

Trial Hearing
Witness: CAR-D04-PPPP-0019

(Closed Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Wednesday, 27 February 2013
8 (The hearing starts in closed session at 9.09 a.m.) * Reclassified into open session
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning and welcome.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
16 ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team,
18 legal representatives of victims. I welcome Defence team, Mr Jean-Pierre Bemba
19 Gombo. Good morning to our interpreters and court reporters.
20 Good morning, Mr Rojas. Good morning, Mr Rojas. Can you hear us?
21 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honour.
22 I can hear you very clearly.
23 WITNESS: CAR-D04-PPPP-0019 (On former oath)
24 (Redacted)
25 (The witness gives evidence via video link)

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

2 THE WITNESS: (Interpretation) Thank you very much, your Honour.

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

5 THE WITNESS: (Interpretation) Yes, your Honour, I am ready.

6 PRESIDING JUDGE STEINER: Mr Witness, this morning the Defence will continue
7 questioning you, but before I give the floor to the Defence I need to remind you that
8 you are still under oath. Do you understand that, sir?

9 THE WITNESS: (Interpretation) Yes, your Honour, I understand that.

10 PRESIDING JUDGE STEINER: I also, Mr Witness, would like to remind you that
11 you have to speak slower than normal in order to help our interpreters to provide us
12 with the full interpretation of what you are telling us. Can we count on you,
13 Mr Witness?

14 THE WITNESS: (Interpretation) I will endeavour to speak less quickly, but if I do
15 pick up speed it's not because I want to speak fast and I'll try therefore to follow your
16 instructions.

17 PRESIDING JUDGE STEINER: I am sure you will, Mr Witness.

18 I will then give back the floor to Defence. Maître Kilolo.

19 MR KILOLO: (Interpretation) Thank you very much, your Honour.

20 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

21 Q. Mr Witness, good morning.

22 A. Good morning, Counsel.

23 Q. I'd like to return very briefly to the joint operations that you referred to
24 yesterday, and I'm particularly -- I particularly want to look at the mixed companies.

25 In which language did the MLC troops and their Central African colleagues

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1 communicate in, in these mixed companies?

2 A. Thank you, Counsel, for your question. Often we spoke in Lingala because
3 there were many people, many Central African soldiers, who understood Lingala
4 well, and as you know, there were also many soldiers who tried to speak French with
5 the others, and others spoke Lingala, but there were very few people who spoke
6 Kisango - not many of them - but the language that we used a lot was Lingala, and a
7 little bit of French.

8 MR KILOLO: (Interpretation) I'd like to ask the court officer to make available to
9 the witness document 45 of the Defence's list, at page CAR-DEF-0002-0567.

10 PRESIDING JUDGE STEINER: Before you proceed, I just want a clarification, to see
11 whether the transcript is correct. Because here on page 3, line 15, it's said that there
12 were very few people who spoke Sango. Is the witness talking about the Central
13 African soldiers, that very few spoke Sango?

14 MR KILOLO: (Interpretation) If the question is put to me, this is not what I
15 understood, but perhaps we can ask the question once again to the witness.

16 Q. Mr Witness, your answer wasn't properly understood by the Chamber. Would
17 you mind just clarifying something for us? My initial question was the following:
18 When (Redacted) ran joint operations and that you had mixed companies, in other
19 words, Congolese and Central African troops together, in which language did the
20 Central Africans and the Congolese communicate in, within the framework of those
21 mixed operations?

22 A. Now, according to the question that's put to me by the sitting Judge, in other
23 words, to know what proportion of the soldiers spoke Sango, Central African soldiers
24 could speak a little bit of Lingala. Similarly, we had soldiers who knew how to
25 speak a little bit of Sango, because Sango and Kingwandi aren't different languages,

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1 really, and within our army we had a few troops who could speak the language, but
2 with regard to the language that we used, customarily it was Lingala and French
3 because when the decision was taken, well, the decision was taken in French.
4 The Congolese had to then give those orders in Lingala, and the Central Africans who
5 were there at the meeting did their best to translate those decisions into Sango so the
6 soldiers could properly understand. As I said yesterday, the conversations between
7 the various troops, well, they tried to muddle through, to either speak in Sango or
8 Lingala, because we didn't have any problems with that for our part, but the soldiers
9 could even understand by using hand gestures, because we could -- we're all together
10 to put the same defence up, but I wasn't there to give orders to Central African
11 soldiers, and they didn't hand on orders to the Congolese. Each one of us had to, in
12 theory at least, talk with their own soldiers, but with regard to exchanging ideas, well,
13 then we could use hand gestures, and if we didn't understand each other, well, then
14 we had to find somebody who understood their language and who could serve as an
15 interpreter.

16 Thank you very much.

17 MR KILOLO: (Interpretation) So I'd just like to ask the court officer to make
18 available document 45 in the Defence's list to the witness on page
19 CAR-DEF-0002-0567.

20 THE COURT OFFICER: --

21 THE INTERPRETER: Inaudible.

22 MR KILOLO: (Interpretation)

23 Q. Mr Witness, I'd like to look at the date of this document. I can read here,
24 "Zongo, 4 May 2003." First and foremost, do you remember on what date the
25 operations finished, or at least the date at which you left Central African Republic?

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1 A. Before leaving South Africa on 4 March, if I remember well, but we fought in
2 Bangui with various forces. The soldiers had scattered and dispersed so it was
3 important for me to wait because today, one or two soldiers could leave, fine, but
4 I had to wait for everybody to be on site so I (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Another thing that is catching my eye is the following. Now, the format of the
9 document, I'd just like to know primarily who typed, or typed this document or who
10 inputted the -- this document into a particular system, this document you've got
11 before your eyes?

12 A. We had the idea -- (Redacted) a secretary who wrote a draft
13 version, and before sending this on to Zongo -- we didn't use computers in those days,
14 (Redacted) sent somebody on a motorbike to draw up this letter at the hospital
15 Bwamanda, because it was in this hospital that there was a computer. So it is
16 Bwamanda where the letter was drafted, in the IT centre at Bwamanda.

17 Q. Mr Witness, in the framework of this situation in Central African Republic, the
18 Court has -- has acknowledged 4,000 victims; in other words, that it transpires that a
19 number of people fell victim, fell victim to rape, people who fell victim to murder,
20 victims of pillaging and looting. It transpires, on the record at least, that there were
21 many such cases.

22 So my question seeks to establish the following: This state of affairs, does this state
23 of affairs correspond to what you could have seen, heard of, or -- or something that
24 was brought to your knowledge about this in Central African Republic when you
25 think about the various localities that was traversed by the MLC during the entire

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1 period, October 2002, right the way to March 2003, the entire period of the conflict;

2 what can you tell us about that?

3 A. If I properly understood your question, you're asking me -- or you said that

4 there are lots of people who have testified to the fact that lots of crimes were

5 perpetrated. Now, as far as I'm concerned, I didn't see anything. Having said

6 that -- I mean, you can't stop people hearing things.

7 Counsel, let me just remind you of something. Let me remind you of two things

8 about -- yesterday you asked me some questions, and I answered those questions. I

9 answered that wherever we went in order to liberate, *we drove away the rebels and

10 these rebels, when we arrived, wherever we were going, the local inhabitants had run

11 away, and they returned when we occupied the particular locality. Here I'm not

12 protecting myself, all I'm saying is that the people that we found, because they came

13 back when we arrived, that means that these people weren't fleeing me. This means

14 that these were people who had fled the people that (Redacted) just driven out of the

15 region. That's the first point.

16 Second point: When we drove away these rebels, and I didn't see them flee, but

17 local inhabitants said -- the local inhabitants had gone, but they came back and they

18 said that the Chadians were fighting, or had been fighting with the soldiers of Bozizé

19 and had pillaged and looted the local inhabitants, and when we crossed over to go

20 back into our home on the 15th, and the way that we greeted people who had fled the

21 Central African elements, these people had fled war because they were partisans of

22 Mr Bozizé, and I heard them -- I heard them say that the Chadians had pillaged and

23 they had -- they had fled and gone off back to Chad. I heard this. And there was

24 one person who wasn't a Central African, he was Egyptian, and he was part of

25 Patassé's advisers. Mr Suleiman was his name. And this person said that there

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1 were vehicles, more than 450 vehicles, that were going off to the Chad border, and
2 that's what I heard, but I didn't see with my own eyes. But to say that I'd seen MLC
3 soldiers who had raped or stolen when I was there and who had killed when I was
4 there and whether I'd seen this, well, I can tell you that this is just pie in the sky, it's
5 lies, and I saw nothing of the sort.
6 Now, we're not children to see such things. I mean, I can give you an example by
7 saying, when some secrets were kept and the secret could be revealed and could
8 enable you to run your investigations. Now, in 1996, we went back with Kabila
9 father, the time when we drove out Mobutu. Wherever we went, there were even
10 people who had laid down their clothes so the FDL troops could walk over them.
11 The population had clapped Kabila as he came in.
12 Now, however, what I can say is the following: The same -- these same people
13 today, it's the same people who are insulting Kabila by saying that he's not Congolese,
14 that he stole, that he murdered, and that he's doing certain things.
15 What I want to say is that the local -- well, a population is like a double-edged sword.
16 Sometimes the population will go left and then will swing over to the right. What I
17 mean by that is that a Central African, even those that you haven't yet heard in the
18 Court, they can testify and tell lies because they were sent here.
19 Bozizé was applauded, but after that people were weary and -- and it will always be
20 the same when people come to power, but, I mean, I heard things but I saw nothing
21 with my own eyes. That's what I mean.

22 Q. Witness, if I put it to you that on 26 or 27 October 2002, or even towards these
23 dates, the MLC entered Fouh, a neighbourhood of Bangui, and during the occupation
24 of that sector by the MLC a group of soldiers of that movement stopped two women,
25 and having taken their possessions these two people were taken to some land, or

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1 compound, and were raped by lots of MLC soldiers. For the Chamber I'm hereby
2 referring to the document 856-Conf-Anx-B of 18 August 2010, page 20.

