

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

- 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 Thursday, 28 February 2013
- 8 (The hearing starts in closed session at 9.06 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.
- 13 Could, please, court officer call the case.
- 14 THE COURT OFFICER: Thank you, Madam President. The 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: Thank you very much.
- 18 Good morning. I welcome the Prosecution team, the legal representatives of victims,
- 19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, court
- 20 reporters. Good morning, Mr Rojas.
- 21 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honour.
- 22 I suppose you're speaking to me, because I heard my name, but I'm still waiting for --
- 23 THE INTERPRETER: Inaudible.
- 24 THE COURT OFFICER (Redacted): (Interpretation) -- colleague.
- 25 THE INTERPRETER: Inaudible.

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1 THE COURT OFFICER (Redacted): (Interpretation) So that we can get the
2 connection working.

3 PRESIDING JUDGE STEINER: I think the connection is not good.

4 THE COURT OFFICER (Redacted): (Interpretation) It's fine, your Honour.

5 Thank you very much.

6 WITNESS: CAR-D04-PPPP-0019 (On former oath)

7 (Redacted)

8 (The witness gives evidence via video link)

9 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

10 THE WITNESS: (Interpretation) Good morning, your Honour.

11 PRESIDING JUDGE STEINER: We hope you had a restful night and that you are
12 ready to continue with your testimony?

13 THE WITNESS: (Interpretation) Yes, your Honour, we can continue with my
14 testimony.

15 PRESIDING JUDGE STEINER: Mr Witness, before I give back the floor to the
16 Prosecution, I need to remind you that you are still under oath. Do you understand
17 that, sir?

18 THE WITNESS: (Interpretation) Yes, your Honour, I realise that.

19 PRESIDING JUDGE STEINER: And I also wanted to remind you that you are
20 expected to speak slower than normal in order to facilitate the task of our brave
21 interpreters.

22 THE WITNESS: (Interpretation) Quite so, your Honour. Thank you very much.
23 I will try to do so.

24 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

25 And now I give back the floor to Maître Badibanga.

1 MR BADIBANGA: (Interpretation) Good morning, your Honours.

2 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

3 Q. Witness, good morning.

4 A. Good morning, Mr Badibanga.

5 Q. Witness, today we are going to try to make some progress in this case so that we
6 can stick to the dead-line, or the time frame, that has been set?

7 PRESIDING JUDGE STEINER: Sorry to start interrupting you, but just to remind
8 you that if you prefer you may be seated.

9 MR BADIBANGA: (Interpretation) Thank you. It was easier for handling the
10 documents yesterday, but I prefer to remain standing when presenting arguments or
11 speaking before the Court, but thank you very much for your kind offer.

12 Q. Witness, yesterday we were talking about a document and I could ask you
13 about the signature right now, but I think we should return to the content of that
14 particular document. So I'd like to ask the court officer to show you
15 CAR-DEF-0002-0567. This document has been shown to you already on several
16 occasions. Mr Kilolo showed that document to you, so I believe you are familiar
17 with it already.

18 PRESIDING JUDGE STEINER: Please inform the Chamber the number of this
19 document in your list of documents.

20 MR BADIBANGA: (Interpretation) I was just about to do so. This is document
21 number 5 on the Prosecution's list.

22 THE COURT OFFICER (Redacted): (Interpretation) CAR-DEF-0002-0567 is being
23 shown to the witness.

24 MR BADIBANGA: (Interpretation)

25 Q. Witness, if I were to say that yesterday you had said that the date of 29

1 October 2002, the date that is found here on this document just after "re" was actually
2 a typing mistake, because you actually started on the 30th, would it be correct to say
3 that that was your statement yesterday?

4 A. As you said, in relation to what I said yesterday, I did not deny that the initials
5 were not mine. What I said that -- was that I have many different initials. I have
6 several different initials and this initial -- these initials could appear. As far as this
7 letter is concerned, in relation to what you've said, it is true that I am used to seeing
8 this document and our operations began on that date, on the 30th.

9 Q. Would it be correct to say that you also gave testimony to the effect that you
10 remember this document (Redacted)

11 A. That's right. I do remember.

12 Q. Other than the date, 29 October, are there any other mistakes that might have
13 been made when this document was drawn up? Are there any mistakes here - any
14 other mistakes - that you'd like to tell the Chamber about?

15 A. What mistakes are you talking about? The mistake relating to the date of the
16 29th or the 30th? Is that what you mean by "mistake"?

17 Q. Yes, you're right, Witness, I should be more clear. What I'm trying to say is
18 this: There was a typing mistake made when the document was drawn up, the date
19 of 29 October. Now, I'd like to ask you whether any other little typos managed to
20 make their way into this document when it was drawn up?

21 A. I beg your pardon? I'm sorry to say that up until now I didn't think that that
22 date, the 29th, was a big mistake. I'm saying this because before, before crossing
23 over to go into the CAR, that was the 29th, but the beginning of the hostilities was the
24 30th. So I don't see any real mistake here. I really am at a loss. When the soldiers
25 crossed the border on that date, on the 29th, that was the beginning of the operations

1 because officially the soldiers crossed on that date.

2 Q. Other than that particular matter, was there anything else? When Mr Kilolo
3 read this letter out to you, is there anything else that you'd like to correct, or was there
4 any other unfortunate error of any kind contained in this document?

5 A. If I could ask you this: If somewhere you've noticed a mistake, could you point
6 it out to me so that I can answer, rather than setting a trap for me?

7 THE INTERPRETER: The Swahili interpreter unfortunately has not been able to
8 follow the remaining part of the witness's answer.

9 THE WITNESS: (Interpretation) In the last part of your question, could you please
10 tell me --

11 MR BADIBANGA: (Interpretation)

12 Q. Witness, I think we had a bit of a communication problem here. The
13 interpreter was unable to interpret your reply. Could you please repeat your
14 answer?

15 A. Mr Badibanga, my answer is as follows: The letter that you see here, if you see
16 a mistake in this letter, please tell me so. Please point it out to me. (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)

21 PRESIDING JUDGE STEINER: Maître, if you allow me?

22 Mr Witness, would you like to be given the opportunity to read the document again?

23 THE WITNESS: (Interpretation) Your Honour, I have the letter right in front of me.
24 I don't know what mistake might be within this letter. Thank you.

25 PRESIDING JUDGE STEINER: That's why I'm asking you whether you would

1 prefer reading the document again before answering to any question of the

2 Prosecution?

3 THE WITNESS: (Interpretation) Your Honour, as you wish. You may decide as
4 you wish. However, I think that I am familiar with this document.

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

6 Q. Witness, you remember making various statements to the OTP in (Redacted)
7 (Redacted) is that correct?

8 A. Could you please repeat your question?

9 Q. Do you remember making statements to representatives of the OTP in
10 (Redacted)

11 A. Yes, I do. I certainly remember that, Mr Badibanga.

12 Q. Do you remember that during those interviews you were asked a question
13 several times? You were asked about the date on which the CAR troops -- correction,
14 the troops arrived in the CAR and the date on which operations began. Do you
15 remember that?

16 A. Certainly, yes, that question was put to me several times.

17 Q. Do you remember what date you gave on that occasion as the date on which the
18 operations began?

19 A. If you have the document in front of you, could you please remind me of it,
20 Mr Badibanga?

21 Q. (Redacted) you made the following statement -- and the reference, your
22 Honour, this is a recorded interview and there was an initial transcript done with a
23 mixture of (Redacted) and English and then a translation was drawn up. For
24 cross-examination of the witness, I decided to use the translation because it includes
25 both the English and the French and that way everyone in the courtroom will be able

1 to follow and if this suits the Chamber we will proceed in this manner and if you
2 need the transcript reference I can provide that to the Chamber as well.

3 PRESIDING JUDGE STEINER: Maître Badibanga, if for the Prosecution it's not a
4 problem, I followed the transcripts and not the translations. So if you could also
5 decline the ERN-number of the transcripts of the interviews, I would appreciate.

6 MR BADIBANGA: (Interpretation) We will be providing the specific reference in
7 just a few moments, your Honour. Now, in the translation that I have here, I'll give
8 you the number. It is CAR-OTP-0034-1170, 1-1-7-0. That is the first page and also
9 page 1183. Now, the original document, the original transcript, is
10 CAR-OTP-0012-0010.

11 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, if I could please
12 make one point?

13 PRESIDING JUDGE STEINER: Please. Please, Mr Rojas.

14 THE COURT OFFICER (Redacted): (Interpretation) The last document mentioned
15 by Mr Badibanga, 0010, I don't have the documents that start with ERN-004 (sic),
16 unless I'm mistaken. I don't have that one. Would you like me to show the witness --

17 THE INTERPRETER: Inaudible.

18 THE COURT OFFICER (Redacted): (Interpretation) CAR-OTP-0012-0011?

19 THE INTERPRETER: Message from the English booth: The sound quality of the
20 connection is lacking.

21 PRESIDING JUDGE STEINER: I don't have as well, so I'm trying to -- go ahead,
22 Mr Badibanga. I will follow by the translation, because the number of the original
23 transcript does not correspond to the one you just mentioned.

24 MR BADIBANGA: (Interpretation) Your Honour, I thought I would use the
25 information here and we will cross-check with the witness and then after that I won't

1 deal with the actual transcript without the suitable reference.

2 Q. Witness, do you remember saying that you arrived in the CAR on

3 3 November 2002?

