

Trial Hearing
Witness: CAR-D04-PPPP-0018

(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

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Monday, 10 June 2013

9 (The hearing starts in closed session at 9.05 a.m.) * Reclassified as Open session

10 THE COURT USHER: All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE STEINER: Good morning.

14 Could, please, court officer call the case.

15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central

16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,

17 ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team,

19 the legal representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo.

20 Good morning our interpreters and court reporters.

21 Luckily, we will continue with the testimony of Witness 18 and I ask, please, court

22 usher to bring the witness in.

23 (The witness enters the courtroom)

24 WITNESS: CAR-D04-PPPP-0018 (On former oath)

25 (The witness speaks French)

26

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1 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome back.

2 THE WITNESS: (Interpretation) Good morning, ma'am, and good morning, your
3 Honours.

4 PRESIDING JUDGE STEINER: Mr Witness, we hope you're feeling better, that you
5 took the opportunity to take some rest during the weekend and the medication and
6 that therefore you are ready to continue with your testimony?

7 THE WITNESS: (Interpretation) Yes, I'm doing very, very well, even though I'm
8 still under treatment.

9 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution will continue
10 questioning you, but before that I need to remind you that you are still under oath.
11 Do you understand that, sir?

12 THE WITNESS: (Interpretation) Yes, I know that very well, your Honour.

13 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
14 (Open session at 9.08 a.m.)

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

16 PRESIDING JUDGE STEINER: Mr Witness, I also wanted to remind you that you
17 are under protective measures, that your image and your voice that are broadcast
18 outside the courtroom are being distorted and, in order to keep your identity
19 concealed from the public, it's important that you continue following those rules in
20 order not to mention in public session any information that could lead to your
21 identification.

22 Yes?

23 THE WITNESS: (Interpretation) Madam President, I have information to disclose.
24 I think we should start in closed session.

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

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1 (Private session at 9.11 a.m.) * Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Please, Mr Witness.

4 THE WITNESS: (Interpretation) Madam President, this morning at 1 a.m., that is
5 midnight Kinshasa time, I received a call from Kinshasa and there was someone,
6 whose number I can give you - you can contact him - and he stated to me as follows.

7 In fact, this is one of the reasons I said initially that it is pointless to have a closed
8 session because everything we are doing is probably known in Kinshasa.

9 The person who called me towards the end of the day in Kinshasa told me as follows:

10 Everything that we are saying here is known in Kinshasa. It's reported to Kinshasa.

11 (Redacted)

12 (Redacted). I believe that if you go to the transcript, you

13 will see that I said this clearly: I talked about political personalities and not political
14 authorities. There is a difference here.

15 The person who narrated this information from Kinshasa talked about political
16 authorities, not political personalities, so this is one of the reasons that I wanted to go
17 public so that the world should know precisely what I am saying. Unfortunately,
18 what has been done has been done. I am surprised. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 God willing, I believe we will be able to have that document within the next 48 hours
24 here.

25 Madam President, look at this courtroom as it is. Look at the Bench. These are

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1 ladies who have quite some experience and, God willing, these are mothers also who
2 reflect not only with their hearts but also with their heads. Look at the Prosecution
3 bench, your Honours. It is full of young people; people who are still trying to find
4 their place under the sun and who are easily manipulated.
5 I'm not accusing anyone, but I have the impression that what we are doing here is
6 maliciously reported to the authorities, whereas here I had mentioned personalities.
7 Allow me, your Honour, to address Mr Jean-Jacques Badibanga, and I would like to
8 speak to him directly so that we should understand each other. Mr Jean-Jacques
9 Badibanga, when (Redacted) called me to say that I had to travel here to The Hague, you
10 were the first person who contacted me and we had an appointment at the (Redacted)
11 (Redacted) We had a discussion. You are a son of the soil, a citizen of that country.
12 As you know, (Redacted) I had a mother who made great efforts to educate
13 me and inculcated three things into me: Truth, severity and honour. Do not ask me
14 to say what I do not know, but if you have to convey what is being said make an
15 effort to transmit the truth.
16 Mr Jean-Jacques, (Redacted)
17 (Redacted)
18 (Redacted) Do not expose my life. My health is
19 fragile and I do not intend to go into exile. I cannot stand the cold and I do not
20 intend to stay here. I will return home, but please know that you will be responsible
21 for anything that happens to me in that country, and even if I were to die I have
22 brothers who will use all means, legal or political, to make you pay what you are
23 trying to do to me.
24 Madam President, thank you and I would like that we revert to open session.
25 PRESIDING JUDGE STEINER: Mr Witness, before we go into open session, I think

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1 that what you just said it's quite serious accusation against the lead counsel in this
2 case and I think I would -- I need to give Maître Badibanga the opportunity to take
3 the floor, if Maître Badibanga wishes to respond?

4 MR BADIBANGA: (Interpretation) Thank you, Madam President.

5 I believe that we will allow the witness to assume the responsibility for his statement.
6 Regarding the OTP, we do not have any communication with people outside of this
7 Court; that is regarding what is happening in this courtroom. At this point, maybe
8 the difficulties of the witness come from the fact that he's testifying for some parties in
9 private session and others in open session. Maybe some people know that he is here
10 because he had to make arrangements -- he made arrangements to travel and that is
11 why listening to open session some people may know that he is here but, for the OTP,
12 we have nothing to reproach ourselves for.

13 Ever since this case started, I have received several threats from all over and several
14 intimations. This has been five years now. I would like to remain professional and
15 I will carry out my responsibilities to the end. I cannot be responsible for any
16 difficulties that the witness may have afterwards and if there are personal difficulties
17 that is not really my responsibility, but given what the witness has said I believe the
18 record shows clearly that he has made threats against members of the OTP if he has
19 problems in the future.

20 This is what I can say at this point, because I myself am quite surprised by the
21 statement that he just made.

22 Thank you.

23 PRESIDING JUDGE STEINER: Mr Witness, have you reported to VWU about this
24 phone call you received in the middle of the night?

25 THE WITNESS: (Interpretation) It was very, very late. I did not have any credit

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1 on my phone, but I wanted to reveal this information firstly to the Chamber.

2 PRESIDING JUDGE STEINER: Of course the information will be passed on the

3 VWU. VWU is in charge of making a preliminary examination of what is -- what

4 you just said. My question now is: Would you prefer to testify in full open session,

5 or continuing with the protective measures as we've been doing until now?

6 THE WITNESS: (Interpretation) Thank you, your Honour. I will continue as I

7 have already decided to testify with the same protection measures; that is image and

8 voice distortion. I do not believe that so far I have had any difficulties answering the

9 questions of the Prosecution. On the contrary, I would like Mr Badibanga to ask me

10 questions instead of sending little notes to the young lady who perhaps has never

11 been in Congo and may be does not have a full mastery of the situation.

12 It is true that the Prosecution is one, so I am not worried by that situation but, Madam

13 President, I would like that this should figure in the record and I'm prepared to

14 continue with my testimony, your Honour.

15 PRESIDING JUDGE STEINER: Maître Badibanga?

16 MR BADIBANGA: (Interpretation) I'm sorry, Madam President. I would simply

17 like to make two small observations: I would like that the members of the

18 Prosecution be given the respect due to them. Madam Bala-Gaye is a trial attorney

19 and she has all the confidence of the OTP. She has been asking the questions on

20 behalf of the OTP and I would like her and all the other members to receive the full

21 respect that are due to them because they have shown great professionalism.

22 The second point, your Honour, is that I had a small conversation with Mr Kilolo a

23 few days ago. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) I had a discussion with Mr Kilolo about that and I believe it is in the
8 interest of the witness to be protected.

9 PRESIDING JUDGE STEINER: Maître Kilolo, would you like to make any comment
10 in this respect?

11 MR KILOLO: (Interpretation) (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: (Redacted)

14 (Redacted)

15 (Redacted)

16 MR KILOLO: (Interpretation) (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: (Redacted)

24 (Redacted)

25 (Redacted)

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1 Yes, Mr Witness?

2 THE WITNESS: (Interpretation) Your Honour, I think we are losing sight of the
3 important things here. (Redacted)

4 (Redacted) It is an incorrect
5 interpretation of the facts as reported in Kinshasa.

6 You know the situation in which Mr Bemba is accused here did not happen in the
7 Democratic Republic of Congo. It happened in the CAR. I have no interest in
8 speaking about the authorities of my country. I talked about political personalities
9 and when it is reported to the authorities that I am discussing political authorities
10 here, that is where the problem is. (Redacted)

11 (Redacted)

12 (Redacted)

13 Thank you.

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted) I just want to remind you that both Defence team and
16 Prosecution team, and as well legal representatives of victims, are bound by
17 confidentiality obligations. Any breach of confidentiality obligations is a quite
18 serious misconduct before this Court, so maybe during your testimony in public
19 session you can take the opportunity of an answer in order to clarify this point in
20 which you are insisting so much that there was a misunderstanding between
21 personalities and authorities and you can clarify that while answering to a question in
22 open session in order to make it clear what you meant in your previous testimony, or
23 your testimony in the previous days. So let's try to do that in order to make things
24 as clear as possible.

25 I will therefore ask the court officer to turn into open session.

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1 (Open session at 9.31 a.m.)