3 Witness, what would your reaction be to that?

4 A. Thank you for this question, counsel. I told you that on the 26th a group went
5 into the CAR and returned, a scouting group or reconnaissance group. This group
6 could not go more than four kilometres. Well, what I can tell you is that before we
7 arrived in the Central African Republic, they will tell you how the Central Africans
8 were organised. If you get this information, Bozizé was a rebel, and he occupied all
9 this region. He had his group of rebels, some of them were Central Africans, others
10 were foreigners, Chadians. Others fled Patassé in order to join him. And with
11 regards to Patassé, he also had his army, his own militia, which was known under the
12 name of Miskine, known by the name of Miskine.

13 So why wouldn't all these different groups have been responsible for these acts,
14 instead of saying that the MLC are responsible? Well, we arrived on the 30th, and
15 when we arrived on the 30th we had one mission and that was a mission of liberation.
16 We went to the Central African Republic in order to carry out the protection of the
17 Central African population, but we didn't have the opportunity to secure displaced
18 persons, all displaced persons.

19 Why didn't you ask this question to Mr Patassé and Mr Bozizé? They occupied
20 these localities on those dates. People want to put the blame on us for that because
21 in Bangui there are people who speak Lingala, but in order to answer your question,
22 counsel, it wasn't us who committed these crimes.

23 Q. I'd like to talk about another crime on 30 October. If I tell you that on
24 30 October 2002, or around this date, now in Boy-Rabé, which is another Bangui
25 neighbourhood, MLC soldiers arrived in the residence of a Central African lady and

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1 they demanded money, saying "Give money, no kill," and immediately after that they
2 entered into the house and raped the woman, they stole money, pillaged her home,
3 and these MLC soldiers also killed her brother while he tried to prevent them from
4 stealing his father's motorbike. Now, this is the same reference for the Chamber;
5 namely, 856-Conf-AnxB of 18 August 2010, page 20 thereof. Witness, what is your
6 reaction to that?

7 A. If I look at the map of Bangui, in order to go to the crossing, it takes you to PK12
8 airport. I remember that Bombayake and Mazi, they showed (Redacted) a hill.
9 They told (Redacted) that behind that hill there was a force belonging to Miskine,
10 their force. We went there because we heard gun-fire from that hill, and (Redacted)
11 (Redacted).

12 Now, Mazi was the commander of operations, and Bombayake, he told (Redacted) to
13 attack what was ahead of us, and that was the first time that I heard people speak
14 about this Boy-Rabé neighbourhood. And he told (Redacted) that they had their
15 forces and they were going to clean up in order to drive out the enemy, and I'm
16 telling you this because no soldier (Redacted) ever carried out operations in the
17 Boy-Rabé neighbourhood; it was Miskine's troops, as well as those who were under
18 Bombayake and Mazi, who carried out operations in the Boy-Rabé neighbourhood.

19 Q. Witness, we're going to go a bit further in our time frame. If I put it to you that
20 on 8 November 2002, or towards that date, in PK12 or in the surrounding areas, MLC
21 soldiers entered into the compound of a Central African family and they fired shots.
22 The family father was sodomised by several MLC soldiers, and outside and in front
23 of his family. The soldiers thereafter raped his wife and three of his girls. During
24 this time, the compound of the neighbour, female neighbour, was pillaged by other
25 soldiers of the MLC. When they arrived at the house of the neighbour, which was

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1 on the same compound, the soldiers of the MLC raped her. When the
2 brother -- when her brother tried to intervene to stop the rape, he was attacked,
3 beaten. For the Chamber, I'm hereby referring to document 856-Conf-AnxB of the
4 18 August 2010, page 21 thereof. Witness, what is your reaction to that?

5 A. You say that this man was sodomised; in what way?

6 Q. Witness, I've got no more than this question to put to you. My concern is
7 really to know what your reaction is with regard to this information. We're looking
8 at 8 November 2002, or towards this date, PK12, a certain number of MLC soldiers are
9 said to have gone into the compound of a Central African family and carried out acts
10 of rape and pillaging, and the father of the family, his wife and children. I would
11 like to know what your reaction is to that and also perhaps know who the forces or
12 which force was in PK12 or around that area on 8 November 2002?

13 A. Thank you. We crossed the border in 2002. My birth date is 2002. If I said
14 that, you would know how old I am. If you take that as a period, I never heard
15 anybody speak about a case of sodomy. That's something new as far as I'm
16 concerned. Perhaps that could be the case in films that one might see, but personally,
17 I have never seen that, I have never seen a man sodomise another.

18 Now, where it concerns the rape of members of a whole family, it's here that I hear
19 about that. I never heard anybody say anything about that. All the time I was in
20 Bangui, never did I hear anybody say that MLC soldiers sodomised anyone before
21 the members of their family.

22 Secondly, where I'm -- as far as I'm concerned and the (Redacted)
23 troops, perhaps you will hear others who testify, but I would never have accepted
24 such a case. That's a lie and that's just a complete fable, a barefaced lie, and if
25 somebody had said that I think that that person is manipulated and it's a lie. And

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1 you have the possibility to go there, you can go to the hospital and you can meet this
2 person, this man, and this person, this man, can be examined by doctors and I'm sure
3 that it will be revealed that it's a lie.

4 Q. When you got to PK12 in the framework of this joint operation, in what state
5 did you find the civilian population? Where was it at that time? What was the
6 situation?

7 A. The enemy was opposite us. In a combat situation, members of the population
8 fled. Those who were fleeing us, they came behind us and their security was
9 ensured by the gendarmerie or the Central African police. Everywhere where we
10 fought, Counsel, there was no presence of members of the population. That's the
11 reason why I say that the members of the population fled and when we occupied a
12 locality the population came back, and when we set up a defensive line members of
13 the population went back to their locality.

14 In PK12 there's a school close to the gendarmerie, and this school was occupied by all
15 the war displaced persons. All the time that we were there members of the
16 population were behind the positions that we occupied, and the population, or at
17 least the security of the population, was assured by the police and the gendarmerie,
18 but as far as we're concerned we weren't really members of the population.

19 Q. A moment ago - a moment ago - you spoke about rattisage, or cleaning out.
20 What exactly do you mean by that and what were the forces that were doing this
21 cleaning up, or cleaning out, this rattisage?

22 A. Your Honour, your Honours, I would like to tell you the following: The forces
23 that were involved in the war, or the force that was involved in the war, was not the
24 one which was carrying out this cleaning up operation. Our mission was to fight
25 against the enemy, so the gendarmerie, the police and other forces, the Central

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1 African forces, occupied -- or carried out this mission. This was a mission which
2 was purely Central African. It wasn't a mixed mission. A Congolese person could
3 not intervene within the framework of a cleaning up operation. That wasn't our
4 mission.

5 Briefly, this cleaning up situation consists of trying to see who lives where, who does
6 what and finding out where each individual is. We weren't there in order to carry
7 out a census of the Central Africans. No, that was up to the Central Africans.
8 There were Central African authorities and you can ask them this question if you
9 want, and if they are sincere they will tell you that the MLC forces didn't carry out
10 such cleaning up or thorough searching operations.

11 Q. Witness, when they carried out this operation, what does it mean exactly? In
12 order to help us understand, when did they go in order to carry out this searching
13 operation? What exactly did the forces do?

14 A. I think that the Central African military authorities are the best place in order to
15 give you this type of explanation. Now, where it concerns this cleaning up
16 operation, or searching operation, for myself it's when having driven out the enemy
17 five to ten kilometres away from a given area this area had to be cleaned up by the
18 Central Africans. Once we had driven out the enemy from that area, this is an
19 operation which is carried out by the Central Africans and not by us. So this
20 cleaning up operation concerns checking in the field that there aren't any more
21 enemies hiding in any places, and it's in order to make the area secure such that the
22 population can go back to it. So it's an operation which isn't carried out by the MLC.

23 Q. I'd like to put a definition to you of "cleaning up," or "rattissage," and you can tell
24 me if it aligns with your notion. Can we say that it consists of going -- with a fine
25 tooth-comb going through a sector, or going through a sector which -- and basically

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1 searching cross-road by cross-road, house by house searches, in order to see what the
2 situation is, so really going through everywhere with a fine tooth-comb.

3 A. The soldiers have their own terminology, but as it was put to me by the Central
4 African officers whose names I mentioned, Mazi and Bombayake, these two asked us
5 to advance and to follow the enemy. They said that they were going to stay behind
6 in order to carry out such a cleaning up operation. I was not able to give them any
7 advice in order to say "Do this, do that." I didn't know if they wanted to do
8 house-to-house searches. I don't know if there were enemies hiding anywhere.

9 Well, the definition that you've given me of such thorough searches, I can't say if that
10 was their mission, if that is the same as the definition -- if their definition is the same
11 as yours, but that's what I can give you as an answer, Counsel, to this question.

12 Q. Witness, if I put it to you that during a much longer period from
13 26 October 2002 to 31 December 2002, near Bangui, approximately 22 MLC soldiers
14 took by force eight female Central African civilians on a transporter and raped them
15 in public, some of them were raped by several people, while others were also forced
16 to carry out fellatio, while these rapes were pointed out nothing was done in this
17 regard, what could you tell us in this regard?

18 A. Counsel, I will tell you the following: You asked me to tell you the truth and the
19 Presiding Judge has just reminded me that I have to respect the oath that I took. If we
20 forced a woman to carry out fellatio on a man, do you think that such an event could
21 be reported to (Redacted) saying, "Listen, we've just carried out a good work. We've
22 done this, or that. We learnt something important in the Central African Republic"?
23 Fellatio, no, I've never heard anybody speak about such a case, never. Never. And
24 if somebody had carried out fellatio, that's not because that person learnt it in the
25 MLC army; it's something perhaps that this individual does in their life. I've never

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1 seen a soldier come up (Redacted) saying, "I've been given fellatio," never. I've
2 never seen that.

3 Q. Mr Witness, have you any information about the state of health of troops that
4 went into Central African Republic with you? Now I'm thinking particularly about
5 the -- the rate of HIV contaminated persons, or AIDS/HIV contaminated persons. In
6 other words, was the state of health of the soldiers something which was checked or
7 monitored within the MLC?