4 A. It could be the case. I may have provided that particular date, Counsel

5 Badibanga, but I would like to ask you something. I'd like to ask whether you

6 remember that every time I said anything to you I said I couldn't quite recall and I

7 couldn't remember all the dates. Despite that, we could do everything in our power

8 to make me remember and that's why I gave you those dates, but you may well

9 remember that every time I said to you anything at all, I said also that I would check

10 in my diary, because I couldn't remember the exact date and it may well be that I told

11 you that.

12 Q. And in the meantime, Mr Witness, because here in the hearing you spoke of

13 your arrival on 30 October, where did you retrieve that item of information? Do you

14 now remember the exact date?

15 A. I would like to --

16 THE INTERPRETER: Well, sorry, corrects the interpreter.

17 THE WITNESS: (Interpretation) If you look at this document that is here, then you

18 will find the truth.

19 MR BADIBANGA: (Interpretation)

20 Q. So, would this be a correct summary of what you said, if I were to say that you

21 provided testimony before this courtroom that the first group crossed on the 26th

22 therefore, and then came back to the Congo, and then the second group crossed on

23 the 29th and lastly, you yourself crossed on 30 October? Would that be right?

24 A. Yes, that's right, and this is what I said before this august Chamber.

25 Q. Would it be right to say that you also stated that you were involved in the

1 fighting on the very first day of your arrival; namely 30 October?

2 A. On that particular date, we started fighting.

3 Q. Would it be correct to say that you reached PK12 on the second day of fighting,
4 following your arrival?

5 A. Yes, that's true. On the second day of fighting, we moved up right the way
6 through to PK12.

7 Q. Would you mind telling us on what day the seven soldiers who were accused of
8 pillaging and looting were arrested?

9 A. It was in all likelihood on the second or third day of fighting. In other words,
10 between the Sunday and the Monday. In other words, the third day after my
11 crossing.

12 Q. And was it (Redacted) who made these arrests; the arrests of these seven
13 individuals?

14 A. These seven individuals were arrested by a particular unit that was responsible
15 for that, (Redacted). I wasn't involved in the Military
16 Police, but as (Redacted) order was given to arrest them,
17 and they were indeed arrested.

18 Q. When did Colonel Mondonga cross over into Central African Republic?

19 A. Counsel Badibanga, I can't remember the exact date. Having said that, René
20 Mondonga arrived when the commission of inquiry was established; the commission
21 that I spoke to you of earlier. This was a commission of inquiry responsible for
22 investigating the alleged acts committed by military personnel and at that particular
23 point we were located at PK12. The bulk of our troops were located at PK12 and
24 other troops were located at Camp Béal. I think it was in the month of October.
25 Having said that, I don't quite remember the exact date of his arrival.

1 Q. I just heard through my interpretation that you said, "I think that it was in the
2 month of October." Is that exactly what you said?

3 A. I said that we crossed in October, on the 30th, so it was in November. If I had
4 said "October," then I do apologise. That's a slip of the tongue.

5 Q. Colonel Mondonga, did he arrive after or before the arrest of these seven
6 soldiers?

7 A. Colonel Mondonga arrived after the arrest of those seven soldiers.

8 Q. So if I just go over what you've just said, in my mind, you're saying that you
9 arrived on 30 September in the Central African Republic; is that right? It was a slip
10 of the tongue, your Honour. You arrived on 30 October in the Central African
11 Republic; is that right, Mr Witness?

12 A. This question was put to me before, and how many times will I hear it again? I
13 told you that I arrived in the Central African Republic on 30 October.

14 Q. You said after that that you were at PK12 on the second day. Bearing in mind
15 that October has 31 days in it, can we therefore deduce from that that you were at
16 PK12 on 31 October? Would that be right?

17 A. Don't tell me that October has 35 days in it. I told you that I arrived at PK12 on
18 the second day of the operations. I'll leave it up to you to do the maths and then
19 you'll know more about that.

20 Q. The purpose of my questions, Mr Witness, is the following: We need to be
21 very accurate when we are submitting information to the Bench, so when I put this
22 question to you it's just to avoid any misunderstandings that we may be labouring
23 under, one way or the other. Sometimes you might say a second day and then you
24 might be out by one or two days. Let's be accurate. So you were at PK12 on
25 31 October; is that the case?

1 A. We fought on the 30th and our troops, who were opposite us, spent the night
2 five kilometres away from where we were. And then the next morning we fought
3 and we moved up to PK12. So if we started the operation on the 30th, the next day,
4 what date would that be then?

5 Q. That's perfect, Mr Witness. So we agree that it was on the following day of the
6 30th; namely when you arrived in the CAR. Now, you also said that you arrested
7 these seven individuals, or they were arrested, on the third day. So can we infer
8 from that that this took place on 2 or 3 November, or 1 November?

9 A. It was either the second or third day of the operations. I don't know the
10 precise date, but this occurred a little while after the beginning of the operations.

11 Q. Right. Well, I just want to dispel a misunderstanding therefore. It was the
12 second day of the operations and not the second day after your arrival at PK12; is that
13 the case?

14 A. I will repeat what I said once again. We fought and then we spent the night at
15 five kilometres from that particular place, and then the next day we continued
16 fighting and we pushed up to PK12. On the next day, or the day after that, it was on
17 that particular day that these people were arrested.

18 MR BADIBANGA: (Interpretation) Your Honour, could the court officer show to
19 the witness document CAR-DEF-0002-0001 and I'll give you the reference for the list.
20 It is document 41 on the list of the Defence, your Honour, and as we said previously
21 we'll be referring to some of the documents featuring in the Defence list.

22 THE COURT OFFICER (Redacted): (Interpretation) May I interject at this point,
23 your Honour?

24 PRESIDING JUDGE STEINER: Of course you can, Mr Rojas.

25 THE COURT OFFICER (Redacted): (Interpretation) I only have the documents

1 that were given to me by the parties and these are the documents that the parties
2 wished to present to the witness. I don't have all the documents that feature on both
3 lists and the last documents were mentioned, the CAR-DEF-0002-0001, if I'm not
4 mistaken, it doesn't belong to the documents that I was given by Defence, or among
5 those documents that were given to me by the OTP.

6 Thank you.

7 PRESIDING JUDGE STEINER: Mr Rojas, this is document 41 of the Defence list of
8 documents. You are saying that you don't have with you all documents mentioned
9 in the Defence and Prosecution lists of evidence; is that correct?

10 THE COURT OFFICER (Redacted): (Interpretation) That is so, your Honour. To
11 be more exact, I have the documents that feature on the Defence list --

12 THE INTERPRETER: Inaudible. Inaudible.

13 THE COURT OFFICER (Redacted): (Interpretation) Document 36, 37, 35, 86.

14 THE INTERPRETER: Inaudible.

15 THE COURT OFFICER (Redacted): (Interpretation) 88, 89, 90, 92.

16 THE INTERPRETER: Inaudible.

17 THE COURT OFFICER (Redacted): (Interpretation) And 102. I also have a list
18 that was given to me by the OTP, but because there are no reference numbers --

19 THE INTERPRETER: Inaudible. Inaudible.

20 THE COURT OFFICER (Redacted): (Interpretation) It remains the case --

21 THE INTERPRETER: Inaudible.

22 THE COURT OFFICER (Redacted): (Interpretation) -- that I cannot find the
23 documents that you wish to refer to.

24 If I may continue? I know that the court officer put it in the audience Chamber.

25 THE INTERPRETER: Inaudible. Inaudible.

1 THE COURT OFFICER (Redacted): (Interpretation) And exceptionally --

2 THE INTERPRETER: Inaudible. Inaudible.

3 THE COURT OFFICER (Redacted): (Interpretation) -- in the hearing Chamber.

4 PRESIDING JUDGE STEINER: Mr Rojas, it's almost impossible to understand what
5 you're saying because the connection is cutting your voice. Your voice is going back
6 and forth. May I ask you whether the document appears on the screen in front of the
7 witness?

8 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, the
9 documents are featuring on our screens. However --

10 THE INTERPRETER: Inaudible.

11 THE COURT OFFICER (Redacted): (Interpretation) -- legible --

12 THE INTERPRETER: Inaudible.

13 THE COURT OFFICER (Redacted): (Int.) -- we can see better the documents.

14 PRESIDING JUDGE STEINER: Mr Rojas, can I ask you please to repeat what you
15 just said, but try to do it closer to the microphone.

16 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, I was saying
17 that we could see the documents on our screens and, if we zoom in, then we will have
18 a better quality of legibility.

19 THE INTERPRETER: Inaudible.

20 PRESIDING JUDGE STEINER: Mr Badibanga, is that enough for your questioning if
21 the witness can follow the document on the screen, instead of a hard copy?

22 MR BADIBANGA: (Interpretation) Yes, your Honour, we will be able to fine-tune
23 the way that we are putting the questions based on this material to enable the witness
24 to properly follow.

25 Q. Mr Witness, the document that I have been speaking about, which is currently

1 on your screen, is a file that is made up by Lieutenant Colonel Mondonga and he has
2 entitled this document "Transmission of looting file. This pillage document relating
3 to Lieutenant Willy Bomengo, and it is inculpatory material and consorts, Willy
4 Bomengo and consorts." Are you familiar with this?

5 A. Yes, I do know Willy Bomengo, and it (Redacted) arrested (Redacted) and
6 brought (Redacted) back to the Congo to the Mondonga General Staff.

