

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

5 - ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Monday, 10 June 2013

10 *(The hearing starts in closed session at 3.06 p.m.) Reclassified as Open session

11 THE COURT USHER: All rise. Please be seated.

12 PRESIDING JUDGE STEINER: Good afternoon, and welcome back.

13 Could please, Court Officer, go into open -- no. Court Officer, please
14 inform the parties that we have some changes in relation to the
15 transcripts that I would like to have it in the record of the case for
16 everyone's knowledge. Court Officer, please.

17 THE COURT OFFICER: Thank you, Madam President. So as I tried to
18 explain to each participant earlier on, as of the moment we have extended
19 sitting hours, we are going to have an outsourced company that's going to
20 assist us with the English transcripts only. For this purpose, we have
21 to break the English transcripts after the session of 1.30, at the break
22 of 1.30, and start a new transcript for the session of the afternoon
23 starting at 3.00. So you will notice that on the days we have extended
24 sitting hours, the number of the transcript will remain the same.
25 However, at the end of the transcript for the afternoon session, we will

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1 add the word "bis," b-i-s. So for today, for example, it is the English
2 morning transcript is called ICC-01/05-01/08-T-319-ENG. And the
3 afternoon session will be called ICC-01/05-01/08-T-319bis-ENG.

4 On the other hand, the French transcript will remain the same
5 throughout the whole day as it is covered by the ICC French court
6 reporters. So the French transcript for today will be called
7 ICC-01/05-01/08-T-319-FRA. Thank you.

8 PRESIDING JUDGE STEINER: Thank you very much. I'll now ask
9 please, Court Usher, to bring the witness in.

10 (The witness enters the courtroom)

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

12 (Open session at 3.10 p.m.)

13 THE REGISTRAR: We're in open session, Madam President.

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

15 (The witness speaks French)

16 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome
17 back.

18 THE WITNESS: (Interpretation) Thank you, your Honour.

19 PRESIDING JUDGE STEINER: Are you ready to continue with your
20 testimony, sir?

21 THE WITNESS: (Interpretation) Yes.

22 PRESIDING JUDGE STEINER: I give back the floor to Ms Bala-Gaye.

23 MS BALA-GAYE: Good afternoon, your Honours.

24 QUESTIONED BY MS BALA-GAYE: (Continuing)

25 Q. Good afternoon, Mr Witness. Welcome back.

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1 A. Thank you, ma'am.

2 Q. Mr Witness, at page 53, lines 3 to 5 of the transcript of
3 5th of June, and I'm referring to T-137, English edited version,
4 Mr Witness, you told Mr Kilolo, and I quote:

5 "I couldn't know that, but in my humble opinion, I think that the
6 second operation should normally have had the same methodology as the
7 first, but I couldn't tell you with precision, (Redacted)
8 (Redacted)."

9 Do you still stand by that account, Mr Witness?

10 A. Yes. The line of conduct would normally remain the same.

11 Q. I would like to talk about the statement you gave investigators
12 of the Office of the Prosecutor.

13 MS BALA-GAYE: So for that, Madam President, I request that we
14 start in private session.

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

17 * (Private session at 3.13 p.m.) Reclassified as Open session

18 THE COURT OFFICER: We're in private session, your Honours.

19 MS BALA-GAYE:

20 Q. Mr Witness, we are in private session, so please feel free to
21 provide information that can identify you or others. Last week on the
22 5th of June, in transcript T-137, English edited version, at page 34,
23 lines 20 to 23, in your story to the Judges you stated, and I'll quote
24 again:

25 "We spoke a bit, and I said to him -- or I cut him off. I said

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1 the following: '(Redacted), if you want me to testify against
2 Mr Jean-Pierre Bemba, then give me \$2 million and assure -- ensure my
3 security and that I have authorisation of my hierarchical superior to do
4 so.'"

5 Based on this extract, Mr Witness, are you saying that you (Redacted)
6 (Redacted)?

7 A. It was a distraction. I couldn't say no, because I would be in a
8 dangerous place if I did that, but I did know that they were unable to do
9 so. So it would be like asking the good Lord to remake the world.

10 Q. Did you receive any money to testify on behalf of Mr Bemba?

11 A. I beg your pardon, ma'am?

12 Q. You're before us today as a Defence witness, so my question is:
13 Did you receive any money in exchange for your testimony on behalf of
14 Mr Bemba?

15 A. Oh. No. Under no circumstances. I am not a corrupt man.

16 Q. Were you --

17 A. If you don't mind, ma'am, I would like to add something. We had
18 Kolingba, and another presence, and the CAR authorities provided money,
19 but (Redacted) that Kolingba go into exile, so you must realise I am not
20 the kind of man who takes a bribe.

21 Q. Were you promised anything in exchange for your testimony today?

22 A. I have absolutely no -- I heard nothing like that, nothing like
23 that. I'm here to tell the truth of what happened. I am against. I
24 would rather not. I would not want an innocent person to be punished
25 when that person is not responsible.

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1 Q. Mr Witness, I want to move on to the procedure in relation to the
2 statement that you gave to investigators of the Office of the Prosecutor,
3 and I believe we can do so in open session. Therefore, I would just like
4 to caution you now to be mindful of any information that you give. And
5 since this is a matter of procedure, there shouldn't be any information
6 identifying you. Do you understand that?

7 A. Yes, I certainly understand, ma'am.

8 MS BALA-GAYE: Madam President, I request that we move into
9 public session.

10 PRESIDING JUDGE STEINER: Court Officer, please turn into public
11 session.

12 (Open session at 3.18 p.m.)

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

14 MS BALA-GAYE:

15 Q. Mr Witness, when you first met investigators from the OTP, they
16 informed you that your presence and the interview was entirely voluntary.
17 Isn't that correct?

18 A. Ma'am, even before I was in a position to meet with the
19 investigators I met with Mr Jean-Jacques, and I talked to him about my
20 fears in this regard, and I couldn't say to him no. And above all,
21 before meeting them all, I was asked by the person that I mentioned to
22 you, and he gave me recommendations that I did not want to follow. I
23 couldn't say no to him either, so I thought it would be best -- well, in
24 light of my own safety, I thought it would be better to go ahead in that
25 manner.