8 A. Counsel, within the MLC there was a medical section. There was a medical
9 section which worked independently (Redacted). It wasn't my responsibility to -- to
10 monitor the state of health of (Redacted) troops. In addition, there wasn't any
11 medical check-up that had been done on the troops to establish a rate of HIV/AIDS
12 within the troops. This wasn't part of our operations. We didn't go to get involved
13 in any medical examination. The authorities asked us to go and enter into the
14 operation, and I was told nothing about their state of health. Even the troops that
15 we came to support, I never heard talk of -- of any medical check-up that had been
16 run on troops. I was a soldier, I wasn't a doctor.

17 Just let me just cite an example: Even the units (Redacted) today -- of course, armies
18 are different from one country to the next, but I never -- I've never seen a doctor
19 commanding troops. I've never heard of anything of the sort. Even today I have
20 no information about the state of health of the troops.

21 Q. And if I were to tell you that on 5 March 2003, or around that particular date, at
22 Mongoumba or in the environs of Mongoumba, MLC soldiers arrested a lady while
23 she was fleeing, after having searched her house, a number of MLC soldiers raped her,
24 today she is contaminated with HIV as a consequence of that rape; what is your
25 reaction to that?

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1 A. Counsel, this is some -- this is -- we had operations in Central African Republic.
2 People are ill or people are suffering of diabetes. Were they contaminated by us or
3 by other illnesses prevailing in Bangui? Were they contaminated by us? There is
4 no illness that came from the Democratic Republic of Congo into the Central African
5 Republic. This Mongoumba information that you have just referred to, I have
6 received no information about that.

7 Q. You mentioned the weaponry used by the MLC contingent. Did the MLC
8 troops also have arrows for fighting in the Central African Republic?

9 A. I wasn't responsible for logistics. Mr Bemba was with him over there. He
10 was the head of the army. I don't know whether he can answer your question.
11 He'll tell you whether there were arrows or not maybe.

12 Q. Let me be a bit more precise. I'm -- I want to focus on the troops (Redacted)
13 (Redacted) in the Central African Republic. Did you see that, in addition to their
14 standard weaponry, did you see that they were also using arrows to fight in the
15 operations to be set in train in Central African Republic?

16 A. In short, I would say no. What would these arrows be used for? Counsel, all
17 that is wrong. We never used arrows.

18 Q. Do you remember yesterday having mentioned arrows in relation to two
19 soldiers who were supposed to have died? Who were using the arrows that you
20 mentioned yesterday?

21 A. If you remember, I told you that (Redacted).
22 (Redacted) soldiers wouldn't fire at each other, and they were never -- were never
23 trained in fighting with arrows. But I would tell you that two soldiers, two of our
24 soldiers, died (Redacted).

25 Q. You've already spoke to us about the uniforms, uniforms that were made

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1 available to MLC troops. The MLC soldiers in the Central African Republic at that
2 particular time, could they also be identified by red scarves that they may have been
3 carrying or rosaries hanging at the end of their barrels; is this something that
4 corresponds to your experience in the Central African Republic?

5 A. You're alluding to rosary beads and a red colour scarf, is that your question,
6 Counsel?

7 Q. Yes, it is just to know whether these are belongings that MLC soldiers wore and
8 that could be used to identify them as MLC troops in Central African Republic.

9 A. No, no. No, we didn't have any particular order to that effect. Even during
10 these operations, there were no red scarves that we wore, nor even any rosary beads,
11 not that I saw at least. I saw nothing of the sort in relation to what you asked me in
12 your question. I couldn't, of course, track what every soldier was wearing and the
13 weaponry he was carrying. If something presents no danger to the troops as a
14 whole, well, some soldiers did this, but I saw nothing with my own eyes.

15 Q. You also spoke of the arrival of Mr Jean-Pierre Bemba at PK12. Are you aware
16 of any other arrivals, any other times when Mr Bemba came into Central African
17 Republic, for example, at Damara or PK22 or at Bossempaté, or again in any other
18 Central African town?

19 A. Initially I told you this: I think I told you that he arrived, or he came twice. I
20 saw him just once, and this was at PK12 when he came. I saw him at that particular
21 time. I don't know whether he came by plane or by another type of vehicle or by
22 canoe. As he was my commander, it would have been inappropriate for me to go up
23 to my commander and to ask him how he came and what did he come to do. I
24 learned that he came allegedly a second time to Bangui, to look for members of his
25 family, and that's all I can tell you. It wasn't my responsibility to track the comings

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1 and goings of the president.

2 Q. Do you remember the second time that he came to Bangui, allegedly? When
3 was it? And was his family living at Bangui at the time?

4 A. No, I can't remember the date, but according to the information that I received,
5 well, I learnt that his family was in France and Belgium, Europe and other countries,
6 to the best of my knowledge, but he went to look for members of his family who had
7 arrived on an Air France flight.

8 Q. Do you know whether he met the MLC contingent upon that second occasion
9 that you're referring to?

10 A. No, no. (Redacted), the MLC contingent,
11 and he -- if he had met MLC troops, I would have known, but he only met us once at
12 PK12. Subsequent to that, we never met him again while we were involved in
13 operations in Central African Republic.

14 Q. Do you know Article 15?

15 A. Of what code or belonging to which body of laws?

16 Q. Have you already heard that MLC soldiers in the Central African Republic were
17 to apply Article 15 in the field? In other words, muddle through as best they could
18 and to just use what means they could find among the local inhabitants? Does this
19 ring a bell? Does this -- is this part of your recollection?

20 A. No, I never heard about that.

21 Q. From the point of view of practice - of MLC practice - among the troops, the
22 MLC troops, did they take drugs when involved in operations in the Central African
23 Republic?

24 A. There is no country in the world that authorises soldiers to smoke cannabis.
25 Even countries where you live, there are drugs but it is not allowed. MLC troops

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1 weren't allowed to smoke cannabis, and who could have ever issued such an order to
2 that effect? No, (Redacted) never (Redacted) such an order to soldiers to allow them
3 to smoke cannabis. There -- may be the soldiers did it in secrecy, maybe there was
4 cannabis around, but from an official point of view it was strictly forbidden to smoke
5 cannabis and I never saw one single soldier smoking cannabis.

6 Q. I'd just like to return to Zongo. Before crossing over, before the MLC
7 contingent crossed over to Bangui, was there any moral lecture given?

8 A. Yes. I (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. (Redacted) we had been entrusted with a mission; that we were going to
16 provide assistance to President Patassé who had been attacked by rebels, and
17 therefore we should behave over there as we behave in the Congo. Discipline
18 should be our primary weapon. The Code of Good Practice should be properly
19 adhered to in the field over there. Nobody would be allowed to leave his unit.
20 (Redacted) -- any abuse or violation of that code, there would be disciplinary action.
21 Crossing over as MLC, we should honour our army and the hierarchy that sent us
22 over into the Central African Republic. (Redacted)
23 during that particular parade.

24 Q. Mr Jean-Pierre Bemba, did he go personally to Zongo before you crossed with
25 the MLC troops into Bangui?

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1 A. I didn't see him.

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. All right. Well, during the period you were in the Central African Republic,

8 (Redacted)

9 (Redacted)

10 A. (Redacted).

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted).

14 Q. (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 A. Counsel, can I answer?

22 Q. Yes, please, go ahead.

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Did it ever occur that you detained civilians in Damara in prison, or in any
9 other place in the Central African Republic? If so, what happened to these
10 prisoners?

11 A. The prisoners that we caught, they were soldiers who we call prisoners of war,
12 or somebody surrendered. That's a soldier who doesn't want to continue to live in
13 the bush and he decides to surrender. And every time that we caught them, an
14 injured person or one who was in good health, we would take them to Commander
15 Kuese to take them to the HQ. These prisoners of war would spend the night in the
16 HQ where they had been caught at night, but every time we caught them during the
17 day all the prisoners of war, who were soldiers as I say, we sent them to Bangui.
18 They were escorted by Central African soldiers. We never arrested a political
19 prisoner. Furthermore, that was not part of our responsibilities. Apart from when
20 the enemy Bozizé's troops arrested the spokesperson of Patassé, they came to ask us
21 for permission to go and get this person and it was the Red Cross staff who asked for
22 this permission. Two days afterwards, they went where we were and they gave
23 information according to which they had liberated this person - freed this
24 person - and the Red Cross were going to get this prisoner. And this is the only
25 civilian that I saw, and that person was escorted by the Red Cross. There was never

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1 a prisoner behind our defensive line.

2 PRESIDING JUDGE STEINER: Yes, Maître Badibanga?

3 MR BADIBANGA: (Interpretation) Your Honour, for obvious reasons that you
4 would understand, I have chosen this moment to intervene. I just wanted to recall
5 for the Defence the rules that you instructed to all parties to follow during the
6 testimony. I think this should be quite clear for everybody.

7 Thank you, your Honour.

8 PRESIDING JUDGE STEINER: I think you understood the concerns of
9 Maître Badibanga. I share some of those concerns and ask Defence to be very careful
10 in the way Defence is phrasing its questions in order not to bring further concerns. I
11 hope it was clear enough. Thank you, Maître Kilolo.

12 MR KILOLO: (Interpretation) Indeed, your Honour, it's very clear, and we think
13 that nevertheless we did stay within the limits of what was authorised, but we have
14 no other choice than of course to exercise the rights of the Defence by testing a certain
15 number of elements, but obviously we take great account of this.

16 Q. So, Witness, I would like to ask you if it's possible for you to speak to us about
17 vehicles that you are said to have been able to take to Bangui, or from Bangui to the
18 Democratic Republic of the Congo?

19 A. Counsel, how is it possible that we could cross with vehicles? I told you the
20 15th was the day when we crossed. All of us, we tried to find a way in order to do
21 so. Between Bangui and Zongo, there's no bridge in order to cross with vehicles. I
22 used a ferry to do so, in order to cross. (Redacted) escorted by Central African
23 soldiers. The Minister of Transport - the Central African Minister of Transport - he
24 helped with this. I can sum-up: No vehicles were taken from Bangui to the DRC.
25 However, I would add the following: I know that I (Redacted)

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1 (Redacted), and I remember that (Redacted)

2 (Redacted).

3 Q. (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Do you know if (Redacted) also had a vehicle of any type within the
10 framework of these operations or during this period, a vehicle from the Central
11 African Republic?