7 THE INTERPRETER: "Or sent (Redacted) back," corrects the interpreter.

8 MR BADIBANGA: (Interpretation) Court officer, would you mind bringing up the
9 following page, CAR-DEF-0002-0002, and I would ask you to zoom in on the section
10 which is just under "Pro-Justitia." It's that paragraph under the heading
11 "Pro-Justitia" which is of particular interest to me.

12 Q. Mr Witness, the officer, the judicial police officer, that drafted the minutes after
13 hearing Mr Willy Bomengo, he says that the date of arrest -- this is what you can see
14 under the third line, and this comes under the heading "DA." He says that the arrest
15 date fell on 30 October 2012 around 11 o'clock.

16 Now, based on the date that you have supplied earlier on, you talked about the
17 second or third day in the operations, would you like to rethink what you said with
18 regard to the beginning of the operations - the military operations - in the Central
19 African Republic?

20 A. You are referring to that date and the time 11 o'clock. At that particular point,
21 we hadn't yet begun the operations. Personally, I crossed around 10 o'clock and the
22 fighting, if my memory serves me well, began around 2 p.m. The person who drew
23 up this document may have his own truth and view of things and I can't tell you that
24 I got it wrong. He could have got it wrong and this could be what he believes, but,
25 Counsel Badibanga, what I'm telling you is the truth.

1 Q. So you are bearing out, therefore, that you were already in the Central African
2 Republic and that you had already reached PK12 when the arrest took place?

3 A. Well, whatever the way you're going to question me, my answer will remain
4 unchanged. I told you that it was either the second or the third day of the operations.
5 I'm not absolutely certain, because this goes back a long way now in time, but what
6 I'm telling you is that.

7 MR BADIBANGA: (Interpretation) I'd like to ask the court officer if we could
8 move on to the next page, CAR-DEF-0002-0003. The upper half of the page, please.

9 Q. Witness, now the military -- the military police officer asked the following
10 question, and I shall read directly: "As a soldier and S2 of the 28th Battalion, do you
11 acknowledge that you were designated to go along with the 28th Battalion troops
12 during the Bangui operation? If so, on what specific date did that operation begin?"
13 And the witness in question answered, or the accused person rather in this particular
14 case, he replied as follows: "No, I do not acknowledge that I was designated to go
15 with the troops to Bangui. The two battalion commanders and his deputy crossed
16 over with the soldiers from the 28th Battalion. As for myself, I met up with them
17 24 hours -- after 24 hours." The following question was this: "What do you have to
18 say about the date on which the operations began in Bangui?" Willy Bomengo's
19 reply was this: "It was on 25 October 2002; namely one day before I arrived in
20 Bangui."

21 In light of this information, Witness, do you still stand by your statement to the effect
22 that it was on -- that it was 29 October when troops crossed over, the first group
23 crossed over on the 26th and then came back, and then the second group came on the
24 29th?

25 A. Yes, I stand by that statement, because I've said everything that I know. Even

1 before Bomengo died, his battalion commander, Major Seguin, is still alive to this
2 very day. He was -- René was the deputy to the battalion commander, but all the
3 people who are alive can be summoned here to corroborate what I've said. I'm
4 saying everything that I know. I'm telling you everything that I know.

5 THE INTERPRETER: Swahili interpreter correction: Bomengo is still alive right up
6 to this very day.

7 MR BADIBANGA: (Interpretation)

8 Q. Witness, I realise that other people were involved in these events, but right now
9 we are trying to determine what you remember of these events, so if I could -- well,
10 I've just shown you some information. An officer has said that the arrest occurred
11 on 30 October at 11 a.m. and the witness said that he arrived on 26 October. In light
12 of that, do you still state that the main troop -- body of the troops came on the 29th?

13 A. Yes. Yes, I confirm that. The troops who were in Zongo crossed on the 29th,
14 and on the 30th myself and the forces that had come from Imese, we crossed over in
15 the morning; the morning of the 30th. I stand by that information.

16 MR BADIBANGA: (Interpretation) Could the court officer please show us page
17 0026 of the same document; CAR-DEF-0002-0026.

18 Q. Witness, in the middle of this page, once again Mr Willy Bomengo is being
19 questioned and this time it is before someone from the Office of the Public Prosecutor
20 and he is being asked this: "Do you acknowledge that you seized pillaged goods
21 from soldiers of your unit; goods that had been taken from the CAR inhabitants? If
22 so, what were they and what has become of them?" Mr Bomengo answered as
23 follows: "There were countless items; televisions, radio sets, cartons of cigarettes and
24 so on and so forth. I wasn't able to remember everything -- correction, I wasn't able
25 to keep everything. I put them into three Land Cruiser pick-up trucks. It was on a

1 Wednesday, more specifically on 29 October 2002, at around 4 in the afternoon.

2 I don't know where those items were taken to. I handed them over to Colonel

3 Moustapha in the presence of the 2nd Battalion commander and the Central African

4 Republic GD. There were only items looted by the soldiers of the 28th Battalion."

5 Do you remember those three pick-ups and what they contained?

6 A. I did not see any vehicles containing those looted items. I told you earlier here

7 that I saw some televisions, some radios and all those various items were handed over

8 to Mr Damango, who was the commander of the gendarmerie, and all of that

9 occurred in front of journalists, in front of cameramen. They filmed all of that.

10 Unfortunately, (Redacted) -- of what was filmed that day, but I can

11 confirm that (Redacted) handed all those items over to a CAR officer, and it was the

12 same day that Mr Bomengo was arrested. After handing over these items,

13 Mr Bomengo spent the night in a CAR prison. He was made available to the CAR

14 authorities up until the day he was repatriated to the Gemena sector, which was led

15 by Mr Romain Mondonga.

16 Q. Well, we do note that at least you are in agreement with Mr Mondonga

17 regarding the list of items that had been looted.

18 Could the court officer please show us page 0002-0043? Could that page please be

19 displayed on the screen?

20 At the top of the page, Mr Witness, this time this is an excerpt of the transcript of the

21 hearing of the court martial in Gbadolite, and during that hearing the accused were

22 questioned by the judge, so here we see Mr Bomengo's testimony before that judge.

23 He said this: "I had crossed over to Bangui on Sunday, 26 October 2002, and on the

24 Monday we continued the attack. As far as the money found in my possession is

25 concerned, after the looting that occurred at the home of the Minister of the Defence

1 of the CAR, many items were taken because everyone, the local population as well as
2 the various soldiers who were in the field, the commander asked me to seek out and
3 recover the goods no matter who happened to be holding those goods, and so I
4 recovered many items that were returned to the Central African Republic authorities
5 of the day and I received from Mr Tourra and Mr Ekutsu respectively the amounts of
6 €50 and €10. The battalion commander told me to keep that money as an award for
7 my work." I will halt at this particular point before reading out another excerpt.

8 Now, before the court martial, Mr Bomengo said that he had crossed to Bangui on
9 Sunday 26 October 2002, and on the Monday we continued the attack. Witness, do
10 you still maintain that the MLC troops were not involved in any operations before
11 30 October, in light of this other statement?

12 A. Yes, I still confirm the people who crossed on the 26th came back the same day.
13 However, the troops that actually fought in the battle crossed on the 29th, because
14 when (Redacted) soldiers who had crossed on the 29th and when (Redacted)
15 up with the Libyan troops at that place, I wouldn't say that the distance -- I wouldn't
16 say it was from the 26th to the 30th that there couldn't -- that those small items, those
17 minor items, could be recovered. Bomengo is still alive, ask him, but myself what I
18 do know is that the operation began on the 30th and when we began the operation,
19 the same day at around 6 in the afternoon we were already at the five kilometre point.
20 If Bomengo and the others began the battle on the 26th up until the 30th, you are
21 saying that they just were fighting in one place and no one heard the gun-fire? We
22 heard gun-fire because the Central African Republic soldiers were already fighting
23 before we got there, before we arrived. Yes, I still maintain - I confirm - that (Redacted)
24 the attack on the 29th. Thank you.

25 THE INTERPRETER: Correction from the (Redacted) interpreter: "Launched the

1 attack on the date of the 30th." Thank you.

2 MR BADIBANGA: (Interpretation)

3 Q. Well, Mr Willy Bomengo will be answering the question that you put a few
4 moments ago. He said this, and I will continue reading this transcript, "The next
5 day - the next day - as moving towards PK12, I had brought three jeeps to remove the
6 goods that had been recovered, and those goods were handed over to the Central
7 African Republic colonel. And when I was chased ..." -- correction, "... when -- when
8 I'm being -- when there are these legal proceedings about the pistol, I think this is a
9 red herring given that I already had those three pistols at the front. I did not loot
10 them. Colonel Moustapha is acting in bad faith. He took a pistol away from me,
11 €60, my CDs and one bottle of cologne. That's what caused all these problems. I
12 did not do any looting insofar as I spent only four days in Bangui."

13 Witness, do you have any comments on this remark, because Mr Bomengo has said
14 that on the following day he was heading towards PK12?

15 A. I think you've shown me to be right, because I think that when Bomengo was
16 thinking only about looting and (Redacted)
17 he had looted, he was in no position to (Redacted). The day of the operation, we
18 were heading towards PK12 and (Redacted) handed over all those looted goods in the
19 presence of witnesses, journalists, yes. (Redacted) hand over all those goods
20 that had been looted.