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1 MS BALA-GAYE: Court Officer, could we display document 22 on the
2 Prosecution's list. This is a confidential document, and the ERN is
3 CAR-OTP-0054-0019. I just want to confirm that it's a confidential
4 document that shouldn't be displayed. Thank you.

5 Q. Mr Witness, can you see the document on your screen?

6 A. Yes, I can see it just fine.

7 Q. Do you recall this document?

8 A. Yes, I remember it quite well.

9 Q. Do you remember it to be one of the statements given to the
10 investigators?

11 A. Of course, ma'am.

12 MS BALA-GAYE: Court Officer, can we please move to page 0024.
13 And if you could focus on what I believe is the fifth paragraph on that
14 page. Thank you.

15 Q. Mr Witness, could you start reading from the second paragraph on
16 the screen right now, which begins, "À la fin de la déposition ..."

17 A. "At the end of this exercise you will have the opportunity to
18 read over your statement. The purpose of reading over the statement is
19 to make sure that we have an exact record of what you have said. It is
20 important for you to make any corrections that are necessary to your
21 statement if you see a mistake. Once you find that the written statement
22 is a faithful reflection of what you have said, you will be asked to sign
23 the statement. We, my colleague and myself, we will sign the statement
24 so that there is a record of the people who were present with you. Do
25 you have any questions at this stage?"

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1 And my answer was:

2 "No."

3 Q. Mr Witness, do you recall meeting the investigators again some
4 months later in order to read and verify your statement?

5 A. It wasn't the same day. It was the second meeting. That was
6 when I signed the statement.

7 Q. And do you recall that at this stage when you met the
8 investigators in order to sign your statement, do you recall that you
9 were provided with a printed copy of your statement, paper copy, that is?

10 A. Yes, a few days later.

11 Q. And do you recall that you were asked to read each and every page
12 of your declaration?

13 A. Certainly. Unfortunately, we didn't have a lot of time, and so I
14 read it over very quickly without considering the other aspects, but
15 later I realised that some words had been twisted.

16 Q. Do you recall that after having read each page you appended your
17 initials to each and every page?

18 A. Yes, ma'am.

19 Q. And do you recall that the investigator did the same by
20 initialling each page of the statement?

21 A. I no longer recall if he signed just after me, but when I was
22 given the document here, I saw that there was only one signature, whereas
23 there were two others.

24 Q. I will go through the document and show you that, Mr Witness.

25 THE INTERPRETER: Correction from the English interpreter: That

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1 there were two investigators.

2 MS BALA-GAYE: Thank you.

3 Q. Mr Witness, do you recall that part of the exercise of reading
4 back your statement was to allow you to make corrections to the
5 statement? Do you recall this?

6 A. Of course, ma'am. It is true that I did proceed somewhat
7 quickly; and secondly -- could we go -- your Honour, could we please go
8 into --

9 PRESIDING JUDGE STEINER: We are in private session, Mr Witness.
10 You want to go to public session?

11 THE WITNESS: (Interpretation) No, no, no. That's what I wanted.

12 PRESIDING JUDGE STEINER: We are in public. Sorry. I'm sorry,
13 my mistake. We are in public session.

14 Court Officer, please turn into private.

15 *(Private session at 3.28 p.m.) Reclassified as Open session

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

17 THE WITNESS: (Interpretation) Thank you, your Honour.

18 I have been telling you all throughout the course of your
19 examination that I was asked by an authority, and I couldn't say no to
20 that person in light of my own safety. So it was necessary for me to
21 agree. However, if you listen -- or, rather, if you read my statement
22 carefully, you -- you will see that there's no place where I actually
23 confirm certain things. It was a stormy exchange. We exchanged views
24 and shortly thereafter they came with the documents for me to read over,
25 and after, Counsel, you see, I went to see (Redacted)

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1 (Redacted), and I explained what
2 (Redacted) said to me, and he said this and that, and she said:
3 This is not the right time. Protect yourself, but you can say everything
4 to the court, but here protect your self and don't say anything specific.
5 Be quiet until you actually get to the court.

6 Secondly, when I was there I was not under oath. Here I'm under
7 oath, and I said I would tell all the truth here in this room, in this
8 courtroom.

9 MS BALA-GAYE:

10 Q. Mr Witness, I will come to the content of your statements. I
11 still have a couple of more questions on the procedure. Do you recall
12 that you made some corrections to your statement, meaning the portions
13 that you wanted to clarify, you did so in written and initialed next to
14 the right portion? Do you recall that?

15 A. Very well, ma'am, yes, but after here in The Hague when I was
16 presented with it again -- with them again, I found that there were a lot
17 of inconsistencies, because on that day I had other occupations as well,
18 and I just went to a meeting to sign, and I did it very quickly without
19 taking into account my timetable, and when I saw that everything was
20 going to be gone over here under oath and when we were going to be able
21 to talk about it here.

22 MS BALA-GAYE: Court Officer, could we move to page 0044. Thank
23 you.

24 Q. Mr Witness, can you read out the paragraph on the screen.

25 A. "This declaration, which I have read in French, is true in that I

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1 know -- in that it is what I know and what I remember. I have made this
2 statement voluntarily, and I understand that it can be used within the
3 framework of legal proceedings before the International Criminal Court
4 and that I can be called upon to testify in public before it."

5 Q. After making that declaration, Mr Witness, your statements were
6 uploaded onto a system, so my question to you is: Since according to you
7 some changes were made to the statement that weren't your changes, and
8 yet the only markings on the paper are handwritten which you have
9 initialled on the side, so if your testimony is that your statements were
10 changed, how did that happen, Mr Witness?

11 A. Counsel, before the power of the country of Africa, you believe
12 you can say everything before everyone, before that junta, no. It's the
13 security of the person at stake when you make such a statement. I could
14 only say things with regards to the court. I could only do it here and
15 do that under oath. However, Counsel, I'm not saying that all these
16 statement are not accepted. If you can, we can see the lines and the
17 questions, and we can see what has changed.