12 A. The day on which we fought in Damara on the Sibut road, we were attacked by
13 Chadians. We fought against them, and during this battle we lost a doctor and
14 another person. There were also persons who were injured from among us. And
15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). It

19 wasn't a vehicle of the Central African government. It wasn't a vehicle which
20 belonged to the Central African population, it was an enemy property.

21 Q. In reference to this question, I refer to T-137-Conf, French version edited,
22 4 July 2011, page 35 thereof.

23 Witness, during the operation between October 2002 and March 2003, did you go to
24 Gbadolite before 15 March 2003, coming from the Central African Republic?

25 A. I went to Gbadolite once. That was during the ceremony with the -- ranking

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1 ceremony of the MLC, whereby I could be confirmed as (Redacted). Yes, I went to
2 that place once, and I returned on the same day. I didn't spend the night there.

3 Q. (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted). When such a ceremony is carried out, there are lots of different officers;
7 Chief of General Staff, Defence Secretary, they make their proposals which are put to
8 the party leaders. They are assisted by a political committee in which you have the
9 Secretary-General, so as a committee, an executive committee, which decides. I
10 wasn't appointed to that rank of (Redacted) by one person. I wasn't alone, and it was
11 not a decision taken just by one person.

12 No, this was a decision which was collegial, a decision of the political committee, in
13 collaboration with the army, as is currently the case in Kinshasa.

14 Q. Did it occur that a Central African officer went to Gbadolite during the
15 operations between October 2002 and March 2003?

16 A. As far as I'm concerned, I don't know anything about that. I didn't work there
17 to know who was going where. Far from there, far from that, it didn't go through
18 me before going to Gbadolite. I wasn't informed. So to my knowledge, I never saw
19 anybody.

20 PRESIDING JUDGE STEINER: Maître Kilolo, sorry to interrupt, I need a
21 clarification. The witness said that it was a ceremony with the MLC whereby he
22 could be confirmed as (Redacted), and a little bit later on, on line 21, he says that he
23 was appointed to the rank (Redacted). Could, please, be clarified whether in this -- in
24 this occasion he was confirmed as (Redacted) or he was appointed as (Redacted)?

25 THE WITNESS: (Interpretation) Do you want me to answer the question?

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1 PRESIDING JUDGE STEINER: Yes, please, Mr Witness, just for clarification.

2 THE WITNESS: (Interpretation) In 2002 -- and I think that it was 2003, your

3 Honour, I was given the rank of (Redacted). I was a member of the MLC.

4 On the other hand, I was given the rank (Redacted)

5 August, (Redacted). That was in Kinshasa after the Sun City agreements,

6 when all the armies, all the rebellions were put into one sole army. That's to say that

7 I wasn't given the rank of (Redacted), within the MLC. Thank you.

8 MR KILOLO: (Interpretation)

9 Q. Witness, did it occur that you received an order, or an instruction, from

10 Mr Bemba or from any other authority to kill Muslim civilians in Bangui?

11 For the Chamber, I am referring to T-145-Conf, French version edited, 21 August 2011,

12 page 20.

13 A. Where it concerns the order to kill Muslims, (Redacted).

14 But if Mr Jean-Pierre Bemba was against them, he could kill (Redacted)

15 (Redacted). No, so I never received this order.

16 Q. According to the information we have, Witness, (Redacted) got cotton

17 and motors pillaged -- which were pillaged in order to sell them in Bangui, and here

18 I'm referring to transcript T-144-Conf, French version edited, 23 August 2011, page 32

19 to 34. What do you have to say to us in that regard?

20 A. In Damara, in the centre of that place, at the cross-roads, there were vehicles

21 which were loaded. I (Redacted). There were people who

22 came from Bangui. They had a letter from Mr Mazi. This document provided

23 information that it was vehicles that the Chadians had pillaged to take back to their

24 land.

25 Now, as we wanted to help the owners of these vehicles to recover these vehicles,

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1 (Redacted).

2 There were two whites and four black persons who had taken these two vehicles, and
3 they went back to Bangui, and we didn't sell these goods, we didn't sell cotton. The
4 owners of the cotton came to recover their cotton.

5 Q. Do you know Kule Mbaya?

6 A. When you speak about Kule Mbaya, is that the name of a person or a locality?

7 Q. A soldier, an MLC soldier, who was in the Central African Republic at the time
8 of the operations.

9 A. Yes, there was a soldier called Kule, but I don't know if he also had the name
10 Mbaya. I know an MLC soldier called Kule.

11 Q. According to the information we have this soldier, Kule, is said to have killed a
12 Central African minister, a Minister of Education in Bangui, and he's said to have
13 taken money in euros and also to have provided (Redacted) with some of this money.
14 What do you have to tell us in that regard?

15 For the Chamber, I am referring to transcript T-191-Conf, French edited version,
16 21 November 2011, page 39 to 40.

17 A. (Redacted). I never received information
18 from Patassé's government saying that our soldiers had carried out such an act. I
19 (Redacted) and I was never informed of the killing of the
20 Central African Minister of Education.

21 Q. Do you know Coup-Par-Coup?

22 A. You're talking about Coup-Par-Coup. Is that a shop or is that somebody's
23 name?

24 Q. It's a name or a code-name of an MLC soldier who was in the Central African
25 Republic at the time of the operations.

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1 A. Yes, I know somebody who had this nickname, Coup-Par-Coup.

2 Q. Did you have problems or difficulties with regards to discipline relating to the
3 behaviour of this person?

4 A. No. He was an S3 deputy. No, I never heard of a case of indiscipline. He
5 was a leader.

6 Q. Coup-Par-Coup, was he involved in murder, in Damara in particular, to the
7 best of your knowledge?

8 A. There was nobody who died in Damara. I would tell you the following:

9 When we arrived in Damara, we drove out the enemy, and at a certain time, when we
10 had to set up our defensive line, coming from the forest where we had been, we spent
11 four days in Damara. Neither the Chadians nor us had taken this locality. It was at
12 that time that I saw a dead person. That wasn't somebody who had been killed on
13 that day, because the state of the body was decomposed. It was a woman. That
14 was on the defensive line that we had established. And above this body there was a
15 baby, who could have been nine months to a year, on top of the body, and this baby
16 was trying to drink milk and the mother was dead. (Redacted), and somebody said,
17 "We found the body of a woman, a mother. She had a baby on her." (Redacted)
18 (Redacted). That's the only body that I saw. So the person
19 hadn't died on that day. It was therefore difficult for me also to confirm if
20 Coup-Par-Coup had been responsibility for a killing. I wasn't a witness to that. In
21 order to answer your question, I would say I just met -- I just found one person who
22 was dead.

23 Your Honour, (Redacted) still today in (Redacted). This child was filmed by
24 the journalist of Radio France Inter.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). There was also General Bombayake.

4 Three days before the death of the Chief of General Staff I was in Damara. He had

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) and that's why, your Honour, I ask you if you would like to see

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

14 Mr Witness, it's 11 o'clock. We are going to have our half-an-hour break. It's a little

15 bit over 11 o'clock. We will resume at 11.35. This hearing is suspended.

16 THE COURT USHER: All rise.

17 (Recess taken at 11.02 a.m.)

18 (Upon resuming in closed session at 11.40 a.m.) * Reclassified into open session

19 THE COURT USHER: All rise.

20 Please be seated.

21 PRESIDING JUDGE STEINER: Welcome back. The Chamber was informed that

22 Prosecution intends to pose a motion and for that reason the witness is not yet in the

23 room - in the testimony room - so, Maître Badibanga, you have the floor.

24 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

25 With your leave, I'd like to return to the objection that we raised earlier on, the

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1 incident that it gave rise to, and I'm referring to the issue that Mr Kilolo put to the
2 witness. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 At that particular point of time, we wanted to point out that this runs flagrantly
7 against the instructions handed down by the Bench and your instructions to parties
8 were crystal clear because you laid down very clearly to what extent we could refer to
9 other witnesses, or other individuals, involved in the proceedings.

10 So I'd just like to return to this point, because I think this must appear in the
11 transcript, and I mean if we had responded at the point when it occurred we would
12 have -- it would have triggered something with the witness and so we put ourselves
13 in a very difficult position - impossible positions - and I would also like to refer to the
14 argument that Defence evoked following the intervention by saying that it remained
15 within the framework and scope of instructions and this was in the interest of the
16 Defence.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 The second point, and -- which I would never say, (Redacted)
23 (Redacted), and that could have been done without making specific reference.
24 So I don't think you can say that the only way was to put this question in this
25 particular way to this particular witness.

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1 And I think the third point was that you could talk about the (Redacted)

2 (Redacted)

3 (Redacted)

4 These are the observations that I would like to have built into the record, please.

5 Thank you, your Honour.

6 PRESIDING JUDGE STEINER: That Maître Badibanga asked for the floor in order
7 to make this motion for the record of the case, of course it's something that already
8 happened. I must confess that I myself was concerned about the way Maître Kilolo
9 conducted the questioning specifically (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 When Defence even informs which transcript he's referring to, it may make it easier
14 to identify that this or that person were witnesses.

15 In any case, it's -- there's nothing can be done now, other than maybe recommend
16 VWU to proceed more frequently with security assessments for (Redacted) and to
17 ask Maître Kilolo to be very careful when questioning the witness not to give the
18 impression (Redacted). And

19 I'm sure that Maître Kilolo will be co-operative as has been during the questioning of
20 this witness. It was just -- there was just a problem with the reference - the specific
21 references - (Redacted).

22 Unless Maître Kilolo wants to add anything? Maître?

23 MR KILOLO: (Interpretation) Just for the record, just like to point out that neither
24 the name of this particular witness was cited, nor his code and his allocated number,
25 nor the fact that it was -- made any reference to a witness, and I never cited the

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1 transcripts reference that I was alluding to.

2 So, I mean it's true that we're obviously very careful about that, but to be honest with
3 you I don't think having gone beyond the bounds, gone you know crossing the
4 dividing line of what is deemed feasible or not.

5 I just wanted to point that out. Thank you.

6 PRESIDING JUDGE STEINER: Yes, Maître Kilolo, it's true that in this case you
7 didn't mention the code of the numbering of the transcripts. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted). But, as I said, it's -- you've been conducting your questioning in general in
11 accordance with the Chamber's recommendation and maybe this is an opportunity
12 just to reinforce the Chamber's recommendation.