21 Q. Witness, Mr Bomengo said that he got there on 26 October. The judicial police
22 officer said that he was arrested on 30 October. Yesterday you were talking about
23 doing sums and you said five and five were ten, eight and two were ten and nine plus
24 one also equals ten. Today I'd like to ask you this question: Do you agree with me
25 that 26 plus four is 30?

1 A. The MLC soldiers arrived in Bangui on the 26th. They also arrived on the 29th
2 and they arrived on the 30th, but the difference between those three dates is as
3 follows: The soldiers who got there on the 26th went back the same day, the soldiers
4 that crossed on the 29th stayed there and the soldiers who crossed on the 30th also
5 stayed there and I agree with you.

6 Q. Except that Mr Bomengo says that he only spent four days in Bangui. He spent
7 four days in Bangui. He did not spend one day or two days. He spent four days in
8 Bangui and this contradicts your statement?

9 A. He was arrested on the second day of the operation and that is because they
10 crossed on the 29th, the day of the crossing, you add the date of the 30th I think when
11 he was arrested and add two days during which -- two days of detention. So ask the
12 question, how did he spend four days in Bangui? That's the question.

13 Q. Witness, let us acknowledge that -- well, let us assume that what you say is true.
14 If he got there on 29 October and he was arrested on the 30th, as was said by a judicial
15 police officer, when did he actually commit the looting?

16 A. I've told you that he did not do the looting on the day I got there. I've told you
17 that perhaps he looted on the second day, or the third day. Mr Bomengo is still alive.
18 You can ask him the question. He can give explanations. I'm telling you what
19 I know and everything that I'm telling you is what I know.

20 MR BADIBANGA: (Interpretation) Could the court officer please show us page
21 0032 on the screen, and if you could scroll down to the very bottom of that page?

22 Q. Witness, one of the co-accused, one of the people accused along with
23 Mr Bomengo, was Ikwa Maton (sic). Do you know that name?

24 A. Who are you talking about?

25 Q. Ikwa Tonton, a corporal.

1 A. Yes, I think he was one of (Redacted) soldiers. Yes, that name does ring a bell.

2 Q. This is what he said during one of the hearings at which he was questioned,

3 "The person who arrested me should come and show you the goods that I looted.

4 Furthermore, we saw that Commander Moustapha is very tribal and unfair and, as a

5 result, no soldier from the Poudrier battalion is being -- has been arrested and yet it

6 would appear that it was his brothers, the brother -- his brother soldiers who

7 systematically looted and raped the people of the Central African Republic. Justice

8 should prevail."

9 So often you said that you were not aware of crimes or rapes committed by soldiers,

10 but here we have a witness, a detained person, an accused person, who is referring to

11 systematic looting and rape. Do you still stand by your statement that you never

12 heard of any rapes become occurred by MLC soldiers?

13 A. Yes, when Moustapha went to the Central African Republic he didn't go there as

14 a battalion commander. He went as a company commander. Moustapha went to

15 the CAR as a brigade commander, as a brigade commander. The soldiers from the

16 Poudrier battalion had their own commander. Tribalism that is mentioned here,

17 I think -- I think that's a separate issue, distinct from what we're talking about here.

18 I don't know what tribalism that is being referred to.

19 In reference to what crime? If this person confirms that he raped someone or saw

20 someone raping someone, well, that person was arrested because, you see, an offence

21 is an individual thing. I saw nothing. (Redacted)

22 (Redacted)

23 (Redacted)

24 THE INTERPRETER: The (Redacted) reports that there has been some sound cutting

25 out in the interpreter's reply, or some kind of breaks. The (Redacted)

1 interpreter has asked -- the (Redacted) interpreter requests --

2 PRESIDING JUDGE STEINER: Mr Witness, we are having again some problems
3 with the sound. Could you please repeat the last part of your answer and try to
4 speak closer to the microphone?

5 THE WITNESS: (Interpretation) Your Honour, I don't know whether you can hear
6 me properly now?

7 PRESIDING JUDGE STEINER: Yes, I can, sir.

8 THE WITNESS: (Interpretation) I was saying the following: I didn't have a close
9 brother with whom I crossed over. All the soldiers that crossed over with me were
10 my brothers, Congolese. If there had been one person who testified to rapes that
11 were allegedly committed, the International Criminal Court has the proper authority
12 and jurisdiction to arrest said individual so that he may answer for his actions.
13 That's the first point.

14 The second point: I didn't cross over with a battalion, because I wasn't responsible
15 for a battalion. I crossed (Redacted). There were company
16 commanders. There were platoon commanders. Suffice to say that Counsel
17 Badibanga and the Court as a whole should understand that I don't want to say that I
18 don't wish that people who've testified before me should get things wrong the second,
19 or third or fourth door -- day rather, or any other day for that matter.

20 Regardless of the day, the intention was to arrest those who looted, or the decision to
21 arrest these individuals should prompt the Court to understand that we had good
22 intentions. What I mean by that is that we wish to combat impunity.

23 Tribalism is something that I'm only learning of now. If I were to speak of my
24 biological family, I would say that it is far away. It is now at (Redacted). From
25 (Redacted)

1 is located, and when I entered the ranks of the MLC I was a Congolese soldier
2 belonging to the government. I was also a Congolese soldier, but I didn't join these
3 groups on the basis (Redacted).

4 MR BADIBANGA: (Interpretation) Could the court officer bring up page 0044.

5 These are -- well, I'm interested in the last sentences featuring on that page and I'll be
6 moving on to page 0045.

7 Q. Mr Witness, when before -- when he appears before the Gbadolite court martial,
8 Ikwa Tonton, the accused Ikwa Tonton, says the following, "I don't know at all why I
9 have been arrested because in Zongo I had been released, but one day I came across a
10 big case belonging to a brigadier commander which contained a lot ...", and now we
11 move on to page 45 and then we can carry on with the reading of this excerpt, so "...
12 which contains a lot of goods. I daresay that it was because of this that I was placed
13 under arrest."

14 Mr Witness, you mentioned yesterday at some point having heard, I believe, or
15 having spoken with Mr Mondonga. (Redacted)
16 (Redacted)

17 A. No, he asked me nothing of the sort because I was involved in no way and this
18 is why he couldn't ask me questions about something that I didn't do. (Redacted)
19 (Redacted)
20 (Redacted)

21 (Redacted) I'd just really like to understand what's going on.

22 I think you're reading the Bible out, when Jesus healed the madman, the possessed,
23 and then he put the madness into the pigs, but the owner of the pigs didn't like that,
24 but the brother of that man was happy because he saw his brother thereby cured.

25 Counsel, we're talking about your arena of expertise here. I would like you to

1 enhance your wisdom, enhance your intelligence. This means that he wasn't happy,
2 because he couldn't continue with what he wanted to do. That's the first point.
3 The second point: When Tonton, Bomengo and the other accused persons or
4 detained person, when these people were arrested by the Court, they were questioned
5 by the Court, how is it then that (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Mr Witness, you've just referred to the Bible just a moment ago. Is that
11 because you pray a lot yourself?

12 A. Is this part of your programme to turn me into a reverend?

13 Q. No, I didn't talk about a reverend. All I said was that you made a rather
14 precise quotation out of one of the gospels, so I just wanted to know whether you
15 read a lot the Bible, or whether -- since you can quote it so readily?

16 A. Yes, Counsel, I do pray a lot. (Redacted)

17 (Redacted) even to this day I am somebody who prays a great deal.

18 Q. Can I ask you in which church's faith you grew up in?

19 A. (Redacted)

20 (Redacted). Religion is like clothes. You are wearing your

21 lawyer's garb because you are a lawyer. If you were to wear soldiers' garments then
22 you would be a soldier, but what matters at the end of the day is a man's heart.

23 MR BADIBANGA: (Interpretation) Would the court officer display document

24 CAR-DEF-0002-0567 and I would like to have page 568 brought up more specifically.

25 This is document 5 in the OTP's list.

1 Q. Mr Witness, I'm going to read the fifth paragraph out to you of this letter that
2 (Redacted). "To our great surprise, on 7 or 8 November 2002, while we
3 were progressing towards villages occupied by the rebels, a group of Central African
4 soldiers with seven of our own soldiers gave themselves up to looting in the homes of
5 some people suspected to be close to Bozizé. Having learned of that, I informed my
6 hierarchy at Gbadolite and this letter dispatched Colonel Romain Mondonga to
7 investigate. Following the investigations, the accused were transferred to Gbadolite
8 to have trial.

9 On the Central African side it was General Mazangi, auditor-general in the Central
10 African Republic, who was responsible for doing justice on their own military
11 personnel. At this point, it is worth pointing out that the goods looted by these
12 soldiers, we were able to put them into the hands of General Mazangi and Lieutenant
13 Damango Bertrand. Both these individuals are Central Africans. It was with a
14 certain satisfaction as an officer that I was able to note that no military senior -- no
15 military official or senior officials belonging to the MLC stood against the disciplinary
16 action brought against these soldiers who were acting so inappropriately."
17 What can you tell me about the date that is featured in this letter with regard to these
18 soldiers?

19 A. If you recall, you used documents that you showed me. Among these
20 documents, I'm having one or two problems reading, you yourself confirmed, after
21 having read these documents, that one of these soldiers, one of these Central African
22 soldiers, so a soldier belonging to the Central African Army, he was located at the
23 Defence Minister's residence.