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

3 PRESIDING JUDGE STEINER: And I'll give back the floor to Ms Bala-Gaye to
4 continue its questioning of the witness.

5 Ms Bala-Gaye, you have the floor.

6 MS BALA-GAYE: Thank you very much, Madam President.

7 Good morning, your Honours.

8 QUESTIONED BY MS BALA-GAYE: (Continuing)

9 Q. Good morning, Mr Witness.

10 A. (No audible response)

11 Q. Mr Witness, did you receive any interpretation?

12 A. What interpretation do you mean?

13 Q. I said, "Good morning, Mr Witness." How are you today?

14 A. Very well, madam. Although, as I said a moment ago, I am under treatment,
15 but I'm fine in spite of the bad night that I had.

16 Q. Mr Witness, we will go slow, but I just want to remind you that we are in open
17 session, so be mindful of the protective measures that Madam President informed
18 you of. Do you understand that?

19 A. Thank you. Thank you for your concern for my security.

20 Q. Mr Witness, according to you, the ambassador and the MLC were placed under
21 the orders of the Central African authorities; is that correct?

22 A. Yes, madam, I can confirm that the ambassador and the members of the ALC,
23 the Army for the Liberation of the Congo, were placed under the command of the
24 FACA general commander.

25 Q. And we are referring to General Bozizé; isn't that correct?

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1 A. Yes, madam, and I might add that he was with us each time when we moved
2 forward. At the very point in time when I arrived on site for verification, he was
3 with me. Even when we carried out our controls, our rounds, he was with us.

4 Q. Mr Witness, are you aware that General Bozizé reported to President Patassé?

5 A. Naturally, but I don't know. I don't know. There was also the Minister of
6 Defence, Jean-Jacques Démafouth, who was with us, so I can't tell you precisely
7 whether General Bozizé reported to the President of the Republic or whether it was
8 Jean-Jacques Démafouth who did that. I don't know that precise detail, but I can tell
9 you that the ambassador limited his contacts to the Chief of Staff of the FACA.

10 Q. When you say "naturally," is that because you know that President Patassé, as
11 commander-in-chief of the FACA forces, was the overall leader of the army?

12 A. Madam, I cannot tell you exactly precisely to whom General Bozizé reported. (Redacted)
13 (Redacted) the ambassador limited his reports to the General Chief of Staff of
14 the FACA.

15 MS BALA-GAYE: Court officer, could we display document CAR-OTP-0069-0421?

16 And this is document number 29 on the Prosecution's list and it's a public document.

17 THE COURT OFFICER: Could you please repeat the ERN number of the first page?

18 MS BALA-GAYE: The first page is 0372.

19 If we could go to 0423, please, and if we could focus on the paragraph that starts with,
20 "On 4 June."

21 Q. Mr Witness, can you start reading the paragraph that states "On 4 June", which I
22 believe is the fifth paragraph, in fact?

23 A. "On June 4th, the Bangui operation was completed with the cleaning up of the
24 city. Upon request of President Patassé, I ordered my men to maintain momentarily
25 their position in Bangui in order to enable the FACA to take over totally the control of

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1 the capital. On June 10th, all of the soldiers in the 28th Battalion had gone through
2 the Ubangi. Had gone over, rather, had gone over the Ubangi."

3 Q. Mr Witness --

4 THE INTERPRETER: "Crossed over."

5 MS BALA-GAYE:

6 Q. -- from this paragraph, isn't Mr Bemba saying that President Patassé did not
7 order the MLC, either directly or through General Bozizé?

8 A. Thank you, madam. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 THE INTERPRETER: Could the witness be asked to speak closer to the microphone,
14 please?

15 THE WITNESS: (Interpretation) I have stated over and over again that this chapter
16 in the liberation of Bangui, in this chapter in the history of CAR, was not reported
17 exactly the way things happened. It was -- it became politicised, this chapter, if you
18 will, and the friends who worked on this book, I wonder whether they did it in their
19 own interest or whether it was a trap, and that is not exactly what happened; that is
20 what is stated here in this paragraph. The persons who asked the ambassador to
21 stay with the soldiers was the General Chief of Staff of the FACA; that is General
22 Bozizé, also with the agreement of the Minister of Defence who each and every time
23 was present at meetings of the Chief of Staff.

24 Q. Mr Witness, could you move a bit closer to the mic because the interpreters are
25 requesting you to do so because they can't hear what you're saying? Thank you.

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1 A. Thank you very much, madam.

2 Q. The next thing I would like to propose is that we provide you with an extract of
3 this chapter, which you say contains inaccurate information, and ask you to use a
4 marker in order to modify or cross out the portions that you believe are not accurate.
5 Are you able to do that, Mr Witness?

6 A. I'm afraid I didn't understand exactly what you've asked know do.

7 Q. I shall repeat. I'm asking you to take a copy of the extract regarding 2001 and
8 cross out the portions that you say are not accurate. Are you able to do that, sir?

9 A. Yes, by all means. If I can give you additional information to perhaps clarify?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Unfortunately, Jean-Pierre Bemba trusted too much. Did he really have time to read
22 the book line-by-line before he signed it? Perhaps that's a question that should be
23 put to him. Did he have the time to check the veracity of the content of the book?
24 That's another question that should be put to him. As far as I'm concerned, thus far I
25 have not been able to digest all of the information that is in the book and -- but I

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1 would gladly look at the manuscript to do what you have asked me.

2 MS BALA-GAYE: Mr Witness, be rest assured that your views have been expressed
3 on the record, but I have many questions to go through today, so I just ask that you
4 keep your answers concise so that we can finish today hopefully. I'll now give the
5 court usher a hard copy, because I understand the electronic system's not working.
6 Thank you. We have additional copies for the Chamber as well as the Defence. It's
7 of the same extract that we've been going through in the book.

8 PRESIDING JUDGE STEINER: An electronic copy cannot be displayed?

9 MS BALA-GAYE: Apparently there's a problem with the electronic system; is that
10 correct?

11 THE COURT OFFICER: Madam President, the electronic copy can be displayed.
12 However, we cannot make annotations on the electronic copies at this moment. We
13 will show it on the ELMO once he has done the work.

14 MS BALA-GAYE:

15 Q. Mr Witness, could you kindly go through that chapter and cross out the
16 portions that you disagree with and, when you have finished, please let me know?
17 Mr Witness, do you understand that you're only starting from the chapter that begins,
18 "To the rescue of our Central African neighbour ...", so please ignore everything that's
19 before that chapter on that page, so just start at the bottom. Thanks.

20 A. Is it from June 4th?

21 Q. You're starting from the bottom of the page and the chapter starts, "To the
22 rescue of our Central African neighbour ..." on the first page that you've been given, it
23 says "Page 47" at the bottom. Have you found the right page, Mr Witness?

24 A. It's the first page, madam? The first page?

25 PRESIDING JUDGE STEINER: One moment.

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1 Maître Zarambaud?

2 MR ZARAMBAUD: (Interpretation) Madam President, I would like to ask the
3 OTP if they have a copy for the legal representatives?

4 PRESIDING JUDGE STEINER: You don't have the binder with all documents of the
5 Defence, Maître -- of the Prosecution?

6 MR ZARAMBAUD: (Interpretation) Well, it was given to all of the parties and
7 participants, but we thought we would have a paper copy to follow and we will
8 consult the other document later on.

9 PRESIDING JUDGE STEINER: Ms Bala-Gaye, do you have an extra copy of this
10 specific --

11 MS BALA-GAYE: Yes, indeed we do, Madam President. It's the same extract that's
12 being displayed, but we have hard copies for Mr Zarambaud, if they would like
13 them?

14 PRESIDING JUDGE STEINER: Court usher, please.

15 (Pause in proceedings)

16 MS BALA-GAYE:

17 Q. Mr Witness, how are you doing with that? Are you almost finished, or do you
18 need more time?

19 A. I'm looking at the very last page, Counsel.

20 I have finished, your Honour, but I would like to point out that, when you look at the
21 first page, for example, it contains information that I was not aware of so I cannot
22 comment on that. On the second page, I made a few corrections based on what I
23 experienced, and also on the third page.

24 Thank you, Madam President. Thank you, Counsel.

25 Q. Mr Witness, could you write your name and sign the document, please? If you

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1 could put your name and signature, and at each page where you've made corrections,

2 could you just initial the parts where you have modified the text?

3 PRESIDING JUDGE STEINER: Ms Bala-Gaye, would you like the document

4 modified to be shown on the screens?

5 MS BALA-GAYE: That's exactly what I would like, Madam President. Thank you.

6 PRESIDING JUDGE STEINER: So first I would like the court officer, please, to

7 assign an ERN number to the document.

8 THE COURT OFFICER: Madam President, could I ask you for two minutes?

9 Perhaps we could show the document while I search for the next ERN number.

10 PRESIDING JUDGE STEINER: Perfect. No problem.

11 THE COURT OFFICER: Could Ms Bala-Gaye indicate if this document is to be

12 presented publicly, or not?

13 MS BALA-GAYE: It has --

14 PRESIDING JUDGE STEINER: If it has the signature and the initials of the witness,

15 the document is classified as confidential.

16 THE COURT OFFICER: So, for the Chamber and the participants, if you wish to

17 view the document, please press on "Docu Cam Witness" next to your screens.