13 I will ask, please, Mr Rojas to bring the witness into the room.

14 (The witness enters the video-link room in Kinshasa)

15 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

16 THE WITNESS: (Interpretation) Thank you very much, your Honour.

17 PRESIDING JUDGE STEINER: I'll give back the floor to Maître Kilolo to continue to
18 question you.

19 Maître Kilolo.

20 MR KILOLO: (Interpretation) Thank you very much, your Honour.

21 Q. Mr Witness, do you know a certain Jean-Denis among the various MLC troops
22 that was present in the Central African Republic?

23 A. Counsel, there were lots of Jean-Denis. There were lots of people who had that
24 particular name, Jean-Denis.

25 Q. A driver? Does that bring up a particular memory?

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1 A. Yes, I do know Jean-Denis, the driver. He died during the war in Central
2 African Republic. Yes, he was a driver.

3 Q. Did you ever encounter any disciplinary problems with regard to this particular
4 individual?

5 A. No, I can't recall ever encountering a particular problem between he and I
6 because -- no, I can't remember of any particular problem.

7 Q. Have you heard talk of the rape of a European woman, or a white woman at
8 least, in Bangui?

9 A. No, not at all. I never heard anything of the sort.

10 Q. Do you know a certain Adolphe Madinge (sic) among the MLC troops that
11 was in the Central African Republic, and if so did you ever encounter any
12 disciplinary problems with that particular individual?

13 A. Yes, I do know Adolphe Dominguez. His real name is Adolphe Ngoma.
14 With regard to Dominguez, this was a nickname (Redacted)
15 (Redacted)
16 (Redacted), but I never had any problems with him.

17 Q. Have you heard talk of crimes perpetrated around Bossembélé and Bossangoa,
18 acts of vengeance after the death of René?

19 A. René died at around 12 or 15 kilometres outside of Bossangoa and this was in
20 the evening. It was in the evening. We spent the night there and (Redacted)
21 (Redacted) and other people, and in the morning we went into Bossangoa and
22 everybody there, the civilians, had fled and were in the forest. And when we
23 entered into that particular locality, the local inhabitants left the forest to come and
24 greet us, and there was no deaths at all while we were there. Nobody died.
25 With regard to the corpse that I had seen on the road, on the Bossangoa road, this was

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1 a Chadian soldier who was in a vehicle, because all these people were wearing
2 particular garments and they had -- and they had been killed by a mortar bomb, an 82,
3 and this shell fell on the cab and the driver died in the cab and the vehicle stopped
4 where it was.

5 And when we went into that particular area, we called upon the Red Cross officials
6 who'd come to bury that Chadian's body. There were a number of Central African
7 citizens who were witness to that, but there were no bodies of Central Africans.

8 Q. Do you know a certain Dragula among the MLC soldiers in Central African
9 Republic, and if so did he ever show any lack of discipline, or pose any disciplinary
10 problems?

11 A. Yes, I do know Dragula. Dragula was a driver, a driver of a large lorry, a lorry
12 that had been supplied to us for giving us supplies. Now, was there a case of
13 indiscipline with that particular individual? Yes, there was, because we discovered
14 that he was selling the fuel in the tanks of that particular vehicle. With regard to
15 other matters of -- or cases of indiscipline, I can't tell you that there were any others.

16 Q. Have you heard of foxholes or trenches at around PK12?

17 A. Yes. Now, you're talking of this, and this brings back a memory. Up until the
18 present day, the first thing that a soldier does when defending -- when defending a
19 position, he digs a foxhole. It's a hole which could be what, 50 centimetres deep, but
20 it could actually house an entire soldier and it's -- each soldier can dig the foxhole so
21 that they can't be seen and the enemy can't see them, and the soldier hides in the hole
22 and to have an enemy in one's sights you can aim at the enemy and the earth protects
23 you from enemy fire.

24 Now, this brings back a lot of memories, because there were lots of people who didn't
25 know how to dig these foxholes, but as a soldier, I think all soldiers know full well

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1 how to -- how to do that. You dig, dig the foxhole, but when you leave you shore up
2 the foxhole, and that's what we did and we dug foxholes and everywhere we -- where
3 we went and in the world, wherever you are in the world, the first thing you ask of a
4 soldier, just to protect himself, is to dig a foxhole. And just to tell you, therefore, that,
5 we as any other army, we dug foxholes wherever we went.

6 Q. At PK12 specifically, what forces dug these foxholes? What are the soldiers or
7 who were the soldiers who were occupying these various foxholes at PK12? They
8 belonged to which unit?

9 A. All the soldiers, all soldiers are meant to carry out war and they are meant to
10 dig foxholes; all soldiers, any soldier. That's the first lesson, or at least one of the
11 first lessons that's given to a soldier in order to protect himself. There are lots of
12 different types of foxholes, some that you use when you go to a particular locality,
13 others which are protection against artillery fire, and there's another type which is a
14 foxhole which is called the country --

15 THE INTERPRETER: Or "campaign" foxhole, corrects the interpreter.

16 THE WITNESS: (Interpretation) Whether it is Congolese or Central Africans,
17 everybody knows how to do that. (Redacted)

18 Q. So with regards to PK12 and PK13, in which the MLC troops are said to have
19 buried or put civilians - Muslim civilians - who had died or who had been killed?

20 A. Yes, I've heard people speak about that and it was said that it was the Central
21 Africans who had done so and this was next to the abattoir, but it wasn't the soldiers
22 of the MLC who did that. Now, when it comes to foxholes, that can't be occupied by
23 two people. In order to answer your question, I have heard people speak about such
24 cases next to the abattoir, but it's not MLC soldiers who were accused of having done
25 that.

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1 Q. When you speak about the abattoir, are you talking about the cattle market?

2 A. Yes. That is where the cows have their throats cut, as well as other types of
3 cattle. In that place in the Congo, we call that the abattoir. I don't know what you
4 call it in your country.

5 MR KILOLO: (Interpretation) I would like to ask the court officer to show the
6 witness document CAR-ICC-0001-0085.

7 PRESIDING JUDGE STEINER: Which document in the list, Maître?

8 MR KILOLO: (Interpretation) That's a new document that was generated at your
9 request, your Honour, when you asked the witness.

10 THE COURT OFFICER (Redacted): (Interpretation) I'm showing the document
11 shown yesterday. The reference is --

12 THE INTERPRETER: Inaudible.

13 THE COURT OFFICER (Redacted): It can be seen on our screens at the moment.

14 MR KILOLO: (Interpretation)

15 Q. Witness, could you tell us what you can see at this time?

16 A. There are a lot of things in front of me. I have a document in front of me.
17 There's a microphone, there's water, and I was just shown a piece of paper on which
18 (Redacted).

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted).

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1 MR KILOLO: (Interpretation) Your Honour, I would like this document to be
2 admitted as evidence, and at the request of the Defence, I would also like the
3 document number 45 of the Defence list be admitted as evidence as well.

4 PRESIDING JUDGE STEINER: Maître Kilolo, unless I'm wrong, the document now
5 bearing the number 45, it's pending admission. Its admission has already been
6 sought.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 THE WITNESS: (Interpretation) (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: (Redacted)

14 (Redacted)

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE STEINER: (Redacted)

19 (Redacted)

20 (Redacted)

21 THE WITNESS: (Interpretation) (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Thank you for the clarification.

25 You can proceed, Maître.

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1 MR KILOLO: (Interpretation) (Redacted)

2 (Redacted)

3 (Redacted). Now, where it concerns the Defence, we have finished with
4 our questioning.

5 Witness, in the name of the Defence, we would like to thank you.

6 THE WITNESS: (Interpretation) Thank you, Counsel.

7 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

8 Mr Witness, Defence has finished questioning you and, as you were told in the
9 beginning of your testimony, now it's for the Prosecution to question you, and for
10 that purpose I will give the floor to Maître Badibanga.

11 Maître Badibanga, you have the floor.

12 MR BADIBANGA: (Interpretation) Your Honour, if you would allow me, I noted
13 that you made the offer to Mr Kilolo to remain seated, or stand, according to choice.
14 It would be easier for me to manage my documents if you could do that for me as
15 well.

16 PRESIDING JUDGE STEINER: If you feel more comfortable, please remain seated.

17 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

18 QUESTIONED BY MR BADIBANGA: (Interpretation)

19 Q. Good morning, Witness.

20 A. Good morning, Counsel Badibanga.

21 Q. I don't think it's necessary for me to introduce myself. We've met on several
22 occasions, but as I mentioned a few days ago I have the privilege of putting questions
23 to you on the part of the -- on behalf of the Office of the Prosecutor. I think, Witness,
24 that we will probably go very quickly, because I noted with a great deal of relief and
25 interest the extremely sensitive progress you've made with regards to your memory

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1 of the events, and so I noted that you, in the answers which you have given to my
2 Defence colleague, you were able to provide extremely precise details which show
3 that your memory of events has improved, and I think if we continue on that basis we
4 will certainly go very, very quickly.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted).

11 Q. Do you remember having signed a certain number of documents when you
12 gave statements to the Office of the Prosecutor?

13 A. Counsel Badibanga, do you have a different signature, a different one, to
14 present to me?

15 Q. According to the functioning of the Court, Witness, I'm the one who asks you
16 the question because it is your testimony that's important, and so we expect answers
17 to come from you. So I shall ask you the question once again: Do you remember
18 having signed a certain number of documents when you gave statements to the
19 investigators of the Office of the Prosecutor and, if you would like to have the dates,
20 that was (Redacted)

21 A. We met on all these dates and my signature is indeed that which is in front of
22 me. Otherwise, there are just initials written on all the documents. It's not my
23 signature.

24 Q. Would you be so kind, with regards to the document where you had the
25 signature yesterday, would you be so kind as to write your initials as well? Thank

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1 you very much.

2 A. One can write one's initials in several different ways. If you would be so kind,
3 could you show me a document with the initials which have been put there and I will
4 confirm to you if those are mine or not?

5 Q. I'm sorry, I think there may be a difficulty in the translation. I don't want you
6 to confirm any initials. I would like you to write your initials on the paper that is
7 before you. So would you be so kind as to write just above or just below the
8 signature that you were asked to make before, if you could please sign with the
9 initials that you put on the Office of the Prosecutor documents.