18 Q. And we will do that, Mr Witness, but what I want to know is this:
19 You were informed that these statements would be -- were being taken in
20 the form -- in the context of a legal proceeding, meaning that the
21 statements would be presented to Judges of this court, meaning the Judges
22 you are before today. So are you telling me that you knowingly lied to
23 investigators knowing that such statements would come before this court?

24 A. Lied, no, because you will see that what was said is practically
25 what will be said, but indeed I couldn't expose my security before this

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1 junta.

2 MS BALA-GAYE: Madam President, I request that we move into open
3 session. The portions I will read out will not identify the witness, and
4 we'll come back into private session. Thank you.

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

7 (Open session at 3.35 p.m.)

8 THE COURT OFFICER: We're in open session, your Honours.

9 MS BALA-GAYE: Court Officer, I ask that we display document
10 number 21 on the Prosecution's list. This is similarly a confidential
11 document, and the ERN number is CAR-OTP-0054-0005. Can we go to
12 page 0011. If we can focus on the fourth paragraph.

13 Q. Mr Witness, can you start reading where it says, "Témoignage,"
14 the "témoin." So it's the second paragraph. And if you could read that
15 paragraph. In fact, the whole page, and I will tell you when to stop.

16 A. "(Redacted) in CAR in 2001, did you try to
17 find out how the operation in 2002-2003 went?

18 "Yes. (Redacted) how it was going, how
19 the second war was going (Redacted).

20 "What are the comparisons that you have made?

21 "(Redacted) I returned to
22 the DRC with all (Redacted), not one sole death (Redacted). There
23 were just two injured persons. (Redacted),
24 (Redacted) and they came
25 back with empty hands. (Redacted) I heard that there had

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1 been thefts and pillaging in Bangui. During the second operation in
2 Gbadolite, (Redacted), I saw pillaged goods coming from
3 Bangui. That was between November and December 2002. (Redacted)
4 (Redacted) always said that a soldier who comes back from a
5 war with his head full of pillaged goods has to put his rifle on his back
6 and expose himself before the enemy. (Redacted)
7 (Redacted)

8 "What are the goods that you saw (Redacted) Gbadolite?

9 "I heard people say -- I heard people say that there were a lot
10 of stolen goods taken by the soldiers from Bangui to Zongo and Gemena.
11 There was even a 4 by 4 double-cab jeep.

12 "What other goods that you saw?

13 "It was difficult to see the goods or the machines, but the jeep,
14 which was in Gbadolite, I saw with my own eyes. A white double-cab
15 Toyota.

16 "Who was driving this jeep?

17 "MLC soldiers who I could not identify taking into account the
18 time.

19 "How did you know -- how do you know that this jeep had been
20 pillaged? Whether this jeep could have been obtained in the CAR in a way
21 other than pillaging.

22 "Because everybody knew that it was pillaged.

23 "Who knew that?

24 "Several people. It was not a secret."

25 MS BALA-GAYE: Madam President, can we move back to private

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1 session.

2 PRESIDING JUDGE STEINER: Court Officer, please.

3 *(Private session at 3.41 p.m.) Reclassified as Open session

4 THE COURT OFFICER: We're in private session, your Honours.

5 MS BALA-GAYE: I think it would be better to continue because
6 there are a few statements here and there that could identify the
7 witness.

8 PRESIDING JUDGE STEINER: And Ms Bala-Gaye, I think in reading
9 the -- the witness skipped at least two paragraphs. So if you could,
10 Mr Witness, read again as from: "Comment savez-vous que cette jeep a été
11 pillée?"

12 THE WITNESS: (Interpretation) "How do you know that this jeep had
13 been pillaged?"

14 "Because Gbadolite did not have a lot of vehicles. All the
15 vehicles that were in Gbadolite were known. That came from Bangui. Lots
16 of people knew that.

17 "But how do you know that this jeep had been pillaged in the
18 sense that this jeep could have been obtained in CAR in a way other than
19 pillaging?

20 "Because everybody knew that it had been pillaged.

21 "Who knew that?

22 "Lots of people. It wasn't a secret."

23 MS BALA-GAYE:

24 Q. Thank you. Mr Witness, in this statement you are saying that MLC
25 soldiers raped and pillaged many items during the 2002-2003 conflict.

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1 Isn't that correct?

2 A. Madam, this was the line put -- (Redacted) imposed from the
3 very start, and if you see well in my statement, there is a type of
4 contradiction there. On the one hand, I state that I saw goods that were
5 pillaged, and on the other hand, I say that I only saw the jeep, and
6 somewhere I say that everybody knew it. And I quite simply wanted to
7 amuse the gallery there and delay things so that they would think that I
8 was adhering to their vision, but sincerely, (Redacted)

9 (Redacted)

10 (Redacted) However, with my own eyes, with my own eyes I did see a white
11 jeep, which was stolen. I saw the white screen which arrived in
12 Gbadolite. Certain people confirmed that it was a stolen jeep, but
13 myself, I did see this white jeep.

14 Q. Do you recall who told you that the jeep was stolen?

15 A. I couldn't tell you exactly who, but everybody said that there
16 had been thefts, and this jeep came from Bangui. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) a second operation took place in Bangui, and what do
20 they do? They speak about how bad the operation was. (Redacted)

21 (Redacted), and with my own eyes I saw a jeep which people
22 had said had come from Bangui, and this jeep was in the hands of the
23 chief of General Staff Amuli.

24 Q. You stated that, and I quote:

25 "Everybody said that there had been thefts."

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1 So I'd like to follow up on this answer. So is it your testimony
2 that people in Gbadolite were talking about the pillaging that had
3 happened in the Central African Republic during the 2002-2003 operation?

4 A. I'm speaking about thefts which I heard about, and I know that a
5 commander said that eight soldiers, I think it was, commander
6 Willy Bomengo was arrested with a number of soldiers, and he was passed
7 over to the council, handed over to justice, but this situation with
8 regard to thefts in Bangui. So, yes, indeed, there were some soldiers
9 who were arrested, and they were taken to Gbadolite. And also,
10 unfortunately, I wasn't there at that time when they were tried, but
11 there was a trial in Gbadolite concerning Willy Bomengo and others. I
12 think there were eight of them for the theft of certain goods. I didn't
13 follow the trial because I wasn't there at the time.