24 Now, what do I mean by this? What I mean is that on the first time I met you, in
25 other words the OTP, and yesterday when appearing before Her Honours, I said the

1 following: "Our operation was joint in nature." Maybe the Central Africans, who
2 were there with Mr Bomengo, took that particular option? When you refer to the
3 date of the 7th, I don't know where the error comes from, but what I can confirm
4 today, since we are working together you and I, what I can tell you is that the date
5 that Bomengo has put prompts me to say that this could be a typo and, unfortunately,
6 (Redacted), but what matters is that the people who committed these
7 deeds that they were arrested and held in custody and that the goods were given back
8 to their rightful owners.

9 Q. What really matters is that you adhere properly to your solemn undertaking to
10 tell the truth to this Chamber. That is what really matters. In May 2003, you said
11 that the seven soldiers were arrested on 7 and 8 November 2002. In (Redacted), when
12 you were questioned by the Prosecutor, you said that it was two or three days after
13 your arrival into the Central African Republic, and now you are saying it's 3
14 November that you arrived in the Central African Republic. (Redacted)
15 (Redacted)
16 (Redacted). So what

17 matters, as I said, is the truth. So what is the truth, I put it to you, among these
18 various dates (Redacted) supplied on various different occasions?

19 A. Counsel, I'd like to thank you in your efforts to have the truth brought to light.
20 I would now like you to properly note the truth. I'm going to tell you the following:
21 When I met you for the very first time, I didn't know what the purpose of our meeting
22 was. Consequently, I brought nothing with me by way of documents that would
23 have enabled me to revise what had happened.
24 I would also ask you to lean yourself towards the truth. I would ask you to use your
25 discernment. When talk is made about the 30th, the 30th was the day I crossed.

1 Two days after that, I believe, Bomengo went to the Central African auditor's office,
2 and when René Mondonga arrived this latter went with them.

3 With regard to the reports, and if we went to compare with the documents that I
4 (Redacted) I would say that I think there's a slight discrepancy in the
5 dates, but (Redacted)

6 (Redacted) and because you were -- you are looking for
7 the truth, I can tell you that I crossed on the 30th, and two days after Bomengo was
8 arrested and he was then transferred to Gbadolite. Thank you very much.

9 Q. You'll remember, Mr Witness, that I asked you were there any errors in the
10 letter that was shown you by Counsel Kilolo on a number of occasions, and you asked
11 me to present to you the document and this brings me to the point that I wish to
12 underscore with you. So we are in agreement. In this document the dates of 7 and
13 8 November 2002 are wrong. You would agree me -- you would agree with me on
14 that, based on what you've just said?

15 A. No, no, we are not in agreement. Just take it as it's written. I'm not a
16 computer to retain everything. Little by little truth will make itself known as I testify,
17 and if I remember something I will mention it to you, but I would like to say that
18 what was written and what features in the document is not false.

19 MR BADIBANGA: (Interpretation) Court officer -- could court officer present to
20 the witness document CAR-ICC-0001-0086? (Redacted)

21 (Redacted). Would you
22 mind displaying this document to the witness, please?

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 A. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted).
- 12 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 13 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.
- 14 Mr Witness, it's 11 o'clock. We'll have half-an-hour break. We'll be back at 11.30.
- 15 The hearing is suspended.
- 16 THE COURT USHER: All rise.
- 17 (Recess taken at 10.59 a.m.)
- 18 (Upon resuming in closed session at 11.37 p.m.) *Reclassified into Open session
- 19 THE COURT USHER: All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE STEINER: Welcome back. We are checking why Judges have
- 22 no image in their screens. In the meantime, I just wanted to inform parties and
- 23 participants, as well as those that are in the field office, that tomorrow we will sit for
- 24 two hours, for two sessions of two hours each, only in the morning. So the afternoon
- 25 sitting hours have to be cancelled. So we'll have only four -- the usual four hours

1 hearing tomorrow.

2 Welcome back, Mr Witness.

3 THE WITNESS: (Interpretation) Good morning, your Honour. Thank you.

4 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

5 THE WITNESS: (Interpretation) Certainly, your Honour, I'm ready.

6 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.

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

8 Q. Witness, just before the break, we were talking about another mistake on the

9 document that was being shown to you on the screen, and (Redacted)

10 (Redacted)

11 (Redacted)

12 A. Yes, that's right, Mr Badibanga.

13 Q. Witness, why is this letter addressed only to His Excellency, the National

14 Chairman of the MLC?

15 A. The letter that you're showing me, or the report?

16 Q. I beg your pardon, I'm talking about the report. (Redacted)

17 (Redacted). I'm talking about the report,

18 CAR-DEF-0002-0567. This is one of the Prosecution documents, the fifth document.

19 A. Thank you very much, Mr Badibanga, for your question.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted).

3 Q. (Redacted) this mission of going to the Central African Republic?

4 A. You see, the Head of General Staff -- well, how would a Chief of General Staff
5 not have this report? (Redacted)

6 (Redacted)

7 Q. Well, the question I'd like to ask you now is this: Who gave (Redacted) this
8 mission to go to the Central African Republic in October 2002?

9 A. I can see you're avoiding my question. Before answering you, before
10 answering that question, I would like to tell you, Mr Badibanga, before Her Honour
11 and all of the Court, this time what we're talking about right now must remain
12 confidential. It mustn't be revealed to the public. These things can be used at the
13 Court, but not elsewhere; the order given to me to go to the Central African Republic,
14 as well as the message.

15 (Redacted)

16 (Redacted). And now your

17 question, the question you asked me, well, the question you should ask me is why

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. I hope this doesn't bother you, sir, but in terms of the procedure I ask you
24 questions and when you can you answer. I appreciate you're suggesting possible
25 questions, but that's not really of interest to me. My question is in relation to what

1 you said a few days ago. (Redacted) to go to

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 Q. Thank you. That's what I wanted to hear and, indeed, that is what you said

6 when you were interviewed on (Redacted).

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) -- should we trust this letter to His Excellency, the National President

15 of the MLC, (Redacted) or should we go by what you said before this Chamber,

16 saying that General Amuli entrusted (Redacted) with the mission?

17 A. Well, one of the problems that I have is that, you see, if you are a deserter from

18 an army you would understand how an army operates. But to go back a bit, when

19 we met for the first time, up until yesterday, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Let me explain how an army works. Here in (Redacted), there

24 is a Chief of General Staff, and the dealings between the supreme commander of the

25 armed forces and the Chief of General Staff, those are dealings that depend on them.

1 We at lower ranks really aren't in a position to know about those dealings. If the
2 Chief of General Staff reacts on behalf of the president, that means the president
3 cannot decide in that way unless there has been prior communication with the Chief
4 of General Staff.

5 Amuli passed on the message (Redacted) to ready the soldiers and to go here and
6 there, (Redacted), "You have to cross over and then, once
7 you're over there, you'll do what you have to do." So what's the difference between
8 that information? That is why I'd like to tell you that those are the instructions
9 (Redacted).

10 (Redacted)

11 (Redacted)

12 I also (Redacted)

13 (Redacted)

14 Thank you, Counsel.

15 Q. Witness, could you give a simple answer to the Chamber that people can
16 understand? Now, in the letter it would appear that the president entrusted (Redacted)
17 with this mission. Which is the truth? Or -- and then you've told the Chamber that
18 it was the general who gave (Redacted) the mission. Which one of these two
19 versions is correct?

20 A. Well, to answer briefly, as you've asked me to, you want to know whether it
21 was him -- whether it was "Yes" or "No," without allowing me to explain. If I don't
22 explain you can't understand properly, but let me sum-up. Only the Chief of
23 General Staff can do that without the knowledge of his leader. One cannot engage
24 forces without communicating with the expert of the chief, the Chief of General Staff.
25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 (Redacted)

2 Q. So when this letter says that it was the national president (Redacted)

3 (Redacted) the mission, that is another mistake in this document? Is that what

4 you're telling us?

5 A. Didn't I tell you that (Redacted) Didn't I tell you that?

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 MR BADIBANGA: (Interpretation) Your Honour, if you have a look at transcript

10 284, 25 February, in the French version page 18, line 9, French version, whereas on the

11 English version it is page 17 from line 17, that is where you will see that the witness

12 said, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 That is what the witness said under oath before the Bench, and I am saying that this

20 has to be read and contrasted with what (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Witness, (Redacted)

24 (Redacted)

25 A. (Redacted)

1 Q. So exactly what happened? You were based in (Redacted) is that what we are
2 to believe?

3 A. Yes, that's right.

4 Q. (Redacted) spoke
5 French? I believe that's what you said.

6 A. That's what I said.

7 Q. How did that person get to Bwamanda?

8 A. There is a road that goes from Zongo to Bwamanda, and you can borrow or use,
9 rather, a vehicle or a motorbike to go to that place. But you can also go on bike, on a
10 pushbike.

11 Q. And in this particular occasion, how did the person go from A to B?

12 A. When this person received the order (Redacted), what I think you need to
13 remember is that this person went and then came back.

14 Q. Am I mistaken, but I think you said that he went there on a motorbike?

15 A. I just stated that this person could go either on a motorbike or in another type of
16 vehicle, so the person in question used one of those means of transport.

17 Q. Mr Witness, you were kind enough to provide this clarification to Mr Kilolo; I
18 hope you'll do me the same kindness. So then could you remind me of what means
19 of transport he used to get to that location?