18 PRESIDING JUDGE STEINER: Ms Bala-Gaye?

19 MS BALA-GAYE: Thank you, Madam President.

20 Could we please move to the next page? If we could please have the next page of

21 the document. Thank you.

22 Q. So, Mr Witness, just to confirm, on this page you disagree each time Mr Bemba

23 says, "I ordered," isn't that correct?

24 A. Thank you, Counsel. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). Thank you.

4 Q. And we are still in open session, Mr Witness.

5 Court usher, could we please move to the next page?

6 Mr Witness, could you read the change that you've made in the first sentence, and

7 each time I ask you to read something I'm also mindful that -- well, to highlight

8 anything that identifies you, so please also be cautious. If you could read the first

9 change on that page? Thank you.

10 A. In the previous page I talked about securing the French Embassy, and I would

11 like to point out that on that particular axis or road, it was not only the French

12 Embassy. There were others. So the ALC had the duty, with its sister platoon, had

13 the responsibility to secure all the diplomatic missions on that road.

14 Regarding the second paragraph, Commander Bokolombe met once again with the

15 FACA General Staff in order to reinforce the co-ordination of operations on that

16 particular area controlled by the ALC and the FACA.

17 In the third paragraph, I said the ALC contingent, as well as the accompanying

18 platoon, advanced on the Général de Gaulle Boulevard.

19 Fourth paragraph: On 2 June, a meeting of the FACA General Staff chaired by

20 General Bozizé and in the presence of Mr Jean-Jacques Démafouth requested the

21 soldiers of the 28th Battalion and the accompanying platoon to take control of the two

22 roads.

23 Next paragraph: 4 June, the Bangui operation ended with the control and security

24 operation. There is a question mark there which indicates that the discussion

25 between Mr Jean-Pierre Bemba and President Patassé -- well, we really do not know

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1 whether the ambassador could have been aware of that. Maybe it is up to you to
2 find an answer to that question.

3 The Chief of Staff of the FACA requested the ALC soldiers to momentarily maintain
4 the position in Bangui.

5 Can we scroll up, please? I believe that was the last page. Thank you, madam.

6 Q. Mr Witness, are those -- I apologise.

7 PRESIDING JUDGE STEINER: Ms Bala-Gaye, just give the court officer the floor.

8 THE COURT OFFICER: Thank you, Madam President. So this document
9 annotated by the witness will bear the following ERN number: CAR-ICC-0001-0091.

10 PRESIDING JUDGE STEINER: Thank you very much.

11 Ms Bala-Gaye?

12 MS BALA-GAYE:

13 Q. Mr Witness, before I proceed, is it possible for you to provide a signature on the
14 document? I see you've initialed the document, but there is no signature, so could
15 you sign the document and then append today's date to it?

16 A. I have no problem with that at all, Counsel.

17 Q. Mr Witness, apart from the changes that you have made to this extract, are there
18 any other changes to what Mr Bemba has written in this section? I'd like to confirm
19 that.

20 A. Yes, I can confirm that, except that I cannot change anything about his thoughts;
21 that is the ideas and thoughts expressed in that chapter.

22 Q. And just to summarise, according to Mr Bemba, he gave the order to ALC
23 troops in the Central African Republic. Now, according to the changes you have
24 made, these orders came from the Central African authorities; is that correct?

25 A. I can confirm to you, Counsel, that the orders received in Bangui during the

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1 2001 operation came from General Bozizé, the Chief of Staff of the FACA and
2 operations commander. Once again, I would like to confirm that the ambassador
3 was not in direct contact with Mr Jean-Pierre Bemba.
4 Furthermore, Mr Jean-Pierre Bemba was more than 2,000 kilometres away from the
5 theatre of operations and the ambassador did not have any means of communication
6 to contact him. In 2001, we did not have the type of communication means that we
7 have today. Most people were able to work with satellite phones, and the
8 ambassador did not have one of those.

9 Q. So, Mr Witness, Mr Bemba wrote this book at a time when judicial proceedings
10 against him had not been contemplated. Today you are testifying 12 years after the
11 events on behalf of Mr Bemba when there are proceedings against him. Is it your
12 testimony that the Judges should believe you and not Mr Bemba?

13 A. I believe you should put that question to Mr Bemba. I have been saying over
14 and over again that I have always called into question the information contained in
15 that book, particularly as regards the Bangui operation.

16 Q. Mr Witness, I'll provide you with a couple of names, and help us to know
17 whether or not these persons were part of the 2001 operation and we can do so in
18 open session. So the first name is Jean-Roger Dikunduakila. I'll spell the last name.
19 It's D-I-K-U-N-D-U-K-I-L-A. Is that a name that you know, Mr Witness?

20 A. Can you kindly repeat, Counsel?

21 Q. Yes, indeed. The name I provided is Jean-Roger Dikunduakila. Is that a
22 name that you are familiar with?

23 A. I know Commander Diku, but I do not know his post name. I know Jean Diku,
24 but Jean-Roger Dikunduakila, I really do not know.

25 Q. Can you tell us what his role was, this Commander Diku?

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1 A. He was the battalion commander that the ambassador took back -- that is the
2 commander of the battalion that the ambassador took back to Bangui -- took to
3 Bangui.

4 Q. What about the name René? Do you know that soldier, or commander, or was
5 he a member of the ALC, René?

6 A. That name doesn't ring a bell, madam, and René is a first name.

7 Q. What about Abongo? Does that name ring a bell, A-B-O-N-G-O?

8 A. I have no idea, madam.

9 Q. (Redacted)

10 (Redacted) is that correct?

11 A. Thank you, madam. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Mr Witness, do you recall testifying that the ALC soldiers in the Central African
16 Republic could not allow themselves to commit crimes in his presence because the
17 ambassador was strict? I'm here referring to transcript 137 of the English edited
18 version, page 47, line 22, to page 48, line 3. Do you recall stating that, Mr Witness?

19 A. Yes. To clarify, Counsel, (Redacted) and he had the reputation
20 for being very rigorous when it came to offences or crimes. Psychologically, the
21 soldiers knew that they could not behave just anyhow in the course of operations and
22 in the presence of the ambassador.

23 Q. And is this because they knew that, if they committed any crimes, the
24 ambassador would take action?

25 PRESIDING JUDGE STEINER: Court officer, please, could you turn very briefly into

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1 closed session -- into private session?

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

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

4 PRESIDING JUDGE STEINER: (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Ms Bala-Gaye, can we continue in public session?

9 THE WITNESS: (Interpretation) Thank you, madam, for reminding me of this
10 exercise.

11 MS BALA-GAYE: Perhaps it's best just to ask the next few questions in private and
12 then we will go back?

13 PRESIDING JUDGE STEINER: Maybe. Maybe it's better.

14 MS BALA-GAYE: Thank you, Madam President.

15 Q. Mr Witness, I'll repeat my question, which was, you stated that the
16 ambassador's presence was psychologically in the minds of the ALC soldiers, so my
17 question is: Was this because they knew that, if they committed any crimes, the
18 ambassador would take action?

19 A. Generally speaking, Counsel, the ALC soldiers were disciplined. (Redacted)
20 (Redacted) but just like in any family, there are always rotten apples, but
21 generally speaking they were disciplined soldiers.

22 Q. Were there any rotten apples in the battalion of MLC soldiers that were in the
23 Central African Republic?

24 A. Yes, there are always black sheep and I can tell you, (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. So, Mr Witness, whenever there were actions of indiscipline, (Redacted)

11 (Redacted)

12 (Redacted) is that correct?

13 A. No, he was commander of a company and therefore he had to be sent to the
14 disciplinary committee of his brigade in Zongo. There were practical rules that
15 applied at every level, every echelon, in order to apply disciplinary rules. If a soldier
16 is taken back to Gbadolite, that means that he had committed a very serious - very
17 serious - crime.

18 Q. So let's take the example of rape or murder. If a soldier was accused of having
19 committed rape or murder, is it correct that this would be serious enough to send
20 back to Gbadolite? Is that correct?

21 A. Very serious. Very serious, madam. At that level, at that echelon, a report
22 had to be made to the higher level, informing the FACA General Staff, and that that
23 person had to be sent immediately before the disciplinary council, that is at General
24 Staff level, and basically a court martial. Those were serious acts. The punishment
25 could not be meted out at a lower level and if -- in this case it was a simple theft, he

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1 was punished, he was removed from combat and sent back to his unit for follow-up.

2 Q. (Redacted)

3 (Redacted)

4 A. Madam, before the soldiers were able to go out in the field, they have to be
5 well-fed and you have to talk about morale and you have to prepare them morally for
6 combat, and it's only afterwards that they will be sent. If there was behaviour that
7 was not appreciated by the commander, it's up to the commander during the
8 discussion on morality to tell the soldiers that such-and-such a behaviour is not
9 acceptable, "I don't want to see this again." It's up to each commander in each unit to
10 do that regularly, madam.

11 Q. (Redacted) were there

12 any other investigations or prosecutions in relation to the 2001 intervention?

13 A. No. No, madam. Other than (Redacted)

14 (Redacted) as well as the other incident I mentioned, there -- I've just told you that it was

15 about 1900 hours, it was getting dark, when some soldiers who wanted to take

16 property which had been abandoned by the assailants and (Redacted)

17 (Redacted) they threw things down and went back to their post, and some of the

18 commanders were already fairly far away, (Redacted)

19 (Redacted) -- and on the basis of a written report, (Redacted) described the property (Redacted) found

20 on-site that had been abandoned by the assailants. So I can confirm that there was

21 only one soldier who was punished (Redacted)

22 (Redacted)

23 Q. Regarding these soldiers that you say gave away the property as soon as they

24 saw the ambassador's jeep coming, was any action taken in relation to these soldiers?