14 Understand, madam? (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. Did you know that the jeep that you have referred to, Mr Witness,
22 was not part of the items found on Willy Bomengo and others who were
23 taken to Gbadolite to stand trial? Did you know that?

24 A. I'm sorry, madam, I didn't understand the question. If you could
25 be so kind.

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1 Q. Did you know that the jeep that you say was pillaged in the
2 Central African Republic was not one of the items found or charged in
3 relation to Willy Bomengo and the others that were arrested and tried in
4 Gbadolite? Did you know that?

5 A. No, madam. I don't know the details. (Redacted)
6 (Redacted) but I did hear
7 about the arrest. I saw a jeep which had been there. I also heard what
8 people said. So I could only listen to it. (Redacted)
9 (Redacted)

10 Q. In this statement you talk about crimes occurring between
11 November and December 2002. Isn't that correct?

12 A. Madam, I couldn't speak about crimes. I speak about theft,
13 because I saw the jeep and I saw the arrest of certain officers and
14 soldiers. (Redacted)
15 (Redacted)

16 Q. Mr Witness, the extract that you have read out a short while ago
17 states that you heard about rapes and pillaging at Bangui during the
18 second operation, and then you said each time (Redacted) you go
19 back to Gbadolite, you see pillaged goods that came from Bangui, and you
20 said that this was between November and December. Do you stand by your
21 statement regarding the rape and pillaging that you heard?

22 PRESIDING JUDGE STEINER: There's a mistake in the question. You
23 can clarify if you want to, ma'am.

24 Mr Haynes.

25 MR HAYNES: I know that in the French the difference between

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1 theft and rape is only one letter, the letter I, but what the witness
2 said in his interview with the OTP and repeated here in court at page 11,
3 line 17, and following, was that he heard about thefts and pillaging. He
4 never mentioned the word "rape."

5 PRESIDING JUDGE STEINER: It is correct. I was -- I was about to
6 call your attention, Ms Bala-Gaye, at least in this excerpt that was read
7 by the witness.

8 MS BALA-GAYE: In fact, you are correct, Madam President. I
9 apologise. The version I have has "viol" so I read that as "rape."

10 Q. So, Mr Witness, I will continue to clarify what you've said. So
11 is it your testimony that you heard about crimes of pillaging between
12 November and December 2002 from other members of the MLC in Gbadolite?

13 A. That's, madam, what I wanted to come to. I found that we spoke
14 about rape instead of theft. That's the first aspect. That's the aspect
15 that I wanted to raise, and I'm very pleased that counsel, I don't know
16 whether it was hearing it or the nationality of the person who took the
17 evidence at the time which perhaps changed that, but you will also see
18 somewhere in one of the previous pages or one of the following pages
19 where I stated very clearly that I heard it said. People said to me
20 that. So I heard these things. I didn't have that degree of precision.
21 I did state precisely in one of the paragraphs that (Redacted).
22 I couldn't speak about pillaging or raids, but what I did say was what I
23 saw, and what I saw was a jeep which had been stolen, and I heard that
24 some soldiers had been arrested, and they had been handed over to the
25 court-martial for theft. So that's what I hold to, but as I said, I

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1 cannot state precisely anything with regards to thefts and pillaging.

2 Well, thefts, only the jeep, because I saw the people who were arrested
3 for theft, and there were around seven or eight of them. I don't know
4 exactly.

5 MS BALA-GAYE: Court Officer, can we move to page 0013. And if
6 we could go to paragraph 7.

7 Q. Mr Witness, if I could have you reading from one, two -- the
8 paragraph that starts with: (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 I confirm that, madam.

18 Q. Please continue reading to the end of that page. Please continue
19 reading, Mr Witness, from where you stopped.

20 A. Thank you.

21 "What type of goods were they?

22 "Above all musical instruments, electric generators, outboard
23 motors, mechanical motors, and other goods of all types.

24 (Redacted)

25 (Redacted)

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1 "You told us you met with some members of the MLC on the subject
2 of goods that had been pillaged from the CAR; is that correct?

3 "Yes.

4 "(Redacted) did you have
5 the opportunity to speak this time to members of the hierarchy of the ALC
6 with regards to the subject of pillaged goods?

7 "Certainly. We commented on these pillaging -- pillaged items
8 with several friends, several persons. It was the subject at the time.
9 It was the event of the time.

10 "Did you speak about it with members of the General Staff of the
11 MLC at the time?"

12 Well, if I really wanted to correct this story, I would not have
13 left that French like that. The French is very poorly written, and I
14 write well. But if I left it, it's because I didn't have time to sort it
15 out, to correct what had to be corrected. The French is very poor,
16 excuse me.

17 You can continue, madam.

18 MS BALA-GAYE:

19 Q. From this extract, isn't it correct that you are saying that the
20 pillaging in the Central African Republic during 2002 and 2003 was, in
21 fact, breaking news within the MLC? Isn't it correct?

22 A. Yes, madam. I heard it said that it was on the radio. People
23 were speaking about it. And I'd like to stress that if you were in my
24 place -- (Redacted)
25 (Redacted)

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1 (Redacted) and the
2 people who came, (Redacted), they left and they saw,
3 and we saw a lot of goods which had been stolen. You know, in Zongo,
4 when after the war there were three possibilities. The first was that
5 there could be stolen goods or pillaged goods. The second possibility,
6 there could be goods or -- backed by the refugees. And the third
7 possibility is the selling of goods of persons who came from Zongo --
8 from Bangui, excuse me, and who might have financial problems. They had
9 to sell their goods in order to survive. So there are those three
10 different possibilities. Now, people who went there and back could see
11 that, and I think that to -- (Redacted)
12 (Redacted).