10 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

11 MR KILOLO: (Interpretation) Your Honour, your Honour, I think that when you
12 question a witness as a representative of the OTP, you have a duty for truth and
13 transparency with regard to that person. That's also part of a fair trial, a right to a
14 fair trial, and I think that the witness has made a very fair request to Mr Badibanga,
15 asking him to produce the initials that he's speaking about, where it concerns 2008
16 when they met. So starting to make the witness believe something else, while the
17 manifest aim here is to question the authenticity of his signature, I just think this is
18 something that isn't honest.

19 PRESIDING JUDGE STEINER: I must confess that I don't see your point, Maître,
20 but I'll give the floor to Maître Badibanga if you want to justify your request.

21 MR BADIBANGA: (Interpretation) Before anything else, your Honour, I think I
22 remember that during the intervention of the previous witness I had to talk about the
23 words of Mr Kilolo and I think it's time that Mr Kilolo watches his vocabulary,
24 because when he speaks about issues of honesty, et cetera, I think this affects the
25 professional ethics of the persons in this Court. We have never questioned his

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1 honesty and if Kilolo has an objection then I think he can express that properly with
2 regards to the facts, but this type of assessment, as far as I am concerned, cannot be
3 heard in this courtroom. I think in this courtroom we have always had behaviour
4 which was extremely courteous, which is perhaps not the case in other courtrooms,
5 but I think that the tone that we have had should stay within these limits. This was
6 the first thing that I wanted to say.

7 The second thing was that we are just asking a witness to sign a piece of paper, so I
8 don't see why there is an argument from Mr Kilolo. I think he's understood, and if
9 he wants me to say we do challenge the authenticity, this is a fact, and so in order to
10 have no doubts with regards to that authenticity, we would like the witness to write
11 the initials that we ask him to put on this document and then thereafter we will
12 continue with our examination.

13 Thank you very much.

14 PRESIDING JUDGE STEINER: I must say that I don't see any kind of trap in asking
15 the witness just to put his signature, or his initials, in a piece of paper. The Presiding
16 Judge herself asked the witness to sign a blank piece of paper yesterday.

17 We have a technical problem, which is the witness doesn't have a hard copy of his
18 signature in front of him. Therefore, I ask, please -- I ask, please, court officer,
19 Mr Rojas, to put in front of the witness a blank sheet of paper, ask the witness first to
20 sign again and secondly, below his signature, to put his initials.

21 THE COURT OFFICER (Redacted): Your Honour, I have given a sheet of paper - a
22 blank sheet of paper - to the witness so that he may sign it.

23 THE INTERPRETER: Inaudible.

24 THE COURT OFFICER (Redacted): Initials, as requested.

25 MR KILOLO: (Interpretation) Excuse me, your Honour, I haven't understood your

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1 question, because a signature is one thing, initials is something else. Initials is
2 normally something else. You speak about three things?

3 PRESIDING JUDGE STEINER: No, Maître, I am talking about the signature and I'm
4 not sure about the right translation. "Paraphraser," or "parapher." Parapher."

5 MR BADIBANGA: (Interpretation) Your Honour --

6 PRESIDING JUDGE STEINER: Mr Rojas, is it possible to put the paper in a way that
7 the Chamber can see it; the Chamber and the parties of course?

8 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, it's possible.
9 Please, could you wait just for a moment?

10 MR BADIBANGA: (Interpretation) If you would allow me, while we wait, it
11 seems to me that there have been a series of exchanges between the witness and the
12 court usher. Perhaps -- I see that the microphone isn't working. Perhaps we could
13 have an idea of what this discussion was? It was a discussion of several minutes.
14 Thank you very much.

15 PRESIDING JUDGE STEINER: Mr Rojas, before I give the floor to the Prosecution to
16 make any comments on the document, would it be possible for you, please, to
17 summarise the exchange that happened between you and the witness during this
18 space of time in which we were waiting for the document to be signed?
19 Yes, Mr Haynes?

20 MR HAYNES: I'm just a bit curious as to what status that would have. Is it to be
21 evidence in the case, in which case Mr Rojas would have to take the oath and be
22 subject to cross-examination? He can't just simply give a summary of what he says
23 the conversation was. The witness might disagree with it, and Mr Rojas is not a
24 witness.

25 PRESIDING JUDGE STEINER: Mr Haynes, I understand your point. I think this

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1 maybe should be of more concern for the Defence than for the Prosecution. As a
2 matter of fact, communications between the court officer and the witness in the
3 middle of a testimony should not happen, so it's just for the clarity. Maybe it was
4 simply a technical instruction, maybe the witness asked something, so I would like to
5 listen to the court officer on why he was having a conversation with the witness with
6 his microphone off, and the witness of course can inform, "No, this is not what we
7 said," et cetera. It's not part of the testimony. Don't worry, the Judges know
8 exactly how to separate what is part of the testimony and what is not. This is an
9 administrative matter that should not have happened.

10 Mr Rojas?

11 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, thank you
12 very much for giving me leave to address the Court.

13 THE INTERPRETER: Inaudible.

14 THE COURT OFFICER (Redacted): (Interpretation) I have presented the original
15 documents to the witness.

16 THE INTERPRETER: Inaudible. Inaudible. Inaudible.

17 THE COURT OFFICER (Redacted): (Interpretation) As requested, I explained to
18 him that --

19 THE INTERPRETER: Inaudible.

20 THE COURT OFFICER (Redacted): (Interpretation) -- on this document, because
21 this is an original document.

22 THE INTERPRETER: Inaudible.

23 THE COURT OFFICER (Redacted): (Interpretation) -- a clean blank piece of paper.
24 Then on the blank piece of paper I asked him -- well, I told him that it was there, that
25 he had to write what he was asked to write by the Bench, and then there was a

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1 confusion between initial, or initial as you would put on a contract, or a signature. I
2 explained to the witness that on this paper he should write and then it's up to the
3 Bench to decide what is relevant and what is not.

4 And then the witness wanted to ask a question to the Bench --

5 THE INTERPRETER: Inaudible.

6 THE COURT OFFICER (Redacted): (Interpretation) -- because he didn't know what
7 initial meant and what type of initial was being asked of him. Then he wrote his
8 signature down.

9 THE INTERPRETER: Inaudible. Inaudible.

10 THE COURT OFFICER (Redacted): (Interpretation) And then I said to him, "If you
11 have any questions with regard to what" he -- the Bench is asking him to do, then he
12 can put his question to the Bench in order to get greater clarity and the information
13 requested." And the reason why the microphone was turned off was because, at the
14 same time, I had received a telephone call from a registrar in the courtroom and that's
15 why I had to turn off the microphone, so that that said conversation wouldn't be
16 heard. I can avoid doing so in future if this is preferable for the proceedings. I do
17 apologise, or at least I present my apologies to the Bench.

18 PRESIDING JUDGE STEINER: I'm perfectly fine with your explanation, Mr Rojas.
19 I hope the Prosecution is satisfied and, if need be, you can ask or confirm with the
20 witness whether there were any other exchanges between him and the court officer.
21 Mr Badibanga, you have the floor.

22 MR BADIBANGA: (Interpretation) Thank you, your Honour. I would like to
23 also thank Mr Rojas, because all we wanted was greater clarity so that no item of
24 information should escape the attention of the Bench.

25 Q. Now, with regard to the documents that have been presented to us, it seems

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1 that the witness hasn't reproduced the initials that you put on the documents
2 supplied to the Prosecution office during the investigation phase. Can I ask you one
3 last time to -- under the signature to place your initials, or if you cannot, to at least tell
4 us why you can't do it?

5 PRESIDING JUDGE STEINER: I hope it's something really important that justifies
6 you interrupting again the questioning by the Prosecution.

7 MR KILOLO: (Interpretation) I must confess, your Honour, that I am completely
8 perplexed, because I don't know what we are getting involved in now, what
9 game-playing is being done. Identifying a signature is done by an expert
10 graphologist and not based on the concerns or issues of those who have no skill in the
11 field. That's my first point.

12 The second point, the sole thing that can authenticate an official document is a
13 signature, and never initials. I think everybody has already signed
14 contracts - important contracts - such as, I don't know, selling something, before a
15 public official who is accredited like a notary, and the only -- the sole demand for
16 putting down one's signature in order to authenticate the act of sale, well, it is the
17 signature. That is what authenticates the sale, but custom dictates that on each page
18 that precedes the last page, where you are actually signing, there you can put down
19 any initial. It so happens that as well that the notary says -- well, just I don't know,
20 "Put the first letter of your name," or any other initial for that matter. Notaries can
21 say that.

22 Why am I making reference to this? Well, because the witness himself, as Mr Rojas,
23 the court officer, said, has been asking us, well, why -- "Well, what type of initial
24 should I -- what type of initial should I be putting on this paper?" In other words,
25 this problem, this initial problem, is genuinely throwing up a problem which is taking

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1 us down an endless avenue or even a dead end.

2 So what is being challenged here? Let's be clear about this. Is it the signature that
3 was placed on the paper in the presence of the court officer yesterday, at your behest,
4 in order to confirm the signature that is placed on document 47 --

5 THE INTERPRETER: And the Defence corrects, "item 45."

6 MR BADIBANGA: (Interpretation) -- in the Defence list, or is the Prosecutor
7 challenging the authenticity of the initials that features in his own document? That's
8 the real question, I think, which is begged, and it's worth noting in addition to this
9 that the statements that have been made by this witness before the Prosecutor's office,
10 they have never been signed and these are internal documents. So I think we need
11 to be clear what is the Prosecutor exactly challenging here?

12 Thank you very much.

13 PRESIDING JUDGE STEINER: Maître Badibanga?

14 MR BADIBANGA: (Interpretation) Your Honour, what makes me perplexed is
15 how nervous or agitated Mr Kilolo is in relation to this particular topic. He ran his
16 questioning and we didn't raise the slightest question, didn't raise the slightest
17 problem, and we strictly abided by the orders handed down by the Bench, but also in
18 relation to how he conducted his questioning.

