support of the calling party of course.
7 Without the calling party it's very difficult for the Registry to comply with its duties,
8 and I know that Defence is doing its best in order to provide Registry with sufficient
9 information in order to adjust the calendar.

10 Therefore, we are going to adjourn for today and on the expectation to have at least
11 one more witness before the winter recess. In any case, as soon as the
12 Chamber receives any information, the parties and participants will be immediately
13 communicated.

14 Therefore, at least for tomorrow and the day after tomorrow we are sure that we'll
15 have no hearings at all, so in due time the parties, participants and the public will be
16 communicated if and when the next witness is brought to the seat of the Court.

17 I'd like to thank very much the Prosecution team, the legal representatives of victims,
18 the Defence team, Mr Jean-Pierre Bemba Gombo. As always, I thank very much
19 interpreters and court reporters, our court officer, court ushers.

20 We will adjourn for today and parties, participants and the public will be
21 communicated in due time on the date the Chamber will be sitting again to hear the
22 next Defence witness.

23 This hearing is adjourned.

24 THE COURT USHER: All rise.

25 (The hearing ends in open session at 9.54 a.m.)

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- 1 RECLASSIFICATION REPORT
- 2 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 3 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.