13 But tell me, madam, these were -- I did say these are things
14 that people told me. This is what was being said. So you understand the
15 different phases there. It was said that, it was heard that, they told
16 me that. It's not direct speech here. You have to look at the substance
17 sincerely. You are a person who has studied. Well, look at the
18 substance. This is hearsay. This is what people say, but it's true that
19 at the time people spoke about thefts in Bangui. The RFI, as I said,
20 spoke about it as well. They talked about these matters. I heard about
21 it myself at that time.

22 (Redacted)

23 (Redacted) Do you understand, madam? (Redacted)

24 (Redacted)

25 (Redacted) These people who came, they came to tell me the truth. There were

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1 people who just wanted to (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Mr Witness, in this statement you only provide us with one
5 possibility, which is that MLC troops had pillaged in the CAR, and it is
6 clear from this that this is information that you gathered (Redacted)
7 (Redacted). So that much is
8 clear on the record.

9 Now, you state that these -- from what you heard, these items
10 that were pillaged in Bangui were found in Zongo and Gemena according to
11 the information you received. Isn't that correct?

12 A. Ma'am, I've given you three possibilities, and amongst these
13 three, the soldiers who reported these things to me did not stay in
14 Zongo. They did not stay in Zongo. (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)

22 So the substance I can't explain exactly, but as I said earlier,
23 this is information that was brought back by these people who had gone to
24 Zongo, and those people were going back and forth. They would go off one
25 day, come back the next day, and they had the actual time to cross-check.

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1 So I've given you three options. It's up to you to choose or ask
2 General Moustapha where all those goods came from, all those goods that
3 the media and other commentators were talking about.

4 Q. Mr Witness, I'm interested in what you knew, meaning what you
5 were told, but I'm not asking you to interpret that. I'm asking you if
6 you were informed of the crimes committed in the CAR. So we'll continue
7 on that, and if you were informed by someone else, state clearly and that
8 will be in the record.

9 So you've mentioned items such as musical devices, generators,
10 engines, and different kinds of items which you mentioned were part of
11 the items pillaged in the Central African Republic; is that correct?

12 A. Ma'am, those are the items that they saw, and in their report
13 they said that they had seen many items in Zongo, but I'm giving you
14 those three possibilities. I can't confirm because I myself was not in
15 Zongo. I was not in Bangui. I wasn't even in Gbadolite, (Redacted)
16 (Redacted). So to confirm before the Court that those items had been
17 stolen, had been looted, that would be dishonest on my part, but I heard
18 reports. People told me that they had seen goods in Zongo. They had
19 seen stolen goods brought back to Gemena, but they said that. But I
20 myself, I insist all I saw was the jeep and the soldiers. And this thing
21 about the soldiers being -- correction, these soldiers being arrested,
22 and I saw the jeep. That's all I can tell you about. I can't say
23 anything about thefts or looting because we were not in Zongo or in
24 Bangui.

25 And I believe I've said clearly somewhere quite knowingly,

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1 deliberately, during my remarks and knowingly I said to demonstrate that
2 I could not tell you specifically "I was told that." So I can't be very
3 specific. I could do some sort of analysis, but I'm not -- you're not
4 allowing me to do an analysis.

5 Q. Let me clarify something, Mr Witness. What I am asking you is
6 confirmation regarding what you stated. I'm not asking you to verify
7 whether or not what you were told, in fact, occurred, and in this
8 courtroom, hearsay information is something that the Judges will make a
9 decision regarding to what extent they will receive that information and
10 what it means in the determination of the truth. So hearsay is
11 acceptable for you to say that you heard something from someone else. So
12 I'm not asking you to confirm whether or not what you heard is, in fact,
13 the truth. Do you understand that?

14 A. Certainly, ma'am.

15 MS BALA-GAYE: Court Officer, can we turn to page 0012.

16 Q. Mr Witness, can you start reading from the third paragraph where
17 the investigator asks: "Vous êtes-vous entretenu ..."

18 A. Yes.

19 "Did you speak with various members of the MLC about these items
20 that allegedly had been looted in the CAR?

21 "We had criticised them, disapproved. We had made many comments
22 on that point.

23 "When you say 'us,' who are you referring to?

24 "To my friends, (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 "He was responsible for communications within the MLC. He was
4 based in Gbadolite. Both of them were journalists. And so we had a hard
5 time swallowing or digesting these statements made on RFI, Radio France
6 Internationale, to the effect that a commander of Nyamulenge origin from
7 the brigade E battalion, a brigade led by Moustapha, who said quite
8 openly that they had decimated the Central Africans, because those
9 Central Africans wanted to play or joke around with those Nyamulenge."

10 (Redacted)

11 Shall I go on?

12 Q. Move to the next page.

13 A. "I don't remember his name, but we heard it on RFI.

14 "When did you hear that?

15 "The same period. Let us say late 2002, early 2003.

16 "Did he give more information about what he meant by 'decimate
17 the Central African Republic citizens'?

18 "Not on the radio. It was a general statement.

19 "You, (Redacted), what did you mean or, rather, what
20 did you understand in that context by 'decimate the Central Africans'?

21 "To my mind, a war is usually conducted to drive the enemy away,
22 not to eliminate the enemy. Decimate was in the meaning of hitting and
23 killing the enemy and looting the population. What I see there is the
24 work method. As I said, a soldier goes to war to liberate this space
25 held by the enemy. The important thing is not to kill or to loot.

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1 "Where is (Redacted) and what are his duties?

2 "He --"

3 Q. That's fine. You can just pause there, and we'll revisit that
4 extract. Do you recall having stated that information to the
5 investigators?

6 A. Yes, of course.

7 Q. And isn't it true that here you are saying that an MLC
8 (Redacted) was aware of the allegations
9 regarding the intervention in the CAR?

10 A. Yes, but at the time (Redacted)

11 (Redacted)

12 (Redacted) I can also tell you that there was a bit of a
13 misunderstanding between (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. In this statement, you talk about pillaging of the
17 Central African population by the MLC soldiers. Isn't that correct?

18 A. Yes, ma'am. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 THE INTERPRETER: Interpreter's correction: In the previous
23 reply, the witness made mention about misunderstandings between people
24 from the Equateur Province and Swahili-speaking people.