20 A. The person in question used either a motorbike or another type of vehicle.

21 You're in the same room as Mr Kilolo. Why don't you ask him what answer I gave
22 him and then you'll be up to speed?

23 PRESIDING JUDGE STEINER: I would like to remind you that you appear before
24 the Court to answer the questions put by Defence, Prosecution, and legal
25 representatives. I would ask you, please, to avoid telling the Prosecution what the

1 Prosecution should do. If he asked you a question, please answer to that question.

2 This is the procedure, Mr Witness. Do you understand that?

3 THE WITNESS: (Interpretation) Thank you, your Honour. Do forgive me if I put

4 my foot wrong. Having said that, I would ask that the answers I provide are

5 understood as answers coming from me, and please do not misconstrue what I'm

6 saying. All the questions that have been put to me have been put to me on a number

7 of occasions. This is the fourth time, your Honour, that this question is being put to

8 me. I'm a human being, I can forget, I can get things wrong. I don't want to fall

9 into some trap because it's said that there's a contradiction or a discrepancy with the

10 dates or with the means of transport and tomorrow I'll be told that I lied with regard

11 to my father's identity. So, your Honour, please, can you help me in this respect, and

12 for my part, I will endeavour to abide by what you decide.

13 PRESIDING JUDGE STEINER: Mr Witness, the Defence, the Prosecution, the legal

14 representatives of victims, and the Chamber, they can put from time to time what

15 appear to be repetitive questions because what they need is to confirm an answer that

16 you had given before. If you are telling the truth, there is no risk that you forget and

17 give a different answer. So there is nothing for you to fear if you are telling the truth

18 and there is no trap being prepared. The Prosecution is entitled to put to you the

19 same question as the Defence put to you, in order to confirm your answer.

20 This again I say is how it works in a court of law, Mr Witness. Don't take offence.

21 This is exactly how it works. That's why in some legal systems this is called

22 "cross-examination."

23 Maître Badibanga, you can proceed.

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

25 Q. Mr Witness, in the transcript 286, this is yesterday's hearing's transcript, in the

1 English version -- and I don't have the edited version, your Honour, so I must provide
2 you with the real-time transcript reference.

3 So it's transcript 286, and this was on page 6, lines 15 through to 21 in the English
4 version, and you told to Mr Kilolo that the person who typed up this report made the
5 trip by motorbike. Do you stand by that?

6 A. It's possible, Counsel Badibanga. You know, in 2004, right the way through to
7 2013, many events and incidents can have occurred. So to answer your question, I
8 would say it's possible that the person used a motorbike, or another type of vehicle.

9 Q. But between 27 February and 28 February, there's just one day between those
10 two dates. So I'm just asking you to recall what you said yesterday. Do you
11 remember having said this yesterday to Counsel Kilolo?

12 A. If I said it yesterday and you've got my answer in front of you now, well, as the
13 Presiding Judge asked me to answer the questions that are put to me, I will answer
14 that it's possible that the person in question went on motorbike, or by car.

15 Q. I think the Bench will take that into consideration.

16 (Redacted) Gbadolite on the
17 same day?

18 A. (Redacted) -- well, it may be that you
19 don't know how it works, but let me tell you this: In those days, we didn't have any
20 post office service so what you had to do was to entrust this document to somebody
21 so that he could take it to the final recipient. I don't know how long that took.
22 What I can tell you is that upon (Redacted).

23 Q. So you say that there is no post office service. Well, can you tell me then by
24 what means (Redacted) to Gbadolite?

25 A. There were people who were moving from one place to (Redacted) it to

1 somebody who was going to Gemena, and then from Gemena all the way through to
2 Gbadolite.

3 Q. Can you tell me the identity of that particular person?

4 A. I (Redacted) to a member of the MLC whose first name was (Redacted).

5 Q. (Redacted), what duties did he have within the MLC?

6 A. All MLC members didn't necessarily have particular duties. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 A. (Redacted).

11 Q. (Redacted)

12 A. Well, in that case what would have been the role of the secretary, whether a man or
13 woman?(Redacted) the document and then the rest was done by (Redacted) secretary.

14 Q. For a report of this type that is focussing upon military operations, was there
15 any procedure that had to be followed within the MLC (Redacted) right
16 the way through to the final recipient?

17 A. It's true that we're in the throes of a rebellion, but that doesn't mean for all that
18 that we were in capable of (Redacted). Just let me mull this
19 over just a second, with your leave.

20 Q. If this will help you in your thinking, my question is the following, Mr Witness:

21 (Redacted) sending a report to the National

22 Chairman of the MLC. So what I want to know is whether there were any particular
23 measures that were set in train in order to make sure this information remained in
24 secret, did (Redacted)

25 sealed or (Redacted) This is the

1 upshot of my question.

2 A. I'd just like to tell you that I wasn't (Redacted), so please rectify that error.

3 I wasn't (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. (Redacted) Did it

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 manufacturing factory. It (Redacted) on the marketplace.

12 We didn't (Redacted).

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. I do apologise to labour the point but I just want to really understood the

20 underlying circumstances, and your answer is that that I was hoping to hear from you,

21 but just for the sake of clarification it's not these (Redacted) that

22 you can find sometimes? It wasn't that particular format then.

23 A. I've just answered you by saying that it was a (Redacted), the one that

24 you've just described. It was (Redacted) with three different colours, as I said a

25 moment ago, (Redacted)

1 (Redacted)

2 (Redacted)

3 Q. Thank you, Mr Witness. Just to keep it very precise, and this is my last

4 question (Redacted)

5 (Redacted)

6 (Redacted) is that what we're talking about here?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted). At least we agree on that particular point. It was

14 smaller?

15 A. (Redacted)

16 (Redacted)

17 (Redacted) and I don't really understand why you are not

18 understanding my explanations or at least accept the explanations I'm providing you

19 with.

20 Q. Your explanations are very clear, Mr Witness, I've fully taken them on board.

21 Now, in May, is it the rainy season or is it the dry season in Zongo?

22 A. Only environmental specialists will be able to properly answer your question.

23 I therefore can't answer your question because I might get things wrong. Having

24 said that, in that particular region of the Équateur district, it often rains, and the

25 period of rainfall can alternate with a dryer spell, with a dry season.

1 Q. (Redacted)

2 (Redacted) do you remember whether it was raining or not during that particular
3 period in Zongo (Redacted)

4 A. It was towards the end of the rainy period, but it was still raining. The rain
5 alternated with spells of sunshine.

6 Q. The reason why I'm putting these questions to you, Mr Witness, is -- I mean, if
7 you look at the document that is being displayed on the screen that was supplied by
8 the Defence, in this document no folding marks are visible. This document was
9 never folded, by the looks of it, and -- but we didn't have the original of this
10 document, but if an original document had been folded, then on the copy this would
11 be visible.

12 So the purpose of my question is the following. Well, this very point, because you
13 can see this is impeccable, there are no any folding marks or anything of the sort on it.
14 Now, do you know where the original of this document can be found?

15 A. The recipient of the document is with you. You can ask him whether, upon
16 receiving this document, it was folded or not. And you could also ask him whether
17 he still has the original or not. (Redacted)
18 (Redacted)

19 MR BADIBANGA: (Interpretation) Your Honour, following the statements made by
20 the witness yesterday with regard (Redacted) the OTP has
21 made one or two investigations and we found a card that we'd like to show to the
22 witness. Now, in the past, during the proceedings, we've already seen this type of
23 thing and the police have said if it's just -- if it is a map -- the policy rather says that if
24 it's just a map and contains no other factual information then that's possible. So with
25 your leave, I'd like the court officer to show the witness the map that we saw

1 yesterday.

2 MR KILOLO: (Interpretation) We will abide by your decision, your Honour.

3 PRESIDING JUDGE STEINER: Court officer, please, the document can be shown.

4 THE COURT OFFICER: In order for the parties and participants of this courtroom
5 to be able to view this document, please press on "PC1".

6 MR BADIBANGA: (Interpretation) Now, we know that there are some technical
7 difficulties with the (Redacted) and we have e-mailed a version of this
8 map to the court officer there, but the document was too large and it was not possible
9 to download it. We have it on the screen here, and I'll try to explain the document to
10 him clearly so that he can answer our questions.

11 Q. In the upper left corner you see a yellow rectangle, and it is beside Zongo and it
12 says "Zongo." This is a satellite map here. At the very bottom there's also a yellow
13 rectangle that indicates Bwamanda and finally on the right we see a yellow rectangle
14 that indicates Gbadolite, and each time we see the altitude and longitude of these
15 points -- correction, the latitude and the longitude of these points. And you
16 see -- well, there are some lines, or -- this is actually an explanation of the various
17 distances involved. Between Zongo and Bwamanda the distance is 200 kilometres;
18 between Zongo and Gbadolite apparently the distance is 320 kilometres; and, finally,
19 between Bwamanda and Gbadolite the distance apparently is 325 centimetres (sic).
20 So these distances were calculated using various satellite data that were available.

21 My question is this: Did (Redacted) need to send a person to type out a document
22 200 kilometres away (Redacted)

23 A. Thank you very much for your question. The map, well, I'm having trouble
24 reading it. It seems quite hazy, I can't see anything, but all the same I agree with you
25 about the distances. Just because it was far away, that doesn't mean (Redacted)

1 (Redacted) of sending someone. (Redacted) the letter to be written using a
2 computer, so because (Redacted). There was no other
3 reason to send the person.