25 A. Those soldiers were not caught. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) a report was drafted and given to

4 General Bozizé.

5 Q. And that is the same --

6 A. And the property was recovered, excuse me.

7 Q. And that is the same report that is copied to the état-major in Gbadolite; isn't
8 that correct?

9 A. No. Sincerely, no. That was a misdeed. Not only did the individual take
10 back his property, the person was punished and sent back to his unit. (Redacted)
11 (Redacted) did not see the need to take the case all the way up to the General Staff in
12 Gbadolite. He preferred that he be punished at the level of his unit.

13 MS BALA-GAYE: Mr Witness, I now have some questions about the withdrawal of
14 the MLC soldiers during the 2001 operation, so I would like to ask Madam President
15 for us to move into open session.

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

17 (Open session at 10.43 a.m.)

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

19 MS BALA-GAYE:

20 Q. I would just remind you to be careful of mentioning any information that may
21 identify you or other protected persons.

22 Now, apart from the daily reports that were copied to Gbadolite via phonie, were
23 there any other reports sent to Gbadolite; the état-major in Gbadolite?

24 A. Those reports, as I've just stated, were sent. The ambassador had the duty to
25 report to his hierarchy and the copies were sent to the General Staff in Gbadolite and

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1 they -- it was up to the General Staff to deal with the report and report to the Chief of
2 Staff, who would decide or not to organise a meeting of the political and military
3 General Staff. It's up -- that's it.

4 Q. Apart from these reports that were sent while the soldiers were in the Central
5 African Republic, were there any other reports sent to the état-major once the soldiers
6 had withdrawn from the Central African Republic?

7 A. Thank you, madam. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 Q. And just to confirm, this withdrawal of all the soldiers, the whole battalion, took
19 one day; is that correct?

20 A. Well, a battalion is about 450 men. In a boat, well, it takes about 45 minutes to
21 cross the river at Bangui, so it's not a big deal. It's not -- in a couple of crossings.

22 I think it was two crossings that were required to take the men back to Zongo.

23 Q. Therefore, (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. (Redacted) in

9 relation to the CAR intervention that had just ended; is that correct?

10 A. Madam, there was a written report. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. And is it correct that such a report was addressed -- was not addressed to

18 Mr Bemba himself?

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) It's up to the Chief of Staff to write to the supreme commander.

23 It's not up to anyone else to write to Mr Jean-Pierre Bemba.

24 Q. So what you're saying is that -- I'm sorry, do you want to say something,

25 Mr Witness?

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1 A. Go ahead. Continue your questions.

2 Q. So what you are saying is that it wouldn't have been normal practice (Redacted)
3 (Redacted) to send a report to Mr Bemba at the end of the operation?

4 A. No, at the end of the operation there was a general report. It was sent to the
5 Chief of Staff of the FACA, with a copy for information to the General Chief of Staff.
6 Anyway, the Chief of Staff of the FACA, who was the commander of the operations,
7 had to approve the report before it could go any further because otherwise -- (Redacted)
8 (Redacted) it had to be approved by the
9 commander who was the -- was General Bozizé, the Chief of the FACA.

10 MS BALA-GAYE: Thank you, Mr Witness. It's now very clear. I would like you
11 to mark on a map locations that the MLC had operated while they were in the Central
12 African Republic, so for that I will ask the court officer if the SMART Board is
13 working now?

14 THE COURT OFFICER: The SMART Board will be working after the break.

15 MS BALA-GAYE: Thank you. Then I'll return to that after the break.

16 Q. Mr Witness, it is your testimony that apart from the two incidents you informed
17 us about you did not hear any other allegations regarding crime by ALC soldiers in
18 the Central African Republic; is that correct?

19 A. There were not crimes in 2001 and I emphasise that. It is true that during a
20 war you have a communications strategy to fragilise the enemy. You invent things
21 sometimes, you talk about certain things, to weaken the enemy's morale, but the
22 ambassador did not record any cases of what you've referred to, crimes or anything
23 else. There were no crimes in Bangui in 2001, and if you -- I believe you have the
24 means to do so, you can search for RFI broadcasts on June 12th of 2001, and perhaps
25 also TV5, where they started saying bad things about the ALC soldiers and then in the

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1 end they said that the ALC soldiers had gone back heads high to their country and it
2 was a source of pride for the rebels. I'm sure you have the means to do so. Take a
3 look at the RFI comments on the war in Bangui dated June 12th 2001; between
4 June 11th and June 12th. I am sure you have the ability to do so.

5 Q. Can you tell us what type of allegations you say RFI reported at this point?

6 A. Well, you know, I did not follow that personally, but I heard that in 2001 the
7 ALC soldiers had stolen and looted in Bangui, (Redacted)
8 (Redacted) those allegations were false and the fact is RFI
9 had the courage to contradict what they had first announced. At the end of the
10 hostilities, they said that in fact the ALC had gone home with their hands clean and
11 that the initial information that had been published was ill-founded and I appreciated
12 their courage to say that.

13 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

14 MS BALA-GAYE: Yes, Madam President. Thank you.

15 PRESIDING JUDGE STEINER: Mr Witness, it's almost 11 o'clock. We'll have our
16 half-an-hour break, time for you to take some rest and also for our interpreters and
17 court reporters.

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

21 (Closed session at 10.58 a.m.) * Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 10.59 a.m.)

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1 (Upon resuming in closed session at 11.37 a.m.) * Reclassified as Open session

2 THE COURT USHER: All rise.

3 Please be seated.

4 PRESIDING JUDGE STEINER: Welcome back. And before we bring the witness in,
5 the Chamber was informed that Deputy Prosecutor would like to address the Bench,
6 so Mr Stewart, you have the floor.

7 MR STEWART: Thank you, Madam President, your Honours. It is indeed a
8 pleasure to be here before you, but the circumstances I'm afraid are not so pleasant.
9 It's been brought to my attention that a witness who is currently testifying has offered
10 what could only be described as a threat to a senior member of our office, who is here
11 so assist you and to do his work as a Prosecutor, and has also been extremely rude to
12 a highly competent member of the Prosecution team who is doing her job and
13 assisting you. And my concern is that this witness be cautioned in the clearest terms
14 possible by this Chamber that this is completely unacceptable behaviour. And it's
15 also open to the Chamber, as I know my friend Mr Haynes will be perfectly aware of
16 such an action, to request counsel to advise the witness how to behave in this Court.
17 So I wanted to come and speak to you directly about the matter because it is a matter
18 of concern. It affects the dignity of the Court but also its ability to function
19 appropriately and we cannot, in the Office of the Prosecutor, stand by and have
20 witnesses speak in the way this witness apparently has to Mr Badibanga and his
21 co-counsel. Thank you.

22 PRESIDING JUDGE STEINER: Thank you, Mr Stewart. I would like to ask
23 whether Defence would like -- Defence counsel would like to make any comment in
24 that respect?

25 MR KILOLO: (Interpretation) Yes, Madam President, I think it's quite appropriate

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1 to listen to what the Deputy Prosecutor has said. It goes without saying that
2 wherever a witness comes from, we expect him or her to be courteous with regard to
3 the people examining them, so we don't have any particular comment there. But on
4 the other hand, we need to ensure that the witness's testimony ends in serenity and
5 then we will leave it up to your wisdom to decide what to do regarding cautioning
6 him, for example, but it is necessary to conclude the testimony without opening other
7 polemics.

8 Thank you.

9 PRESIDING JUDGE STEINER: Mr Stewart, any further comment?

10 MR STEWART: No, Madam President. Thank you for hearing me.

11 PRESIDING JUDGE STEINER: May I assume that you will be present during the
12 continuation of the testimony?

13 MR STEWART: If you wish, Madam President.

14 PRESIDING JUDGE STEINER: It is up to you, Mr Prosecutor. You feel free to
15 stay --

16 MR STEWART: I think, Madam President, just to be here for when the witness
17 comes back in and is, to borrow my friend's expression, *rappel à l'ordre*, and if I may
18 then withdraw, with your permission, I'll be happy to do so.

19 Thank you very much.

20 PRESIDING JUDGE STEINER: So I ask please, court usher, to bring the witness in.

21 (The witness enters the courtroom)

22 PRESIDING JUDGE STEINER: Mr Witness, the Chamber is asked first to let you
23 know or let you aware of the presence in this courtroom now of Mr James Stewart,
24 the Deputy Prosecutor of the International Criminal Court.

25 Mr Stewart came in order to tell the Bench about the concerns of the Office of the

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1 Prosecution related to your statement made in the beginning of today's hearing, and
2 I'm referring more specifically to page 4, starting on line 23 or 24, and continuing on
3 page 5, mainly in the part in which you say, "I will return home, but please know that
4 you will be -- you will be responsible for anything that happens to me in that country
5 and, even if I were to die, I have brothers who will use all means, legal or political, to
6 make you pay for what you are trying to do to me." Apart of that, it was understood
7 by the Prosecution that you referred to a member of the Prosecution team, more
8 specifically to Ms Bala-Gaye, in very detrimental way.