25 MS BALA-GAYE: Court Officer, could we move to page 0014.

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1 Q. Mr Witness, can you start reading from the top of the page and
2 just read the first two questions -- well, could you read your answer
3 first, and then the question and answer, and then again the question and
4 answer. So stop at "grand problème."

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 "What were you told about the looted goods?

11 "Personally myself, what I deplore (Redacted)

12 (Redacted).

13 (Redacted)

14 "(Redacted) It

15 wasn't a big problem for them.

16 "Did you speak to other members of the MLC hierarchy about the
17 looted goods?

18 "It really wasn't all that relevant to me. I wanted to take care
19 of my own work, and often it was the others who spoke to me about this
20 (Redacted)."

21 Q. Mr Witness, in this extract you are saying that you talked about
22 the pillaging committed by MLC soldiers in CAR with (Redacted)
23 (Redacted). Isn't that correct?

24 A. That's right, ma'am.

25 Q. And, in fact, you say that these two (Redacted),

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1 (Redacted) were indifferent about the pillaging
2 in Bangui. Isn't that right?

3 A. What did those two young fellows, what power did they have? They
4 had no power, and, well, they were waiting for the decision from the
5 court, because Willy, the fellow who had been arrested, had been turned
6 over to the justice system. (Redacted)

7 (Redacted)

8 (Redacted) but they preferred to wait the
9 outcome of the court-martial.

10 Q. Mr Witness, in this extract you are, in fact, saying that two
11 members of the MLC hierarchy did not regard pillaging by MLC troops as a
12 big problem. Isn't that true?

13 A. What could those two young fellows do if the chief of
14 General Staff has a jeep himself, a so-called stolen jeep? What could
15 they do? What could they have done, those two young fellows? There was
16 nothing for them to do. They agreed, and to my mind, it was a source of
17 embarrassment, something to joke about. It was somewhat embarrassing to
18 them. (Redacted), and it

19 was nearly at the end of the war, it was during the reunification. Most
20 of -- (Redacted)

21 (Redacted)

22 (Redacted) the war started in Orientale Province. So
23 in that particular province (Redacted)

24 (Redacted)

25 (Redacted). During the time of reunification, they

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1 wanted to get all the good positions and leave the crumbs for us. They
2 had lived in Equateur Province for a long time, and a lot of soldiers
3 from Equateur Province had sacrificed themselves for the revolution. (Redacted)
4 (Redacted)
5 (Redacted)

6 Q. So, Mr Witness, you thought that pillaging by MLC troops in the
7 Central African Republic, that is pillaging of Central African civilians,
8 was something to joke about; is that correct?

9 A. Don't put words in my mouth, ma'am. I said -- I did not say that
10 it was a joke. Nowhere did I say that.

11 Q. I'll read page 26 of the transcript, and I'm looking at line 21
12 to 22, and this is what you state, Mr Witness:

13 "They agreed, and to my mind, it was a source of embarrassment,
14 something to joke about."

15 Isn't that what you stated, Mr Witness?

16 A. I can't see that. I don't see that, ma'am.

17 Q. We will move on, Mr Witness.

18 MS BALA-GAYE: Court Officer, can we display the page 0015. And
19 I'm interested in the sixth paragraph. Thank you.

20 Q. Mr Witness, can you begin reading where the investigators says,
21 "Vous avez dit que les biens," onwards.

22 A. Which paragraph, please?

23 "You said that the looted goods were the event of the day, the
24 subject of the day. Is that correct?

25 "Yes. The war in Bangui was the event of the day. People talked

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1 about everything that was going on in Bangui, the war, the looted goods,
2 the rapes."

3 Thefts, not rapes. And also we see here, "on parlait," people
4 spoke about.

5 Q. Can you read exactly what is written on that page, Mr Witness,
6 and then you can clarify once you finish. So please read the text up
7 until the end where you respond: "... très bien renseigné."

8 A. As of which paragraph, ma'am? The spot where I had left off?
9 Where --

10 Q. Can you start with where you say: "Oui. La guerre de Bangui"
11 onwards.

12 A. Yes.

13 "The Bangui war was the event of the day. People talked about
14 everything that was going on in Bangui. Amongst other things, the war,
15 the looted goods, the rapes."

16 But it should read "the thefts."

17 Q. But it doesn't, so could you continue reading up until the next
18 four paragraphs.

19 A. "To your mind, in your opinion, was it possible to reside in
20 Gbadolite and not know that looted goods -- that the goods that -- and
21 not know that goods had been looted in the CAR conflict in 2002-2003?

22 "No. It was difficult not to know.

23 "So in your opinion, (Redacted), did Bemba know?

24 "I can't confirm. I can say that Bemba was a man who really kept
25 to himself, but very well-informed, and he would go into details.

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1 "Did you talk about the war in the CAR with members of the MLC
2 soldiers or commanders who took part in the operation (Redacted)
3 (Redacted) Gbadolite or after?

4 "Yes. After the operation of 2002-2003, I learned about the
5 death of a number of officers (Redacted).
6 I mentioned specifically Commander Felli. I don't know his name but I
7 know that he was S3 of one of the battalions responsible for operations
8 in 2002-2003. Felli took part and he gave me a great deal of information
9 about the 2002-2003 operation.

10 "Where is he today?

11 "I don't know exactly.

12 "Were there other people who took part in the 2002-2003 operation
13 and who did you talk to about this operation?"

14 THE INTERPRETER: Message from the interpreters: Could the
15 witness please be asked to slow down.

16 MS BALA-GAYE:

17 Q. Mr Witness, the interpreters are requesting that you kindly slow
18 down so they can follow when you're reading.

19 If we could move to the next page. Are we there? Yes.

20 Mr Witness, can you continue reading this page.

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 "What did Felli tell you?

25 (Redacted)

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1 (Redacted)

2 "What did he see?

3 "A disorderly withdrawal, many men lost, not to mention the
4 looting and the disorder.

5 "What did he tell you about the looting?