4 Q. Was it the practice within the MLC to have reports on military operations be
5 transported over distance - a distance of 200 kilometres - on the back of a motorbike?

6 A. I'm not saying that the decision was taken by the MLC (Redacted) send a
7 written report, written on a computer. (Redacted) who thought it would be
8 proper to have it typed on a computer. It was an individual decision. It was not
9 upon instruction of the MLC authorities, or a requirement of them. It was not a
10 practice. (Redacted) how
11 it came to be that it was done in that way. (Redacted). I
12 didn't (Redacted).

13 Q. Was it the practice within the MLC to send a report on military operations to a
14 place, but entrusting it to a civilian for a trip of more than 200 kilometres?

15 A. The habits of the MLC and (Redacted)
16 (Redacted). It was not a
17 requirement of the MLC, Mr Badibanga. (Redacted) who wanted things to be
18 done in that way. The person that (Redacted)
19 send this letter because it was an urgent matter. Even it took -- well, even if it took
20 two months along the way, it would have gotten there eventually. There was no
21 requirement. What was important to (Redacted) was to ensure that the letter would
22 get to its final destination. Thank you.

23 PRESIDING JUDGE STEINER: Maître Badibanga, I'm sorry to interrupt you. I'm
24 avoiding to interrupt, but now I got a little bit lost and I would like the witness to
25 clarify something.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

- 1 (Redacted)
- 2 letter in (Redacted)
- 3 THE WITNESS: (Interpretation) (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Your Honour, there you have it. I don't know whether I've answered your question?
- 11 PRESIDING JUDGE STEINER: And then the document was sent back (Redacted)
- 12 (Redacted)
- 13 THE WITNESS: (Interpretation) That's right, your Honour. (Redacted)
- 14 (Redacted)
- 15 (Redacted) all the documents that belonged to the
- 16 brigade, I don't know whether those documents were kept (Redacted)
- 17 (Redacted). * The person -- the person might have kept the handwritten version or
- 18 a copy of the letter, so I think you should ask (Redacted) the person who
- 19 (Redacted)
- 20 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.
- 21 MR BADIBANGA: (Interpretation) You're welcome, your Honour.
- 22 Q. Witness, I'm not asking you about (Redacted) but you were a soldier
- 23 within an army and I suppose that there were certain rules to protect military secrecy,
- 24 to protect secret information. So what I'm asking you is this: Was it the practice
- 25 with the MLC to send reports on military operations by way of motorcycle over a

1 distance of 400 kilometres, if we were to go there and to come back, and/or entrusted
2 to civilians for trips of 370 kilometres -- correction, 320?

3 THE WITNESS: (Interpretation) No secret was revealed by the person that (Redacted).

4 If you have the letter, Mr Badibanga, allow me to tell you this: This letter, the person
5 who -- there was no problem with the person who was sent. This is just a matter of
6 procedure. Correction, this was not MLC procedure. (Redacted)
7 (Redacted).

8 MR BADIBANGA: (Interpretation)

9 Q. And no soldier amongst the 22,000 members of the MLC who could have been
10 sent with this document?

11 A. (Redacted) 22,000 soldiers. Even if there had been countless soldiers, (Redacted)
12 (Redacted) all the same to give the letter to the civilian who (Redacted).

13 Q. Could you remind us very briefly why this letter was only drawn up in
14 May 2003, two months after the conflict ended?

15 A. Yesterday, I told you that when we left from Bangui the departure was not
16 organised. We were being subject to attack. (Redacted) hurriedly draw up some
17 report without clearly determining who was still alive, who had died, who had gone
18 back. (Redacted).

19 However, each time as of that date, the 15th, each time the soldiers came back,
20 perhaps two of them, (Redacted)

21 (Redacted) and the next day four or five. That was to ensure that all
22 the soldiers had been able to get back. That is why it took so long. That is why it
23 took so long before (Redacted).

24 Q. Are we to understand that on 4 May 2003 (Redacted) had a complete accounting of
25 all the various soldiers, the ones who had died, the ones who had survived, the ones

1 who had reported back? Is that what you're saying?

2 A. Well, not all the details. After this letter, there were others who we thought
3 had died but actually reported back later. Some who we believed were alive,
4 actually had gone missing in action. We got to Kinshasa the eighth month. They
5 were stopped by Bozizé and there was no longer any contact with them and we didn't
6 know what had happened. I have to tell you that. Up until the eighth month, there
7 were two officers, as well as one lady who had been arrested and were being held by
8 Bozizé. I don't know whether they perished later or whether they are still alive. So
9 all this, this is what I'm telling you. All (Redacted)

10 (Redacted).

11 Q. When (Redacted); is that correct?

12 A. Yes.

13 Q. (Redacted), could you tell us what a report on a military operation should
14 contain? What aspects or what headings should be included in a report on a military
15 operation?

16 A. Well, everything that I can say was written in this report.

17 Q. Now, should a report on a military operation talk about the state of the troops
18 and report how many soldiers had departed and how many had returned? Should
19 that kind of information appear on a report on a military operation?

20 A. Well, the report was given to General Amuli. He had all of that.

21 Q. Now, should a report on a military operation contain the state of the weapons
22 when the troops return?

23 A. I haven't understood your questions. Could you please repeat your question?

24 Q. Should a report on military operations contain some sort of account of the
25 weaponry of the troops when they come back to the country?

1 A. That's possible. It all depends on the person who is writing the report. Each
2 person has his own way of drawing up a report, but (Redacted)
3 (Redacted)

4 Q. Witness, (Redacted) draw up a report as a soldier, a military man, and (Redacted)
5 intended -- or (Redacted) send it to the person who gave (Redacted) the mission to
6 embark upon the operations. Out of respect for the Judges, please give relevant
7 replies. As a military man, (Redacted) to the person who gave (Redacted) this
8 mission. (Redacted) what the status of the troops are? (Redacted) the status of the
9 weaponry (Redacted)

10 PRESIDING JUDGE STEINER: Mr Kilolo.

11 MR KILOLO: (Interpretation) Your Honour, I believe that it would be fairer to the
12 witness if the question were rephrased because the way the question is it contains
13 contradictory elements, things that contradict what the witness has said, and
14 Mr Badibanga believes this is a report intended for the person who had given an
15 order, (Redacted) to the CAR, whereas
16 the witness has repeated that (Redacted) order from General Amuli. So I think
17 we really should be fair when it comes to this particular matter.

18 PRESIDING JUDGE STEINER: Maître Badibanga.

19 MR BADIBANGA: (Interpretation) CAR-DEF-0002-0567, second paragraph.

20 Q. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Now, Witness, I'm going to put the question to you again. You said you were a

1 (Redacted). As such, in this report (Redacted),

2 (Redacted) wouldn't it be normal to include the status of the troops and the

3 status of the weaponry?

4 A. Mr Badibanga, I told you, General Amuli is still alive. You can call him and

5 perhaps -- perhaps you're in touch with him, perhaps he's in touch with the Court.

6 He has all the reports about the soldiers, the equipment, the ones who died, the ones

7 who came back home. You know, the army is -- well, I can't lecture you. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 And so -- so (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Well, you have been very kind to come and testify before the Court and we're

1 trying to make the most of your presence and your testimony. I asked you about the
2 soldiers because you said that (Redacted) waited to receive information, to determine
3 who had returned, who had not returned, (Redacted)
4 said (Redacted). Now, since (Redacted) waiting
5 until May, well, (Redacted) that information in the report?

6 A. I've told you, the report is with the Chief of General Staff. All the information
7 is there, and I don't think it would be a mistake (Redacted)
8 (Redacted). In an administration, each person has his or her own way
9 of working. Some people sign right on top of their name, some people sign
10 underneath their name. There's no clear procedure. (Redacted)
11 (Redacted). They got the report. The person (Redacted)
12 it to received it through his Chief of General Staff.

13 MR BADIBANGA: (Interpretation) Could the court officer show the witness
14 ICC-0001-0086? (Redacted)
15 (Redacted).

16 Q. (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)

22 A. (Redacted)
23 (Redacted).

24 Q. (Redacted)
25 (Redacted)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted).

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 So our theory is that this letter (Redacted)

15 (Redacted). So it was copied and pasted and -- but they made a mistake and they

16 did it wrong. Do you agree with me on this particular theory, or is this theory

17 groundless?

18 A. It's difficult for me to tell you that you've got it wrong. I wasn't brought up in

19 such a way that I would address myself in that way to somebody in a higher position,

20 and to come out with blunt -- come out with the fact bluntly that the person has got

21 things wrong. That's not how I was brought up, but I can just repeat the following:

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 And I will continue by saying the following, Counsel: You know about Kinshasa;

1 you were born there. There is a hierarchy that prevails there, and you are familiar
2 with this hierarchy. You have dealings with that hierarchy. Ask that hierarchy to
3 supply you with other documents that (Redacted) so that you can compare this letter
4 with the documents that you have in your position and you will derive from that that
5 I'm telling the truth.
6 (Redacted)
7 (Redacted)
8 (Redacted). I'm not protecting
9 or defending somebody, be it Mr Bemba or anybody else. I'm not defending
10 Mr Bemba. I'm not defending the Prosecutor. I'm not giving any grounds or
11 reasons to the OTP, even though I met the Prosecutor on a number of occasions.
12 However, it is during this hearing that I learnt that I am a witness of the Defence. If I
13 accepted to testify, it's primarily because I wanted to do that. I was available, and it
14 is what I said to the Prosecutor and what I said to the Defence and what I will say
15 again and again, if that proves necessary. I am at your disposal if your Honour calls
16 me once again to testify, but what I would like to say is the following: The truth that
17 I am saying now was the truth that I said yesterday and it will remain the truth
18 tomorrow and the days after.
19 Counsel Badibanga, if you will, I'm not asking you to be on my side but I can tell you
20 there's no reason whatsoever for me to say that (Redacted)
21 (Redacted).
22 Thank you very much.
23 MR BADIBANGA: (Interpretation) Could the court officer display document 36
24 on the Defence list? This is document CAR-D04-0002-1514. This is a
25 communication log-book, and I'd like to have shown to the witness page 1628.