9 The Chamber agrees with the Prosecution that such kind of statements are
10 unacceptable before this Chamber, in a very derogatory way better saying. The
11 Chamber was -- the Chamber intended to call your attention to that fact at the end of
12 your testimony but, taking into account the presence of the Deputy Prosecution, the
13 Chamber decided to call your attention that your statement has been understood as a
14 threat against a member of the Office of the Prosecution and this is not acceptable
15 before this Court.

16 So we hope, Mr Witness, that we can continue with your testimony in a smooth way,
17 that you answer to the questions put to you, telling the truth to the best of your
18 knowledge and belief, without directing any kind of comments or criticisms to the
19 conduct of any of the members of the Prosecution team; the same respect that is due
20 to the counsel of the Defence team and to the legal representatives of victims.

21 Do you understand what I'm saying, Mr Witness?

22 THE WITNESS: (Interpretation) You were very clear, Madam President, but
23 maybe it was a misunderstanding? I would like to sincerely apologise to
24 Ms Bala-Gaye. It was really not my intention to denigrate her and I am really sorry.
25 I apologise sincerely if she felt offended.

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1 Regarding the earlier comment, it was not really a threat as claimed. It was simply a
2 caution and I clearly specified that the means to be used would be legal, just like for
3 anyone who wants to protect himself or herself.

4 Once again I'm sorry, Madam Bala-Gaye, I did not want to offend you, and with
5 regard to the other statement I simply wanted things to be very clear.

6 PRESIDING JUDGE STEINER: I hope this clarified the things, reminding once again,
7 Mr Witness, that all officials of the Court - all of them - as well Defence counsel,
8 Defence team, legal representatives of victims, Office of the Prosecution, are bound by
9 the duty of confidentiality. So before suggesting that any leaking related to your
10 testimony has Mr Badibanga or any other member of the Prosecution team as its
11 source, it would be better if you tried to get better information before you point your
12 finger to anyone.

13 Is that correct, Mr Witness?

14 THE WITNESS: (Interpretation) Very well understood, Madam President, and I
15 thank you for that observation. Nevertheless, I think you should also bear in mind
16 my security. I explained everything when I gave my statement because my life does
17 not have a price.

18 PRESIDING JUDGE STEINER: Mr Witness, as I mentioned and I repeat now - as I
19 mentioned in the morning and I repeat now - you will be interviewed by the security
20 officer of VWU. It's to VWU that you need to report what happened to you, because
21 it is up to VWU to provide or to assess your security, to assess what exactly has
22 happened and, if need be, consult the Chamber. So security officer of VWU will be
23 in contact with you during the lunch-break.

24 I ask if we continue with the testimony? Mr Stewart, I hope - I hope - everything is
25 clear now?

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1 MR STEWART: Thank you, Madam President, and your Honours. I hope the
2 witness does take your words to heart and really understands the process that he's
3 involved with. Thank you.

4 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
5 testimony?

6 THE WITNESS: (Interpretation) I'm very, very ready, your Honour. We can even
7 go up 'til midnight.

8 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
9 (Open session at 11.53 a.m.)

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

11 PRESIDING JUDGE STEINER: Ms Bala-Gaye?

12 MS BALA-GAYE: Thank you very much, Madam President.

13 Q. Welcome back, Mr Witness.

14 A. Good morning once again. I hope you have forgiven me if you felt offended
15 by my statement. I would like to hear it from you, yourself.

16 Q. Thank you, Mr Witness. I have heard what you said and I will proceed with
17 my questions and I hope I have your full co-operation.

18 A. You can count on it, Counsel, but I hope you have forgiven me if I have
19 offended you.

20 Q. Thank you. Prior to the break today, you testified about allegations of looting
21 from RFI and TV5. My question is: Did you hear of any other allegations from any
22 other source regarding the 2001 intervention?

23 A. No, Counsel. I talked about the situation during the meeting that followed,
24 and the Chief of Staff of FACA and the Minister of Defence who was present told me
25 not to believe those statements which were nothing but a communication strategy, or

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1 propaganda.

2 Q. Did you later hear about any other allegation regarding crimes from members
3 of the MLC, either from the état-major or elsewhere within the MLC, after you
4 returned to the Central African Republic -- to the DRC, I apologise?

5 A. No, Counsel. On the contrary, I heard only praise from this same RFI radio
6 and they mentioned the bravery of the ALC soldiers.

7 Q. Mr Witness, I'd like to return to an exercise that I wanted you to carry out in the
8 first half of today's session. I would like to give you a map and ask you to mark the
9 areas which the ALC troops operated during the 2001 intervention. I am informed
10 that we will have to do so using a hard copy, so I will give one to the court usher.
11 Just for the record maybe we can have the same map displayed electronically, and I'm
12 referring to document 14 of the Prosecution's list of documents and it's
13 CAR-OTP-0030-0153 and it's a public document. Thank you.

14 Mr Witness, using a red marker could I ask you to note the locations and the various
15 axes that the MLC operated along during the 2001 operation and, when you have
16 finished, please put your name and signature and please inform me?

17 A. Madam President, I really cannot identify the locations on this map because I
18 cannot see the location of the Sofitel Hotel and I need to know that before I proceed.
19 Perhaps you can help me locate that.

20 PRESIDING JUDGE STEINER: Can you help the witness, Ms Bala-Gaye?

21 MS BALA-GAYE: Yes, indeed, Madam President.

22 Q. Mr Witness, if you look at the map, and perhaps it might be helpful to look at
23 the electronic version and then we can zoom into it a little bit more. Now, using that
24 map, is it possible for you to give an approximate location, either based on how the
25 river narrows or the closest location next to that? Just an approximate location, if

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1 you can't tell exactly where it is.

2 A. Madam President, I need two pieces of information. I need to know which
3 direction the river is flowing in and where the Sofitel Hotel is located, which is not
4 indicated on this map. I can't see it. I'm afraid I'm not all that familiar with the City
5 of Bangui, although I spent time there. This is a bit complicated and I want to do
6 this exercise precisely.

7 Q. Mr Witness, perhaps you can mark other locations if you don't know exactly
8 where to situate the Sofitel, so there are other locations on the map such as N'garagba,
9 Ndrès, Ouango. Can you read those? Can you read the names on the map? If
10 there are any other locations that you can identify on the map apart from the Sofitel,
11 then we can proceed on that basis.

12 A. Yes, madam, but you've asked me to indicate the advance of the troops. I see
13 the Boulevard de Gaulle, up to Ouango, and then from N'garagba to Ouango, but I
14 wonder whether, or rather, where the Ubangi River is? It's not indicated. Oh,
15 okay.

16 I see the Ubangi River so I can indicate the boulevard up to Ouango and from Charles
17 de Gaulle Boulevard.

18 Q. Apart from those locations, Mr Witness, is there any other location that you can
19 identify? And once you have finished, we can complete that with oral testimony to
20 explain the progression.

21 A. Yes, that's what I'm in the process of doing.

22 Could I ask a question for clarification? Where is the camp, the military camp on the
23 Ndrès road?

24 Q. Unfortunately, I'm not testifying so I can't really highlight that for you, but if it's
25 somewhere along the Ndrès road, you can be as -- you can approximate, if you can't

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1 be too sure, and then you can just write "camp" next to it so we know what you're
2 referring to.

3 A. I don't know exactly how -- where to situate it precisely but I've done my best,
4 and I think, I have the impression that there's an area, a sector, here which at the time
5 was a cement plant. Correction, a cemetery, a cemetery. And I have circled that
6 area. I believe I've finished. Thank you.

7 Q. Thank you, Mr Witness. Your efforts are appreciated. If you could just
8 append your name and signature to the document.

9 And then I will request for an EVD number, Madam President.

10 PRESIDING JUDGE STEINER: Ms Bala-Gaye, are you going to request the
11 document to be shown on our screens?

12 MS BALA-GAYE: That is my intention, Madam President, so the witness can
13 explain the document.

14 PRESIDING JUDGE STEINER: Then it's classified as confidential.
15 Could, please, court officer attribute an ERN number.

16 THE COURT OFFICER: Thank you, Madam President. The ERN number to this
17 annotated map will be CAR-ICC-0001-0094.

18 MS BALA-GAYE: Thank you very much.

19 THE COURT OFFICER: And also, in order to view this document, please press
20 "Docu Cam Witness."

21 MS BALA-GAYE:

22 Q. Mr Witness, just to make sure that we understand the map clearly, can you
23 please assist us by explaining the advancement of MLC soldiers once they arrived in
24 the Central African Republic in 2001?

25 A. Yes, Counsel. As I stated in the beginning, we began by protecting the area

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1 near the Sofitel Hotel, that is the evening that the company arrived. Then, the next
2 day, when the remainder of the battalion arrived in Zongo, (Redacted)
3 (Redacted) we -- from
4 where we were, that is at the Sofitel Hotel, to the N'garagba Prison, once we had
5 completed the situation in N'garagba, the second day, after other soldiers had taken
6 over other sectors, we were in N'garagba and the friendly soldiers were near the
7 camp, the name of which I have forgotten. And then, from there, we took the two
8 roads: One road that went from the camp to Ouango and the other from N'garagba
9 going to Ouango, and that's where we completed the operation the last day.
10 I believe the operation finished at Anja (phon), if I'm not mistaken.