6 "That the soldiers stole everything they could get their hands on
7 and brought the looted goods back with --"

8 THE INTERPRETER: Message from the interpreters: Could the
9 witness please slow down for accuracy of the transcript and
10 interpretation.

11 THE WITNESS: (* No interpretation).

12 MS BALA-GAYE:

13 Q. Mr Witness, I apologise for interrupting you. The interpreters
14 stopped interpreting because you were going a bit too far -- too fast,
15 sorry. Therefore, could I just ask you to -- for the transcript to
16 re-read from a particular point, and I will tell you right now. Perhaps
17 if you could just start from the beginning of what you can see on the
18 screen, "Je n'avais pas de précisions," and continue from there.

19 A. "I did not have specific information about the rapes because I
20 know that often the people on the radio speculate. However, I did see
21 the stolen items, and I obtained a great deal of information from the
22 people that I mentioned to you."

23 So here, ma'am, you see that I'm talking about theft and
24 speculation by people on the radio.

25 "Did Felli mention any other acts of violence or abuse?

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1 "He is a soldier. We talked more about methods of work used in
2 Bangui.

3 "When you were in Gbadolite, did you hear about soldiers who
4 allegedly were punished for the looting that happened in the CAR?

5 "There was some trials in Gbadolite, but I would have to check to
6 determine whether the trials were held for the looting in the CAR,
7 because there was also a war going on in the east.

8 "I must leave off for today. I have some private engagements
9 this evening. I cannot stay any longer. We will resume tomorrow.

10 "You must realise, (Redacted), before we finish for today we -- I
11 would like to ask you a number of questions."

12 Q. Mr Witness, having read that extract, there's mention of
13 pillaging as well as rape. You did not correct the information in
14 relation to rape, did you?

15 A. No, madam. I said in the first line of what we're seeing on the
16 screen, I don't have precisions with regards to rapes, because I know
17 that often there is speculation on the radio, and I think that's
18 correctly said. On the other hand, I was able to see stolen items.
19 That's clear, madam.

20 Q. Mr Witness, can you re-read the first paragraph on the screen
21 right now which reads: "Je n'avais pas de précisions." Can you read it
22 one more time?

23 A. "I did not have precisions on the rapes because I know that often
24 there is speculation on the radio."

25 I repeat:

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1 "I did not have precisions on the rapes because I know that often
2 there is speculation on the radio. However, I was able to see stolen
3 items, and I obtained a lot of information from people who I have
4 mentioned."

5 End of quote.

6 Q. Mr witness, isn't it correct from that extract that you are
7 mentioning two different crimes? You mention rape, and then you say to
8 the contrary, when it comes to pillaging, you had more information
9 regarding this particular allegation. Isn't that what you are saying in
10 this paragraph?

11 A. No, madam. No, madam. I was speaking about thefts. I said
12 clearly that I did not have any clarifications with regard to rapes, but
13 I did have information, or I had seen, and that was the -- the items, the
14 result of theft. The stolen item, that's what it was, in singular. I
15 said that I saw a jeep, and this jeep -- it's always been said this jeep,
16 and this was confirmed to me and nobody challenged this, this jeep was
17 with General Amuli, and this jeep was stolen from Bangui.

18 Now, was this jeep stolen really or was it taken as booty? What
19 I can say is I saw the jeep, and the people who saw me told me that it
20 was a stolen jeep, and I confirm that this is what I heard. I heard that
21 this jeep was stolen.

22 I didn't speak about rapes. I said I had no precisions in that
23 regard with regards to rape.

24 And I also know how the press reports things. (Redacted)
25 (Redacted) how

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1 public opinion can be manipulated.

2 MS BALA-GAYE: Court Officer, could we please scroll up the page
3 a little bit. Perfect.

4 Q. Mr Witness, can you read where the investigator says: "Que vous
5 a-t-il dit du pillage?" And then read your answer, the next question and
6 your answer to that.

7 A. "What did they say about pillaging?

8 "That the soldiers stole everything that they could steal and
9 took the stolen weapons on their backs, took them back on their backs."

10 Q. And can you read the next question and your response to that.
11 Mr Witness, did you receive any interpretation?

12 A. No problem.

13 THE INTERPRETER: Apologies from the interpreters.

14 THE WITNESS: (Interpretation) I thought I'd answered. So here I
15 spoke -- I was asked about pillaging, and I gave the precision that I'd
16 heard people speaking about theft and that soldiers carried out theft. I
17 also heard that certain soldiers had been arrested for theft, Bomengo and
18 others. So these are facts that I can report with precision, whereas the
19 other things are things that were said. I can't confirm before the
20 august Chamber if these facts are true or not. I report on what I heard,
21 but I can give precision as to what I was able to see or what I
22 understand to be true. Thank you, madam.

23 MS BALA-GAYE:

24 Q. Mr Witness, I will ask you one more time to read the extract, the
25 question and answer below the one where you were asked about pillaging,

Witness: CAR-D04-PPPP-0018 (On former oath) (Private Session)
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1 which begins with: "Vous avez mentionnée des viols ..."

2 A. "You mentioned rapes that was spoken about on the radio and in
3 the media. Is it true?

4 "Yes. The media spoke about that, RFI in particular, more
5 precisely."

6 Q. Aren't you talking about two different crimes here, Mr Witness,
7 rape and pillaging?

8 A. You're limiting the idea here, because if you go further down,
9 you'll see that I did say that I had no precisions make, because often
10 there is speculation on the radio. Please don't make me confirm that
11 there was that. I keep telling you I wasn't in Bangui, and what I heard
12 was what was said, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Mr Witness, your answers are clear on the record, and the Chamber
24 will make its own conclusions. I'd like to move on to something else.

25 MS BALA-GAYE: Court Officer, could we display document number 22

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1 on the Prosecution's list, and it is CAR-OTP-0054-0019. And if you could
2 go to page 0041. Thank you.

3 Q. Mr Witness, can you start reading at the top of the page.

4 A. Please, madam, I haven't seen the question, or shall I just read
5 it like this to have an idea of what it is?

6 Q. This is the statement that you gave to investigators, so we're
7 still with the statement. If you could read the first paragraph, then
8 the question, and then the answer.