1 Q. This message was shown to you by Counsel Kilolo. This is a message, on the
2 upper right corner 25 October 2002, that's the date, that comes from the commander
3 of the Brigade Echo addressed to the chairman, and you told us that you remembered
4 this particular message. Do you remember having seen this before?

5 A. Yes, I remember.

6 Q. In this particular message, Mr Witness, (Redacted) to the chairman, (Redacted)
7 say, "I refer to our conversation." What conversation did (Redacted) have with the
8 chairman?

9 A. (Redacted). I

10 (Redacted). It was General Amuli who told (Redacted) -- who spoke
11 about certain proposals, (Redacted). These were proposals,
12 proposals which involved withdrawing (Redacted) troops from where they were
13 currently located.

14 (Redacted) Jean-Pierre Bemba, this bears this out. But if were
15 you to ask me with whom (Redacted) speaking, I would say that there are a number
16 (Redacted); there was (Redacted), there was Mr Jean-Pierre Bemba and General
17 Amuli. There were (Redacted).

18 Q. Mr Witness, what is your current relationship with General Amuli?

19 A. (Redacted)

20 (Redacted)

21 respect. I (Redacted), and so we're on

22 good terms.

23 Q. Did somebody tell you or did someone advise you that during your testimony
24 whenever the word "Bemba" was mentioned, you should mention instead the name
25 "Amuli"?

1 A. No, nobody gave me such an instruction.

2 Q. Well, perhaps I'll beg you a favour, Mr Witness. You've explained General
3 Amuli's role at length, and we've understood that, and I think that the Bench has
4 noted your statements. Now, when I put to you questions about Mr Bemba, please
5 do me the favour of referring to Mr Bemba because you will have noticed that
6 Mr Bemba is at issue here. So we need to shed light on his role and his involvement.
7 (Redacted) sent a message to the chairman, and (Redacted) say, "I refer to our
8 conversation." (Redacted)

9 A. If you look at the bottom of the message, you'll see that (Redacted) have reserved a
10 copy for the Chief of General Staff. The Gemena chief -- or sector commander rather,
11 wasn't informed. This means that this message was only for the eyes of three people.

12 Q. So this concerns these three people (Redacted)
13 (Redacted). So here's
14 my question: (Redacted)
15 (Redacted)

16 A. (Redacted). You don't want me to
17 mention the name General Amuli, but he was involved, and this is why I beg of you,
18 and you know this full well and I know full well, that (Redacted) had a conversation
19 with General Amuli. Don't go off and tell him that I'm mentioning his name. I was
20 told to tell the truth and I will continue doing so.

21 Q. Mr Witness, well, nobody will tell you in this Court to whom the party spoke,
22 and we're not going to tell you who the Court spoke to, so we're not going to confirm
23 or not who we spoke to, but I do note that in (Redacted) message dated 25 October
24 (Redacted) do refer to a conversation before this message was drawn up, a
25 conversation (Redacted) the chairman.

1 Now, should I therefore understand that you're saying that the ALC Chief of General
2 Staff is copied in on this because he is directly involved, by this message? He is
3 involved in the substance of this message?

4 A. Yes, he was one of those who was involved in that conversation and he knows
5 something about that same conversation. (Redacted)

6 (Redacted)

7 but here is my fear: Every time that we've met, in other words on three occasions,
8 with Mrs Petra, (Redacted), all that was said was the subject of an
9 examination. I was questioned. I was written to. I was insulted. I'm not saying
10 it was you, or Mrs Petra, or whether it was (Redacted), but it couldn't be me who said
11 that. But if we want to talk about this message, yes, I would say that the Chief of
12 General Staff was copied in on the message because he was among those three people
13 who were involved in that conversation.

14 Counsel Badibanga, are you following what I'm saying?

15 Q. I am following you very closely, Mr Witness.

16 A. You can see that I'm talking about this conversation that involved these three
17 people. (Redacted)

18 (Redacted)-- so two of

19 these people were at Gbadolite, correction, so they could use one single frequency to
20 talk amongst themselves, or they could -- each one could use their own frequency, but

21 (Redacted) where

22 they were located.

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted). The other

4 authorities that don't feature on this piece of paper, they weren't involved in the

5 conversation and therefore they weren't the recipients, or the intended recipients, of

6 this message.

7 Q. Mr Witness, who took the decision to send the MLC troops into Central African

8 Republic? This time I'm not talking about the order (Redacted). I'm

9 talking about the decision. Whose responsibility was it, political and military, to get

10 involved militarily in Central African Republic?

11 A. I can't -- I don't know how to answer that question. I don't know. Experience

12 tells me, however, that I can say the following: On the political side, there was an

13 MLC general-secretary. He was the second most important person for taking

14 decisions in the party. This was Mr Olivier Kamitatu. There was also a secretary

15 responsible for defence issues, Mr Kibonge. This gentleman could also get involved

16 in the decision-making process.

17 Now, with regard to the armed wing, there was the Chief of General Staff and there

18 were the senior officers belonging to the DG, who were also supposed to take and

19 make decisions when that proved necessary with regard to army matters.

20 Today talk is still made of the Superior Military Council. Now, this body is the

21 interface between the armed wing and the political wing with regard to the

22 decision-making process as a whole and with the carrying out of orders. For me it's

23 difficult to answer your question in order to supply you with the name of the person

24 who made the decision, and before leaving the field I couldn't ask my hierarchical

25 superiors to identify the person who took the decision. This wasn't part of my remit.

1 Thank you very much.

2 Q. Mr Witness, among all those people that you have mentioned, have you -- has a
3 name slipped your mind that could also be somebody who could be involved in this
4 decision-making process when thinking about the MLC apparatus?

5 A. Counsel, I am (Redacted). I'm just giving you my opinion. I
6 wasn't a supreme commander. Consequently, I'm not familiar with all the people
7 that made up the decision-making college of senior officials. If you can help me, if
8 you can remember yourself the name of somebody who could be a member of such a
9 group, then you can add his name to the list.

10 Q. So, Mr Witness, you joined the MLC in 1998, you stayed a member all the way
11 through to 2005 --

12 THE INTERPRETER: "2003," corrects Counsel.

13 MR BADIBANGA: (Interpretation)

14 Q. After that you went to Kinshasa, and now in 2013, in other words 15 years after
15 the events in question, you still don't know who had the authority in the MLC to
16 decide to send troops into an armed conflict in another country; is that your
17 testimony?

18 A. Today there is a part of the army which is located in the Central African
19 Republic. There is a unit, one of our units, that is located there in the framework of
20 FOMAC operations. (Redacted) can be abreast of
21 decisions that were taken with a view to sending a military force to another place.
22 Have they ever asked for that? No, it's difficult for me to know that, but what I can
23 tell you is that among Heads of States, among ministers, the Defence Minister, the
24 Foreign Minister and the Chiefs of General Staff, the military intelligence officers and
25 the navy commanders, everything pertaining to the Senior Council for Defence,

1 there's no one who can all alone take a decision without consulting the others. That's
2 true, decisions are taken, but these decisions are taken following consultation. It's
3 not that I don't know, but I'm just saying what I do know.

4 Q. Thank you, Mr Witness. On this particular note, I'd just like to quote what you
5 said only a few moments ago. You said that you didn't come here to defend
6 anybody.

7 I can see, your Honour, that we're almost at the end of our session and maybe it
8 would be wiser for me to pursue tomorrow, rather than to get involved in a question
9 that may mean that we overspill. Thank you.

10 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

11 Mr Witness, it's almost 1.30. It's time for us to adjourn. We hope you have a very
12 restful afternoon, evening and that tomorrow morning when we resume at 9 o'clock
13 you are ready to continue with your testimony.

14 I thank very much the Prosecution team, the legal representatives of victims, the
15 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
16 our court reporters. Mr Rojas, thank you very much. Mr Witness, thank you very
17 much.

18 This hearing is adjourned.

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

20 THE COURT USHER: All rise.

21 (The hearing ends in closed session at 13.27 p.m.) *Reclassified into Open session

22 CORRECTIONS REPORT

23 The Court Interpretation and Translation Section has made the following corrections
24 in the transcript:

25 *Page 43 lines 3-4

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 (Redacted)

2 (Redacted)

3 *Page 43 lines 17 to 19

4 "If the person -- the person might have kept the handwritten version or a copy of the
5 letter, so I think you should ask the person (Redacted)

6 (Redacted)

7 Is corrected by

8 "The person -- the person might have kept the handwritten version or a copy of the
9 letter, so I think you should ask (Redacted)

10 (Redacted)

11 RECLASSIFICATION REPORT

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

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