11 Q. Thank you, Mr Witness.

12 I no longer need the document, court usher, thank you.

13 So, Mr Witness, based on what you've said, the MLC occupied areas such as
14 N'garagba, Ouango, Ndrès and Anja; is that correct?

15 A. Yes, Counsel, except that after we went through the main roads there was
16 another unit - another FACA unit - which was to follow us to stabilise and provide
17 security to the zone. So it was that unit that came in -- came into the middle of the
18 zone. We were in charge of the main roads - the main axes - to flee the assailants,
19 but the other areas were controlled by the FACA. We were in the front lines the
20 second day.

21 MS BALA-GAYE: Court officer, could we please display document number 5 on the
22 Prosecution's list, and that is CAR-OTP-0004-0533 and it's a public document?
23 If I could please ask you to display page 0548 and can we just go down to the bottom
24 of the page, please?

25 For those following in the English version the translation is CAR-OTP-0004-0577 at

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1 page 0591 and we will move on to 0592, and this is document number 4 on the
2 Prosecution's list.

3 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

4 MR HAYNES: It's my usual intervention in such cases. Would Ms Bala-Gaye be so
5 good as to tell the witness what document he is looking at, what it is, because I don't
6 imagine he has ever seen it before?

7 MS BALA-GAYE:

8 Q. Mr Witness, the document you have in front of you is a report from Amnesty
9 International and it is a report dated 19 January 2002. Now, in this report Amnesty
10 International talks about the events that happened in the Central African Republic.
11 Now, if I can just ask you to read from Chapter 2.3, which is almost at the bottom of
12 the page. It begins, "Abus des droits humains ..." Thank you.

13 A. "2.3: Human rights abuses on the part of the soldiers, members of the ALC.
14 Upon the request of the Central African government, the Congolese troops - the
15 MLC - arrived in Bangui to support the loyalists."

16 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - sorry to interrupt you.
17 Even if you are reading, please read it slower in order to allow the interpreters to
18 make the translation. Thank you.

19 THE WITNESS: (Interpretation) Thank you, Madam President. I shall start over:
20 "2.3: Human rights abuse on the part of the combatants of the MLC. Upon request
21 of the Central African government, the MLC Congolese troops arrived in Bangui to
22 support the loyalists. Those troops also committed violations of the Geneva
23 Conventions ..."

24 MS BALA-GAYE: Could we kindly move on to the next page?

25 Q. Mr Witness, if you could just continue reading the first three paragraphs?

1 A. "... violations in humanitarian law and were responsible for sexual violence
2 against girls and women in Bangui and organised the looting of houses abandoned by
3 the fleeing population. A 40-year-old witness, who lived in the Ouango
4 neighbourhood, described the facts to a representative of Amnesty International.
5 Quote, 'It was horrible. The Congolese also raped the girls from Ouango behind the
6 walls of the neighbourhood. We could hear the girls say, 'I'm sick to my stomach.
7 I'm dead.'"

8 I continue:

9 "According to certain reports, three soldiers ..." --

10 Q. Please go ahead, Mr Witness. Sorry.

11 A. "According to certain reports, three MLC soldiers raped a little girl aged 12 in
12 the Gbadoua neighbourhood. These same soldiers then publicly raped in a
13 neighbourhood bar two girls, one of which was pregnant. In Bangouma, a woman
14 and two young girls aged eight and ten were raped by nine MLC soldiers. Each of
15 the girls was raped by several members of the MLC. Certain girls were raped
16 against the wall which surrounded the official residence of the French ambassador."

17 Q. Mr Witness, did you hear of any such allegations such as rape in the locations
18 where MLC operated, and in this case Ouango is mentioned for example?

19 A. Madam, first of all I have never seen this report before, although I do read quite
20 a lot and I have read many documents relating to the Bangui operation. That's first
21 of all. And, secondly, these are allegations which are exaggerated because the
22 ambassador was present on-site during the operations and I cannot imagine that
23 soldiers would carry out such acts as those mentioned here. And lastly this
24 40-year-old person, this gentleman, there's no name who is stating such facts;
25 supposed facts. These are mere lies.

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1 I can confirm and I insist that there were no such atrocities, no sexual violence, nor
2 looting during the 2001 war. Otherwise, there wouldn't have been any reason to call
3 for those troops. If they had looted the previous year, they would not have been
4 called back to Bangui the following year. It just wouldn't have been acceptable. So
5 these allegations are false, and I repeat they are false and without any foundation.
6 This so-called 40-year-old person, whose identity is not indicated, he made statements
7 to a representative of Amnesty International. Where? When? It's all just lies.
8 Thank you very much.

9 If need be let me add that after the departure of the ALC soldiers, and perhaps for
10 reasons of vengeance as we read in the previous page, perhaps with the FACA there
11 may have been tribal issues perhaps afterwards, but I never heard any talk about rape.
12 I never heard about looting during the first war in Bangui.
13 Thank you, Counsel.

14 MS BALA-GAYE: Let's move on to other locations and crimes.
15 Court officer, could you please turn to page 0541?

16 PRESIDING JUDGE STEINER: Ms Bala-Gaye, if you allow me, before you go to
17 another document. I would like just for the sake of the record that the witness read
18 the following paragraph and make some comments on the content of the following
19 paragraph; the paragraph that starts by, "Lors d'une rencontre ..."

20 MS BALA-GAYE: I was actually planning to cover it later, Madam President, but if
21 he can proceed before we move on then that works as well. Thank you.

22 PRESIDING JUDGE STEINER: I don't want to interfere in your order of questioning.
23 Just because I understood that you are going to another document, I thought it was
24 the opportunity for the witness to comment on this paragraph.
25 Can you please read it, Mr Witness? Read it to the Bench, please.

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1 THE WITNESS: (Interpretation) "During a meeting end of January 2002 between
2 the representatives of Amnesty International and Olivier Kamitatu, Secretary-General
3 of the MLC, Mr Kamitatu declared ...", I quote, "... 'As regards the violations
4 committed by the MLC soldiers in operating in the Central African Republic, I will do
5 what is necessary for them to be sanctioned and, as regards the officers, in fact some
6 officers have already been sanctioned'", end of quote. "Amnesty International has
7 not as of yet been informed whether or not an investigation carried out by the MLC to
8 identify those soldiers who might have been involved in said human rights abuses."

9 MS BALA-GAYE:

10 Q. Mr Witness, after having read this extract, how is it possible (Redacted)

11 (Redacted) the Secretary-General

12 of the MLC, who was in the DRC, was aware of allegations of rape against MLC
13 soldiers during the 2001 intervention? I remind you that we are in open session.

14 A. Counsel, these are political statements. "I will do this, I would do that." What
15 did he do to identify these officers? Nothing happened. The only officer who was
16 punished was the one who stole 300,000 CFA francs from the Central African
17 Republic seminarian, and he was sent back to Zongo and arrested. So which other
18 officers were punished apart from Commander Kisémbé; "I will do this, I will do
19 that." Which other officers that he identified because he had the authority? He was
20 the prime minister. He was in charge of the day-to-day political, economic and
21 social life of that area. He could give instructions to the Chief of Staff and to the
22 rebel government. So, with all these possibilities, did he identify one or two soldiers?
23 Did he mention any specific names to say that such-and-such an officer did this or
24 that? This is just politics, (Redacted) Counsel, but I am saying that
25 there were no crimes such as rapes or looting during the first intervention. I will

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1 keep telling you to refer to the RFI allegations in June 2001.

2 Furthermore, what was the reason he could have said that? Maybe it was to appease
3 certain people, but I do not see that any investigation was actually carried out, as
4 indicated in the report. I do not know any officers that were arrested, (Redacted)
5 (Redacted)
6 (Redacted) So this is basically political propaganda.

7 It has no basis at all.

8 MS BALA-GAYE: Court officer, could we display document CAR-OTP-0030-0269?

9 This is a public document and it's document number 17 on the Prosecution's list.

10 If we could go down to paragraph number 4.

11 Q. Mr Witness, I will read the document. It's in English. And the paragraph

12 states: "MLC leader Jean-Pierre Bemba on Thursday ordered his forces to leave
13 Bangui, saying their mission to restore peace, security, and stability to Bangui is over.
14 Asked by Radio France Internationale (RFI) on Thursday to explain the MLC presence
15 in Bangui, Bemba said, 'Bangui is on the other side of the Ubangi River, opposite
16 Zongo, near the border. You will understand, therefore, that if insecurity prevails in
17 Bangui, it may spill over across the river and the border into Zongo.'

18 Asked by RFI to respond to widespread accusations that his troops attacked and
19 looted Bangui residents, Mr Bemba stated that 'If there have been cases of abuse, we
20 do have a disciplinary council within our army. The army also has a code of conduct.
21 The culprits will therefore appear before our disciplinary council and the code of
22 conduct will be strictly applied'."

23 Mr Witness, this is an extract from a report by IRIN titled "Central African Republic
24 coup thwarted, civilians begin returning to Bangui." My question is: Based on
25 what you have said, isn't it correct that Mr Bemba did not initiate any investigations,

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1 nor did any prosecutions take place regarding the 2001 conflict?