9 A. "Yes. The CT was the major source to inform the hierarchy about
10 everything that was happening on the front, and even for everything that
11 was happening in the territories which were under the control of the MLC.

12 "Who were for the hierarchy, Amuli and Bemba, the other sources
13 of information?

14 "The politico-administrative authorities, the customary chiefs,
15 and especially for Bemba, the office of internal security, the office of
16 border security, and even the influential traders and certain
17 dignitaries.

18 "Was the office of internal security and the office of border
19 security, did they also deal with military issues?

20 "No, but it could happen that one of their officers is posted not
21 far from the combat area and as such can communicate on what's happening.

22 "In addition to BRM and the different sources of information that
23 you've mentioned, was it that Bemba had other means to obtain information
24 from combat zones?

25 "Yes. Bemba could speak directly to the commanders and the unit

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1 leaders who were in the combat zone. He could speak with a brigade
2 commander or to an officer mentioned by the brigade commander.

3 "By what means of communication did Bemba -- or could Bemba be in
4 contact with his commanders?

5 "To my knowledge, there was mainly Charlie-Tango and also the
6 reports of commanders of the brigade drafted for Amuli. These reports
7 were written reports, and they were addressed directly to the chief of
8 General Staff without going via Charlie-Tango.

9 "Did Amuli transmit the reports to Bemba?

10 "Yes.

11 (Redacted)

12 (Redacted)

13 "Did it happen that the civilian population was in the combat
14 zone?

15 "Yes, but not on the front line.

16 "Were the reports that went via Charlie-Tango and then BRM for
17 Amuli and Bemba, did they mention in one way or another the civilian
18 population?"

19 Q. Mr Witness, do you recall having made this statement?

20 A. Yes. Yes, madam.

21 Q. And in this statement, you say that another source of
22 intelligence for Mr Bemba is the "Bureau de la Sécurité Frontières"; is
23 that correct?

24 A. That is correct, madam.

25 MS BALA-GAYE: Court Officer, could we move to page 0031. If we

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1 could move down to the bottom of the page. If you could keep going.

2 Perfect.

3 Q. Mr Witness, could you start reading where it says: "Précisément
4 quelle position ..."

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 I'm sorry, I think I went a little bit too fast there. Shall I
21 say it again or did you manage to get it?

22 Q. No, I think it's fine, Mr Witness. Thank you.

23 A. Thank you. Thank you very much.

24 PRESIDING JUDGE STEINER: We need to apologise and to thank our
25 brave interpreters.

Witness: CAR-D04-PPPP-0018 (On former oath) (Private Session)
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1 MS BALA-GAYE: Thank you.

2 Q. Mr Witness, based on the extract that you have just read out,
3 isn't it correct that you say intelligence reports were being prepared
4 regularly for Mr Bemba himself?

5 A. Thank you, madam. Madam, if you look at the period it was, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 The second aspect is when we speak about this, this is the -- the
16 mastery of information that we're talking about here or the control of
17 that information, and this is in the MLC area. Jean-Pierre Bemba
18 effectively controlled or managed that information. Information,
19 intelligence, communication in the MLC territory, he had control of that,
20 and sometimes, as I also said, he intervened himself with regard to a
21 particular commander if -- chief of General Staff, what's happening,
22 children there don't have any food. That's how we called our soldiers.
23 They didn't have any food. Try and follow that up and make sure that
24 food is sent to them. He followed things despite the reports. He
25 followed things, but it was in the territory which was controlled by the

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1 MLC.

2 Those are two aspects that I wanted to bring to this testimony
3 which you might not have understood. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 And I would like to inform you that the President Bemba followed the
15 situation, internal situation, very closely, the situation of soldiers --
16 situation of soldiers in the territory controlled by the MLC. Thank you
17 very much, madam.

18 Q. Mr Witness, in this extract, what you state is that reports from
19 the Ministry of Defence were sent directly to Mr Bemba. You do not
20 mention the Secretary-General. Isn't that correct?

21 A. Yes, but ultimately it was a situation that the Secretary-General
22 could also be informed. The sector was very sensitive, and at a national
23 level and also with regards to internal management of the territory under
24 MLC control, at least Mr Bemba wanted to know what was happening on the
25 front, and if he had to intervene sometimes, then he could do so himself.

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1 Even reading a report which was sent by the chief of General Staff or the
2 minister of the defence. Sometimes he had the possibility to ask the
3 commander directly if it was an alarming situation, and from there he
4 would give instructions or take measures, even issue orders, but he
5 would -- that would also be followed up by the minister of defence or the
6 chief of General Staff.

7 Q. Thank you, Mr Witness.

8 MS BALA-GAYE: Madam President, I will conclude there today and
9 finish tomorrow morning. Thank you.

10 PRESIDING JUDGE STEINER: Thank you very much, Ms Bala-Gaye.

11 Mr Witness, it's enough for today. You are still recovering, so
12 it's time for you to take some rest. It's almost 5.00. We will adjourn
13 and resume tomorrow morning at 9.00.

14 I thank very much the Prosecution team, the legal representatives
15 of victims, the Defence team, Mr Jean-Pierre Bemba. I thank very, very
16 much the interpreters and court reporters that not only are giving us
17 extended hours but having a very, very hard work in following when our
18 witness starts -- mainly when you start -- start reading excerpts from
19 your -- your statements. So thank you very much for your -- your
20 efforts.

21 I will ask, please, Court Officer, to turn into closed session
22 for the witness to be taken outside the courtroom. In the meantime, we
23 will adjourn, and we will resume tomorrow morning at 9.00.

24 *(Closed session at 4.57 p.m.) Reclassified as Open session

25 THE COURT OFFICER: We're in closed session, your Honours.

1 (The witness stands down)

2 THE COURT OFFICER: All rise.

3 (The hearing ends in closed session at 4.58 p.m.)Reclassified as Open session

4 RECLASSIFICATION REPORT

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

6 ICC-01/05-01/08-3038, the version of the transcript with its redactions

7 becomes Public.

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