19 And then during the final pleadings, oral submissions, perhaps I will then have an
20 opportunity to explain why I want a signature and initials, but at this point in time
21 the question is very precise, and to answer the witness: I didn't ask any old initial.
22 Three times on the record we've had the question, "Would you mind placing the
23 initials on this piece of paper that you initialled on the Prosecution -- in the
24 Prosecution documents during the investigation phase?" So we are talking about the
25 signature or the initials of this particular witness.

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1 Now, the reason why we are calling this a set of initials is because he himself said so,
2 and I can quote him, "My signature, this is what features on this piece of paper, and
3 what I did was an initial." I'm just paraphrasing what he said, but that is pretty
4 much the thrust of it.

5 Now, (Redacted), what he provided was an initial, so I am asking the witness,
6 therefore, "Would you mind reproducing that particular initial on the piece of paper
7 that is in front of you now?" And I think Counsel Kilolo can avoid raising civil
8 proceedings which have no business to be in this Court.

9 PRESIDING JUDGE STEINER: We will proceed and I ask the witness whether the
10 witness understood what exactly the Prosecution is asking you to do, whether you
11 are able to reproduce in the piece of paper that is in front of you the signature or
12 "paraphe" that you post on (Redacted) in the documents that you
13 signed in front of the Prosecution? This is the question: Are you able, please, to try
14 and reproduce those paraphes? Are you, or are you not?

15 THE WITNESS: (Interpretation) Your Honour, thank you. There is no problem
16 whatsoever for me to do so, because I have made an oath before you and before
17 everybody in the Court such that everything that I will say will be the truth. If I tell
18 the truth, I must say the following: A set of initials doesn't equate to a signature.
19 I can have a number of different sets of initials, and some times this may change
20 based on the document that I have to initial. If Mr Badibanga is telling me that the
21 set of initials that I put in the past is different to the one that I'm doing now, then let
22 him show me the initials I placed on those previous documents and then I'll be able to
23 confirm whether those were my initials or not. I can ask him therefore to show me
24 the initials that I had put on their documents, and if he doesn't agree, well, then he
25 can tell me here and now, but I would like to say the following to the Presiding Judge,

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1 but also to the Court as a whole.

2 I'd like to say that all the dates that Mr Badibanga cited, it's true I met him upon those
3 occasions. The day before yesterday, when the Presiding Judge asked me whether
4 I had been given any document, I replied I had received nothing, and a little later on
5 the Presiding Judge, you asked me to continue reading my statements, the statements
6 that I had made before the OTP.

7 When I met the OTP, they gave me a whole raft of different documents which were in
8 files and I was able to see that all the documents that I received were drafted in a
9 (Redacted) that I myself can't understand.

10 The second thing, there are some words that have been added on, remarks that I
11 didn't make, and the third point I would say is that all these documents that were
12 given to me, your Honour, in these documents -- on these documents there is neither
13 my signature or my initials, or the signature of the investigators with whom I had
14 these conversations. And so I'm wondering now whether these documents are
15 authentic or not?

16 I will stop there, but I will call upon your authority. I'd like him to show me the set
17 of initials that I placed on the documents that the Prosecutor is referring to.

18 Thank you very much.

19 PRESIDING JUDGE STEINER: It's up to you now, Maître Badibanga, to see how to
20 solve the problem in order to obtain the information you want, because I think we
21 have already tried in different ways. Have you any suggestion to submit to the
22 Chamber?

23 MR BADIBANGA: (Interpretation) Exactly so, your Honour. I will pursue in just
24 one or two moments' time and I am sure we will reach some sort of solution.

25 Q. Mr Witness, do you remember that during your various depositions you wrote

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1 on a piece of paper an organisational chart of the ALC? Do you remember that?

2 A. Yes, I do remember.

3 Q. Do you remember having also drawn up an organisational chart that showed
4 the structure of the Echo Brigade that (Redacted) in Central African Republic?

5 A. Yes, Counsel Badibanga, I do remember.

6 Q. Do you remember having indicated on two maps the various movements of
7 MLC soldiers that (Redacted), one map corresponding to the City of Bangui
8 and a second map being a map of the Central African Republic? Do you remember
9 that?

10 A. Would you mind repeating your question? I didn't quite understand it,
11 Counsel.

12 Q. Do you remember that you were shown two maps, one map of the town of
13 Bangui and a second map of Central African Republic, the entirety of the country,
14 and on these both maps you showed various movements or various localities or areas
15 where MLC troops were located at a given point in time? Do you remember that?

16 A. I do remember that you showed me two or three maps. Yes, I remember.

17 Q. Right. You are exactly right, Mr Witness, when you -- when there is a
18 recorded deposition, when there is a video archive, a witness isn't asked to sign a
19 written record of his testimony, but on the documents that I've just cited you have
20 signed them, so we do have your signature that was received five times. That's the
21 signature that I'd like you to reproduce now. Does that bring back some memories
22 and would you mind being able to do that signature?

23 A. Would you mind facilitating that task? Could you remind me whether I
24 signed the map, or another document?

25 Q. Well, once you have signed, I will show you the signature, I promise you, and

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1 I know -- I don't want to hide anything from you, and here I'm under the authority of
2 the Bench, so first of all I would like you to sign and then I will show you the
3 signature. Don't worry, I will show you that signature, I promise.

4 A. I call upon the intervention of the Presiding Judge and the intervention of the
5 Court as a whole. Make this easy for me, please, because everything that I am
6 saying now is something that I already stated before. (Redacted)

7 (Redacted)

8 (Redacted)

9 Your Honour, where is this -- where's the problem here? I'm a man. I can get this
10 wrong. Your Honour, what cannot change is the signature that somebody has. I

11 (Redacted). Maybe it would be better if you were to ask my

12 hierarchical superiors to show you my signature? Maybe these latter can help you

13 remedy this particular problem? You can compare the signature that -- or my

14 signature that features in the official documents here in my country and compare that

15 with the documents within Mr Badibanga's possession. This could help us.

16 Thank you very much.

17 PRESIDING JUDGE STEINER: Maître Badibanga, you started questioning the

18 witness at a quarter-past-12. That means that we have been for almost 45 minutes

19 turning round and round in circles. I would ask, please, the Prosecution to go

20 ahead.

21 MR BADIBANGA: (Interpretation) This is exactly what I wanted to say, your

22 Honour. I would just like to have featured in the record that after 45 minutes of

23 requests, the witness still hasn't been able to put his initials on the piece of paper, and

24 I think this will be of use to the Bench in understanding what the oral testimony

25 involves.

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1 Would the court officer show to the witness CAR-OTP-0011-0381. This is an annex
2 to the deposition made by the witness.

3 THE COURT OFFICER (Redacted): (Interpretation) The document is now being
4 shown to the witness.

5 MR BADIBANGA: (Interpretation)

6 Q. Mr Witness, can you see the signature that features on this particular
7 document?

8 A. Yes, I can see it.

9 Q. Is this your signature?

10 A. This is not my signature and it's not my set of initials either.

11 Q. Can you tell me what it is, if it's not your signature and it's not your initials?

12 A. I can't see a signature here, Mr Badibanga. Maybe one can provide initials in
13 various different ways? Here I'm talking about myself. I think that that is not my
14 set of initials. It's not the way I initial. You're asking me to do one thing. I know
15 that you are talking to my hierarchical superiors, but you can't ask my hierarchical
16 superiors to show you -- or can you? Can you -- can you ask my hierarchical
17 superiors to show you my set of initials and my signature so you can compare? But
18 I confirm the fact that this is not the way that I initial.

19 Q. Are you saying that it's not you who put those initials on this document?

20 A. Everything that features on this document, I didn't initial once. You asked me
21 to initial more than five times. I don't know whether you remember that? I've got
22 one single signature. I don't have two ways of signing.

23 Q. I'm not sure that you actually answered my question. Are you saying that it's
24 not you who placed those initials on that piece of paper? It's not by your hand that
25 those initials were placed on that piece of paper? Is that what you're saying?

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1 A. I'm saying perhaps it's me, or perhaps it's not me, because I have several
2 different initials. Listen to me, Mr Badibanga. Listen to me well. What you're
3 showing on this document here, this is perhaps an initial. It's not a signature.
4 Please be so kind.

5 MR BADIBANGA: (Interpretation) Very well. I would just like to present the
6 other document so we may be certain that we are speaking of the same thing.
7 Could the court officer please present to the witness the document
8 CAR-OTP-0011-0382.

9 THE COURT OFFICER (Redacted): (Interpretation) The document 0011-0382 is
10 shown to the witness.

11 MR BADIBANGA: (Interpretation)

12 Q. Witness, you said you remembered having written an organigram of Brigade
13 Echo. Do you recognise this document?

14 A. Yes, I remember that I did write this document in the case of this document.

15 Q. Do you recognise the signature or initial which is written thereon? Is it yours?

16 A. Counsel Badibanga, having initialled all the documents that we've done, why
17 not just put one signature at the end? In general, when we sign, in the protocol, you
18 can initial several pages and at the end you have a signature. The initials could be
19 mine or not, but I would like to tell you openly and before the Judges, before God
20 who we fear, that I never had two signatures. There could be several initials, they
21 could be mine or not, but I would like to ask you to show me my signature, the
22 signature which was put at the end of our statements, at the end of the statements we
23 made.

24 Q. Witness, we're not talking about signatures any more. I'm just asking what's
25 on this document. Is it you who wrote it, or not? If you say "I did" or not. It's

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1 perhaps one of your many initials. This document, does this come from you or not,
2 irrespective of what you call it, "signature" or "initial"?

3 A. Counsel Badibanga, I've just said that I have several initials and it depends on
4 the document upon which I have put this initial. So it could be mine, or not.

5 Q. That was exactly the question: Is it your initial, or not?

6 A. My answer is still the same. This could be mine, or not mine.

7 MR BADIBANGA: (Interpretation) Very well, thank you.

8 Would you present the document CAR-OTP-0011-0384?

9 THE INTERPRETER: "0384," repeats Mr Badibanga.

10 THE COURT OFFICER (Redacted): (Interpretation) CAR-OTP-0011-0384 is being
11 shown to the witness.

12 MR BADIBANGA: (Interpretation)

13 Q. Witness, do you remember this map?

14 A. Yes, I remember this map. You were asking me questions about different
15 places, the residence of Mr Patassé, and other places. Yes, I remember this map well.