2 A. Thank you for that question, Counsel, but I think that these are suppositions;
3 that is the statement of Mr Jean-Pierre Bemba. There is the word "if", if there was
4 something, but since there was nothing, in 2001 there was nothing. Who was going
5 to be prosecuted? The air? I do not believe so. The ALC soldiers behaved as
6 models in 2001 and, if there had been abuses, (Redacted)
7 (Redacted) and Bozizé, General Bozizé,
8 would have also known about it and reported about it, because such a report would
9 have existed. (Redacted) a report written by General Bozizé on the bad
10 conduct of (Redacted) soldiers. (Redacted) a report sent to the chief of the MLC,
11 indicating that your soldiers did this and that, but here I see only assumptions,
12 hypotheses; if this happened, if that had happened. You are being told if Kinshasa
13 was New York, it would be the most beautiful city in the world. Unfortunately,
14 Kinshasa is not New York.

15 Q. Mr Witness, based on this report, it is clear that Mr Bemba heard allegations of
16 crimes committed by MLC troops. So, are we to understand from your response,
17 and I'm referring to your response throughout today, that investigations were not
18 conducted in order to determine if these allegations in fact occurred? Isn't that what
19 you're saying?

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) And sometimes

25 even before he arrived, General Bozizé would be there, but quite frequently he was

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1 the one who would arrive first and call General Bozizé. If there were crimes, then
2 they would have known about it and reacted, (Redacted)
3 (Redacted)
4 I would like to confirm to you, madam, that there were no abuses, there were no
5 crimes committed in 2001 in Bangui. The war of 2001 was an exemplary war in the
6 eyes of everyone. I confirm that. RFI also confirmed that, and I would like to once
7 again refer you to the news and the news broadcast of 11 or 12 June. The
8 investigation was not carried out, but we were able to verify, to check, on the ground.
9 The ambassador was present there and, furthermore, the MLC soldiers spent only
10 about 12 days there. Believe me, many of them have wives in Zongo and Libenge.
11 And at that time the soldiers were the stars, the heroes, and the soldiers of the ALC
12 were amongst the people who lived well. I mean, they did not lack women. My
13 answer is no, no, that is not correct, madam.

14 MS BALA-GAYE: Court officer, could we return to document number 5 on the
15 Prosecution's list, which is CAR-OTP-0004-0533.

16 And the translation is document number 4 on the same list.

17 PRESIDING JUDGE STEINER: At what page, Ms Bala-Gaye?

18 MS BALA-GAYE: If we can move to page 0541, thank you, and if we could go to the
19 third paragraph on that page?

20 Q. Mr Witness, could you read that paragraph that starts with, "Lors de leur
21 mission à Bangui ..."?

22 A. "During their mission to Bangui, the delegates of Amnesty International met a
23 woman, 44 years old, living in the Ouango neighbourhood and who remembered that
24 the security forces came to the neighbourhood to look for the soldiers who took part
25 in the coup. Suddenly we heard their leader shout, 'Open the houses.' I hid under

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1 the table. They came into the house and made us get out, my sister, myself and my
2 mother and our friend who had taken refuge in our house. During this time, they
3 were looting everything. They said that they had come to look for Kolingba.
4 Around 1800 hours, the soldiers of the MLC Congolese group arrived. While we
5 were praying, the soldiers who were speaking in Lingala came in and said, 'We want
6 money. We want to drink blood.'
7 Between 6 p.m. and 11 p.m., they were coming in and going out and wanted to take
8 everything. They were breaking down the doors and asking to see the proprietor.
9 They took my little sister, brought her out and they told her, 'We are going to fuck
10 you today.'
11 When they wanted to rape her, they beat her up and threatened to kill her. They
12 were raping the girls, searching everyone, even the children, and they were stealing
13 everything quite simply."

14 PRESIDING JUDGE STEINER: Ms Bala-Gaye, sorry. Just for facilitating
15 on the -- to put on the record, this same excerpt is on page CAR-OTP-0004-0584 in the
16 English version. Thank you.

17 MS BALA-GAYE: Thank you, Madam President.

18 Q. Mr Witness, according to this report, widespread rape is mentioned and
19 widespread looting, so this does not refer to isolated incidents. It refers to girls
20 being raped and children being raped everywhere and items were pillaged. Is it
21 your testimony that you never came to hear of any such incidents?

22 A. Counsel, I think there is still confusion here. There is no precise identification
23 of the 44-year-old woman mentioned in this report, and which soldiers are they
24 talking about? They are talking about -- they started by talking about soldiers who
25 had taken part in the coup. 'Open the houses,' in which language did they say that?

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1 They are looking for Kolingba. Do you know that Kolingba fled to Congo? He was
2 taken from there, protected and even taken to Uganda by the MLC, so this could not
3 have been MLC soldiers.

4 We are told that the MLC soldiers arrived at 6 p.m. Now, what were the other
5 soldiers who had been there doing? This area is a border area. Along the Ubangi
6 River, there is Sango, Gbandi and Lingala that is spoken. The Gbandi and the Sango
7 are almost identical, but Lingala is a language spoken by a lot of people. Even here
8 in Europe, from Liège to Holland you have Dutch and Flemish.

9 Look at me. Look at me. Would anyone -- would I accept that people should drink
10 blood?

11 Q. Mr Witness --

12 A. I am not yet finished. I am saying, ma'am, if any of these things happened it
13 would have been after the departure, because these people -- these things could have
14 happened in 2002. It is possible that after the ALC left the FACA elements stayed
15 and did things. We do not even have a date in this report. There is no precise
16 information. Maybe this could have happened after the departure of the ALC
17 soldiers, but during the time the ALC was there and on the roads that they occupied,
18 the areas that they occupied, there were no crimes. There were no abuses. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) So the ALC soldiers did not rape, they did

22 not loot, in 2001. Thank you, madam.

23 I would like to add something, ma'am. You know that after this war and after the
24 return of the ALC soldiers to Zongo, there was a wave of refugees who fled Bangui to
25 Congo. There were even refugee camps set up by the MLC to receive refugees and

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1 this included refugees who had their goods with them. Zongo was practically a
2 militarised area. Why is it that the MLC soldiers did not even loot in Zongo when
3 they first arrived?

4 Kolingba's rebels even arrived in Zongo in Congo and a refugee camp was set up far
5 away from the border to protect them, so how can you explain that these are the same
6 soldiers who killed people, who were looking for Kolingba, whereas Kolingba was
7 being protected by the Congolese? He was the one who was taken abroad by the
8 Congolese.

9 So the report is inconsistent, and don't forget that this report was prepared more than
10 six months after the war and we are talking of 2002 and the ALC soldiers spent only
11 two weeks at most in this place. What happened after those two weeks? We are
12 not given any information about that.

13 So, ma'am, I would like to tell you once again that it is pointless to dwell on this.
14 The ALC behaved very properly during the two weeks that they were there. This
15 report was produced more than six months after the departure of the ALC. There
16 are always these small wars between ethnic groups along the Ubangi River. Maybe
17 they settled scores between mid-June and the time that this report was produced? I
18 do not know, but I can tell you that during the two weeks that the ALC was in Bangui
19 this information is incorrect, totally false and I would like to emphasise that.

20 MS BALA-GAYE: Thank you for that explanation. And we don't want to trouble
21 you, Mr Witness, because we have heard expert testimony - linguistic expert
22 testimony - from both the Prosecution and the Defence and in this extract MLC is
23 clearly identified as the perpetrators, but I will ask the court officer to display an
24 extract referring to daily reports of what occurred.

25 Could we display document number 35, which is a public document, and it is

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1 CAR-D04-0002-2027?

2 If we could scroll down the page -- actually, can we move on to the next page, court
3 officer? I'm looking for the extract that starts Monday, 4 June, and I'm told that it is
4 the third page; third or fourth page. So can we start with the third page? Thank
5 you. Can we zoom into the third paragraph?

6 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

7 MR HAYNES: I think a question is probably coming quite soon, and I think with
8 this document in particular if Ms Bala-Gaye could explain what it is because I can't
9 work out what it is? So if she can explain to the witness what it is, it may help him
10 answer the question.

11 MS BALA-GAYE:

12 Q. Mr Witness, this is a document received by the Prosecution from the
13 Defence and it is a press report. It's entitled, "Centrafrique cronologie d'un coup d'
14 État raté mai 2001" and it's regarding the events in the Central African Republic.
15 This reports incidents day by day, and I would like us to focus on Monday, 4 June.
16 If you could start reading that paragraph, Mr Witness?

17 A. "Monday, June 4. Monday June 4. The ambassador of the Central African
18 Republic in the DRC was convened by the Kinshasa government regarding the
19 support by Jean-Pierre Bemba to Central African troops in Bangui, 'President
20 Ange-Félix Patassé never supported Jean-Pierre Bemba' declared the Central African
21 ambassador to the radio, adding, 'We never requested any aid formally, any aid at
22 all.' There is a price on the head of André Kolingba. 'President Ange-Félix Patassé
23 has put a price on Kolingba's head' and promised compensation of 25 million CFA
24 francs, \$38,000, to whoever may bring him back dead or alive' indicated Prosper
25 N'Douba. Bemba's men are accused of looting abandoned houses, houses

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1 abandoned by their inhabitants in the southeast of the capital. This looting occurred
2 mainly in homes close to the home of Mr Kolingba, whose deputy was Théophile
3 Touba, deputy in the RDC. His body was later found in the environs of Patassé's
4 residence full of bullets and bearing signs of torture. 'The defence and security
5 forces have received instructions, firm instructions, to avoid looting and atrocities in
6 particular' recalls the government spokesperson. The inhabitants of Bangui have
7 remained hidden in their homes for the eighth day in a row. The French Foreign
8 Affairs Minister Mr Hubert Védrine declared in Nouakchott where he was on a visit,
9 'The time for interference in Africa is over'. This was a direct reference to the Libyan
10 intervention."

11 Q. Mr Witness, regarding Tuesday 5 June, could you start from the second
12 paragraph, which begins, "Les FACA"? And just that paragraph alone, up until "RD
13 Congo."

14 A. "The FACA still supported by the Congolese rebels attempted to root out the
15 hundreds of rebels, according to the numbers given by the presidency, who refused to
16 give themselves in. Bemba's FLC soldiers looted the southeastern neighbourhoods
17 of Bangui, crossing over afterwards, crossing over the Ubangi River, using boats to
18 take their booty back to the RDC. The government denies again any ethnic cleansing,
19 confirming that, 'Only the perpetrators of the coup d'état and their accomplices are
20 sought for. Other testimony indicates, however, that there were massacres amongst
21 the Yakoma ethnic group according to Mr André Kolingba'."

22 Q. Mr Witness, this report mentions pillaged items that were transported from the
23 Central African Republic by MLC soldiers to the DRC. Is it also your testimony that
24 you did not hear or see of any such pillaged items?

25 A. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 brothers and sisters, more or less. I've emphasised that Kolingba fled to the Congo,

6 and he was found by ALC soldiers in Zongo, and there was a bounty. All of

7 Kolingba's children, all of them stayed in Zongo. (Redacted)

8 (Redacted) they were taken back to Gbadolite. Their father was taken first

9 and then they followed. They were taken to Gbadolite. The Yakoma, as I said, are

10 (Redacted) If we had needed money,

11 we would have given our Kolingba. We had his children in our custody. So the

12 answer is no.

13 Shall I continue reading the text? Perhaps we can go down further to June 4.

14 Q. Mr Witness, let's clarify something before we move forward. The ALC soldiers

15 during the 2001 intervention, and the Central African forces, weren't they fighting

16 against former President Kolingba, who staged the coup?

17 A. Yes, madam. To fight, yes. Let me give you a precise case. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Sorry to interrupt you. Court officer, please turn

25 very briefly into private session.

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1 (Private session at 1.09 p.m.) * Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: Mr Witness, you were releasing many information
4 that could be identifying, so maybe just until you finish this answer, you should finish
5 in private session because the number of redactions is already too high. You can
6 continue, please. Sorry to interrupt.

7 THE WITNESS: (Interpretation) I believe I was speaking, in fact.

8 PRESIDING JUDGE STEINER: Yes, you can continue from where I interrupted you.

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 He was trying to hide behind the situation to avoid telling the government in
10 Kinshasa -- well, the idea was to show that the Central African Republic had good
11 relations with the MLC. In diplomatic terms, that was perfectly normal. We -- why
12 would it be that the ambassador in Kinshasa be able to confirm that there was a very
13 good relationship with the MLC soldiers and they -- they only said bad things? It
14 was political. It was diplomatic. So it's very easy to understand the statements
15 made by Mr Cissé Mumba (phon), the ambassador of CAR in the Congo at the time,
16 were diplomatic in nature.

17 Let me come back to the day of Tuesday, June 5th. You've understood that this was
18 a support operation to root out the others. We had nothing to do with the ethnic
19 conflicts that existed between the two, and if it -- if we, the Congolese, were to
20 intervene we should have defended the Yakomas, because we're closer to them. We
21 could have taken Kolingba and remitted him to the CAR government and we'd have
22 gotten the \$30,000 in bounty. That was a lot of money in the Équateur province, you
23 know you can get a lot of coffee for that amount of money, but there's the moral issue.
24 If -- we couldn't do such things. We -- if they had helped him get out, it was to
25 protect him and to protect the city of Bangui.

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1 Our concern, that is the concern of the MLC soldiers, was to restore public order and
2 tranquillity, and that's what we did and then we went home. This report, which was
3 drafted six months later, it's possible that there were acts of vengeance amongst
4 themselves after we left, but we're not responsible. We cannot be responsible for
5 that, madam.

6 Q. Mr Witness, that was a very long answer. Can I ask you to be a bit more
7 concise in your response so we can cover everything that we need to cover?

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 So my question is: Based on this response, it seems to me that (Redacted) could choose not
14 to follow a particular order or operation conducted by the Central African authorities;
15 is that correct?

16 A. Yes, madam. A good commander does not follow incorrect orders, since you
17 want a short answer.

18 Q. (Redacted)

19 (Redacted)

20 A. You said "if". Well I told you that, if Kinshasa were New York, it would be the
21 most beautiful city in the world. Unfortunately, that's not the case.

22 (Redacted)

23 (Redacted) that something is illegal, that something is
24 not in keeping with the appropriate rules, you know, we were not part of the FACA.
25 We were under the orders of the FACA. If the orders were incorrect, if they wanted

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1 to push us to commit atrocities or be involved in ethnic war, we would have said
2 "No." We would have said "No" and we would have informed our hierarchy, "This
3 is the situation. You've sent us here and this is what's going on." We would have
4 reported to our hierarchy.

5 We were not there permanently. We were being made available, but we had our
6 own identity. We had our own origins. We were the ALC.

7 Thank you, madam. Thank you for your question.

8 MS BALA-GAYE: I'll remain in private session for this last part.

9 Court officer, could you display document CAR-OTP-0011-0405, and this is document
10 number 7 on the Prosecution's list and it's a public document?

11 Q. Mr Witness, this is a document from IRIN, which is the Integrated Regional
12 Information Network, and it's titled "Central African Republic: The plight of rape
13 victims endures," and I'll just read out a paragraph from this:

14 "The MLC, headed by Jean-Pierre Bemba, had been invited by President Ange-Félix
15 Patassé to shore up his government against André Kolingba, who tried to unseat him
16 in a bloody abortive coup on 28 May 2001. Bemba's fighters ran amok, looting,
17 killing men and raping women in Ouango in the eastern area of the capital where
18 Kolingba and his Yakoma people were based."

19 Mr Witness, this is yet another extract reporting crimes of rape, murder and pillaging
20 by MLC troops in 2001. Is it because you were part of the 2001 operation that you
21 did not hear about such allegations?

22 A. Madam, Kolingba was in the Congo with us and we protected him. He was at
23 our place. We protected him. He left for exile from the Congolese territory. So I
24 understand that they can say that it may be after June 12th, but before June 12th it was
25 not in our interest. Let me emphasise that we protected the entire Kolingba family,

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- 1 his wife, his small children. (Redacted) they
2 were taken back by aeroplane to Uganda. There was a \$30,000 bounty on their
3 heads.
4 (Redacted)
5 (Redacted) They
6 talk here about information, or intelligence, but this is nothing. This is not at all
7 precise intelligence.
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted) The family and the various -- the individual that the Central
14 African Republic authorities were hunting for, dead or alive, we had him. We could
15 have exchanged him for money, ma'am. We had his children.
16 And as regards rape, in two weeks' time, you know, the soldiers had their wives.
17 They were fathers. They're not delinquents. Don't treat them like delinquents.
18 They were heads of households, they were fathers, they were in the military, and
19 really I think we should show a bit of respect for these soldiers who fought for the
20 Congolese revolution. I think that many of -- if the country is now unified, it's
21 thanks to many of these young men who shed their blood to defend their country.
22 We must respect them.
23 PRESIDING JUDGE STEINER: Ms Bala-Gaye --
24 MS BALA-GAYE: I have a last question, Madam President, if I can?
25 Q. Mr Witness, based on what you have said, if we follow the logic then if you

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1 were protecting Kolingba, the instigator of this coup d'état and who you say the
2 Central African Republic authorities were looking for, couldn't they have ordered (Redacted)
3 to hand over Kolingba to them if you were indeed under their authority and control?
4 Isn't that something that they could have done then?

5 A. Well, I emphasised a moment ago that if an order is erroneous it shouldn't be
6 applied, (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) if an order was

14 erroneous or unjustified (Redacted) simply would not execute it.

15 Thank you.

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

17 (Open session at 1.28 p.m.)

18 THE COURT OFFICER: We are in open session, your Honours.

19 PRESIDING JUDGE STEINER: Mr Witness, it's 1.30. We are going to suspend for
20 our lunch-break, and we hope you have some time also to take some rest. We will
21 resume at 3 o'clock.

22 Court officer, please turn into closed session for the witness to be taken outside the
23 courtroom. In the meantime, we will suspend and resume at 3 o'clock.

24 (Closed session at 1.29 a.m.) * Reclassified as Open session

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

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1 THE WITNESS: (Interpretation) Thank you very much. Time flies quickly. I

2 would have liked to continue.

3 I was saying time flies quickly. I would have liked to continue. It's unfortunate.

4 Thank you. Thank you very much.

5 (The witness stands down)

6 THE COURT OFFICER: All rise.

7 (Recess taken at 1.30 p.m.)

8 (Transcription of the hearing continues in Transcript:

9 ICC-01/05-01/08-T-319bis-CONF-ENG)

10 RECLASSIFICATION REPORT

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

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