16 Q. Was it you who wrote the words (Redacted) that we can see at the bottom of the
17 map, just above the signature?

18 A. Yes, that's my signature, where it's written in (Redacted) then is
19 that -- that's what you're talking about?

20 Q. Yes, Witness.

21 A. Yes, I wrote that.

22 Q. Do you recognise, or was it you who put what there is just below this phrase
23 and the date, could either be a signature or initials? Were you the person who wrote
24 that in that place, or not?

25 A. That could be my initial, or not. Everything that can be shown with this

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1 signature, or initial, is going to take a lot of time, because I remember the map and the
2 organigram that you showed, but what I do not remember is the initials that there
3 were, whether that's my initial, and I cannot say that it's me who initialled it because I
4 have several different initials.

5 THE INTERPRETER: The witness adds, "Because I haven't also done studies of
6 cartography."

7 MR BADIBANGA: (Interpretation) Could the court officer present
8 CAR-OTP-0011-0383.

9 THE COURT OFFICER (Redacted): (Interpretation) The document
10 CAR-OTP-0011-0383 is being presented to the witness.

11 MR BADIBANGA: (Interpretation)

12 Q. Witness, do you remember also this map?

13 A. Counsel Badibanga, when you are examining me, it's not just the two of us.

14 When you were examining me or questioning me, it wasn't just the two of us.

15 Besides there's Maître Kabongo, the counsel, was there, and I don't see his signature
16 on the document that you have just shown me. I also remember that on each piece
17 of paper that I signed, Mr Kabongo, as my lawyer, also signed.

18 Q. I will ask my question once again. Do you remember this map, Witness?

19 A. Do I have the right to an answer? I've just asked you a question that there
20 were lots of people who signed, but on all the documents that you're showing to me,
21 there are only two signatures. In answer to your question, yes, I remember this map.

22 Q. As I tried to explain a moment ago to you, I am not authorised to give
23 testimony myself. According to the rules, you have to answer the questions and
24 give information. My role is limited to asking questions, not to giving testimony
25 about how events took place, so I can't be here giving information with regards to the

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1 question that you have put.

2 Now, in order to reassure you, I would tell you that the procedure which is followed
3 says that a witness has to sign and an investigator also to verify the process, and in
4 general they don't ask third parties to sign evidence which is provided by witnesses.

5 Now, my question: Do you remember this map? Could you also tell us if you
6 remember the signature just above the paragraph, or rather if it is your signature or
7 initials or not; the signature or initials that figure just above the date?

8 A. It's the same as can be seen in all the documents. Once again, I can tell you
9 that it could be my initial, or not.

10 Q. I have to ask you the same question in the same way. With lots of different
11 documents, it's very important for the administration of evidence, and I would ask
12 the court officer to present you with document CAR-OTP-0011-0385.

13 THE COURT OFFICER (Redacted): (Interpretation) The document
14 CAR-OTP-0011-0385 is being shown to the witness.

15 THE INTERPRETER: Says the court officer.

16 MR BADIBANGA: (Interpretation)

17 Q. This is a type of inventory or an explanation of the map that we've just seen a
18 moment ago. Do you remember this document?

19 A. I don't know who wrote this document. Perhaps it was you, Mr Badibanga?
20 Nine plus one is ten. Nine plus two is -- or eight plus two is ten and five plus five is
21 ten also. If you continue in this way, you will have the same answer.

22 Q. I want to say that it's important that we go through each of the documents,
23 Witness, where this signature or initials figure. This is the last document in the
24 series, anyway. Could you just tell us if the signature or initial at the bottom of the
25 document above the date 29th on the 4th, 2008, was put by yourself?

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1 A. This initial could be mine, or not.

2 Q. Is it your writing, the date "29 April 2008"? Did you write that?

3 A. Many people can have the same handwriting. It could be my handwriting, or
4 not.

5 Q. Witness, to the best of your memory, because you've got a very good memory,
6 do you remember having written this date on this document?

7 A. I can remember, or not. It could be me or somebody else.

8 Q. Now that you've seen these initials -- well, let's call them initials and then we'll
9 know what we're talking about here. Now that you have seen these initials on five
10 occasions and that you have said it could be yours and it might not be yours, could
11 you write it again on the piece of paper before you?

12 A. That seems to be a lesson in handwriting, or calligraphy. In general, I'm not
13 very good at calligraphy.

14 Q. Should we understand from that that you're not able to redo it, or do it?

15 A. Yes, I can do it, but I've just said that I'm not a very good calligrapher. I could
16 do it, or not.

17 Q. Well, that will be my last time I'll ask on this question. Could you do it, if you
18 say that you can?

19 A. Yes, I can try.

20 Q. Please be so kind as to do so, Witness.

21 PRESIDING JUDGE STEINER: Could, please, court officer give back to the witness
22 the same paper in which he put his signature and initials.

23 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, I have
24 given the same document as was produced today at the hearing upon which the
25 signature and initials appear.

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1 THE INTERPRETER: Inaudible.

2 THE WITNESS: (Interpretation) I would ask that it be shown before the camera so
3 that I can carry it out.

4 MR BADIBANGA: (Interpretation)

5 Q. We can see you. We can see your hand so if you sign, we will be able to see it
6 from here. Just as you did with the signature that the Presiding Judge asked you for,
7 so we can see it; so the camera is well-placed for us.

8 A. Yes, I know that you can see me. I can see you too. When you asked me to
9 imitate the signature that you asked for, or the initials, I didn't remember it and that's
10 the reason why I need to have it in front of me in order that I can do so, I can imitate
11 it.

12 PRESIDING JUDGE STEINER: Mr Witness, I think we are wasting a lot of time here
13 and it appears that there may be some misunderstanding, and I hope it is just a
14 misunderstanding. You have just said that these paraphes may be yours, maybe not,
15 so at no point the Prosecution asked you to imitate a paraphe that is not yours. It
16 may be yours, maybe not. If it is yours, I think you are more than able to reproduce
17 it on a piece of paper, and this is what the Prosecution is asking you to do, and the
18 Chamber would very much appreciate if you do that and then we can go ahead
19 because there are many things, many questions, to be put to you and we are wasting
20 a lot of time with these misunderstandings, if I may call it.

21 Could you please try to initial this piece of paper in the same way you may have done
22 in the past?

23 THE WITNESS: (Interpretation) Thank you, your Honour. What's easy for me to
24 do is the way in writing these initials. If I recognise that it's my initial, it's easy for
25 me to do so without looking at the initials, but do you agree that I can say that it

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1 could be my initials and that I can do so, and that if it's not my initials, your Honour,
2 then it's going to be difficult for me to carry it out?

3 PRESIDING JUDGE STEINER: What you're saying is that you are not able to put
4 your initials in a piece of paper because you don't remember whether those initials
5 that were shown to you are yours or not? Is that what you are saying, Mr Witness,
6 that you cannot recognise your own initials in a piece of paper, or even if those
7 initials are yours or not? Is this what you're telling the Chamber?

8 THE WITNESS: (Interpretation) Thank you, your Honour. What I'm going to tell
9 you is the following: When I was asked to do so, I asked for it to be shown to me on
10 the screen so that I could do it. I'm not refusing what you're asking me to do. I'm
11 available to you, your Honour. But I find that it's not good for me to do something
12 that I can't do. Sometimes, when I remember the times that we met with them to say
13 what you know and say what they want, well, these are two different things, madam,
14 your Honour.

15 PRESIDING JUDGE STEINER: Could, please, court officer put back on the screen
16 document 13 of the Prosecution list, which is CAR-OTP-0011-0384.

17 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, document
18 CAR-OTP-0011-0384 is being presented to the witness.

19 PRESIDING JUDGE STEINER: Mr Witness, without prejudice to the follow-up
20 questions by the Prosecution, of course, I want you to write, please, in this piece of
21 paper in front of you the same sentence that you wrote (Redacted), that you try to
22 reproduce the initials that are below that and that you post the same date as it is in
23 this document.

24 THE WITNESS: (Interpretation) Your Honour, I have finished.

25 PRESIDING JUDGE STEINER: Could, please, court officer assign to this - to this

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1 piece of paper - an ERN-number.

2 THE COURT OFFICER: Thank you, Madam President. This document, annotated
3 by the witness, will bear the following ERN-number: CAR-ICC-0001-0086.

4 PRESIDING JUDGE STEINER: Mr Badibanga, as I said, this is without prejudice to
5 any further questions that you intend to put in that respect.

6 I think it's time for us to break.

7 MR BADIBANGA: (Interpretation) I just wanted to say that, your Honour, I have
8 to apologise for the fact that this exercise took so much time, but it is an important
9 issue for the Prosecution and for the rest of the examination. I note that it's time for
10 the break, so we will continue tomorrow, at your best convenience.

11 PRESIDING JUDGE STEINER: I agree with you, Maître Badibanga, that this is an
12 important exercise. What we have to regret is that the witness took more than one
13 hour of his testimony in order to, let's say, create difficulties for this that should have
14 been a simple exercise, but as I said before, and I repeat, probably it's a matter of
15 misunderstandings even and problems of language, because as I could notice from
16 the intervention of Maître Kilolo, when we say "initials" a document in English is not
17 the same as "paraphes" in French, so probably French has many other words for that
18 and maybe the misunderstandings are a consequence of these language problems.
19 In any case, I thank you very much the Prosecution team, the legal representatives of
20 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our
21 interpreters, our court reporters. I thank very much the court officer, Mr Rojas, and I
22 thank you very much, Mr Witness. We hope you have a very restful afternoon, a
23 restful evening, and that we can continue tomorrow morning with your testimony.
24 This hearing is adjourned.

25 THE COURT USHER: All rise.

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- 1 (The hearing ends in closed session at 1.29 p.m.) * Reclassified into open session
- 2 CORRECTION REPORT
- 3 The Court Interpretation and Translation Section has made the following correction
- 4 in the transcript:
- 5 *Page 6 line 9
- 6 "we went in order to liberate, our planes hunted and drove away the rebels" Is
- 7 corrected by
- 8 "we went in order to liberate, we drove away the rebels"
- 9 RECLASSIFICATION REPORT
- 10 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 11 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.