

Trial Hearing
Witness: CAR-D04-PPPP-0045

(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 Thursday, 14 March 2013
8 (The hearing starts in open session at 9.07 a.m.)
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: Yes, Madam President. Situation in the Central African
15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
16 reference ICC-01/05-01/08, and for the record we are in open session.
17 PRESIDING JUDGE STEINER: Thank you very much.
18 Good morning. I welcome the Prosecution team, the legal representatives of victims,
19 the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning and welcome to
20 our interpreters, our court reporters.
21 We will continue today with the questioning of Defence Witness 45. I was informed
22 that Mr Haynes would like to address the Bench maybe in private session; is that
23 correct?
24 MR HAYNES: I don't think it's necessary to go into private session.
25 PRESIDING JUDGE STEINER: So you have the floor.

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1 MR HAYNES: It concerns a confidential filing, but I don't need to reveal any details
2 of it. It's Prosecution filing 2533, which is a response, and the Chamber has issued
3 an order that the Defence reply by 4 o'clock today, if so advised, and in order that it
4 might expedite matters I simply wish to inform the Chamber that the Defence will file
5 no reply.

6 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

7 We will then proceed to the questioning by Defence of Witness D-45. The witness
8 was granted in-court protective measures. For that purpose, for the witness to be
9 brought into the video link room, we are going briefly into closed session and then
10 reopen and go into public session.

11 Court officer, please turn into closed session for the witness to be brought into the
12 testimony room.

13 *(Closed session at 9.10 a.m.) Reclassified as Open session

14 THE COURT OFFICER: We are in closed session, Madam President, and
15 Ms Toumaj will bring in now the witness.

16 THE COURT OFFICER (Redacted): (Interpretation) Madam President, the witness has
17 entered the video link room.

18 PRESIDING JUDGE STEINER: I have no image.

19 (Pause in proceedings)

20 PRESIDING JUDGE STEINER: It's difficult for us to learn.

21 Court officer, please turn into open session.

22 (Open session at 9.14 a.m.)

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

24 PRESIDING JUDGE STEINER: Thank you.

25 Good morning, Ms Toumaj.

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- 1 THE COURT OFFICER (Redacted): (Interpretation) Good morning, Madam President.
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 3 WITNESS: CAR-D04-PPPP-0045 (On former oath)
- 4 (The witness speaks Lingala)
- 5 (The witness gives evidence via video link)
- 6 THE WITNESS: (Interpretation) Good morning, Madam President.
- 7 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
- 8 testimony?
- 9 THE WITNESS: (Interpretation) Yes, I am ready.
- 10 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 11 under oath. Do you understand that, sir?
- 12 THE WITNESS: (Interpretation) Yes, I am aware of that.
- 13 PRESIDING JUDGE STEINER: Mr Witness, I also want to remind you that you are
- 14 under protective measures, that your image and your voice broadcast outside the
- 15 courtroom are being distorted so that the public cannot identify you. In order to
- 16 keep that protection to your identity, Mr Witness, it is important that we -- that you
- 17 don't give any information in open session that could lead to your identification.
- 18 We talked about that yesterday. If you have to reveal any information that could
- 19 lead to your identification, please let us know in advance and then we go into private
- 20 session. Do you understand that, sir?
- 21 THE WITNESS: (Interpretation) Yes, I do understand.
- 22 PRESIDING JUDGE STEINER: Thank you, Mr Witness. The Defence will continue
- 23 questioning you and for that purpose I give the floor to Mr Haynes.
- 24 Mr Haynes, you have the floor.
- 25 MR HAYNES: Thank you very much and good morning, your Honour, and good

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1 morning to everybody in the courtroom.

2 QUESTIONED BY MR HAYNES: (Continuing)

3 Q. And good morning to you, Mr Witness.

4 A. Good morning.

5 MR HAYNES: Your Honour, the sequence of questions that we concluded with
6 yesterday afternoon were in private session, and I think rightly, and to continue with
7 them I'm going to ask that we immediately go into private session.

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

9 *(Private session at 9.19 a.m.) Reclassified as Open session

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

11 MR HAYNES:

12 Q. Mr Witness, do you remember yesterday afternoon you were telling us about
13 the small section of people who went to Bangui, did not stay the night and came back
14 to the DRC?

15 A. Yes, I do recall. This was a command section, but there were other soldiers
16 who were part of these sections, but I didn't mention those soldiers. They just went
17 there as scouts and then they returned.

18 Q. What did they do when they returned?

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. So that we are clear, who was the deputy and who was the S2?

25 A. I would request of Madam President that we go into closed session.

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- 1 PRESIDING JUDGE STEINER: Mr Witness, we are in private session, as Mr Haynes
2 informed you.
3 THE WITNESS: (Interpretation) Yes. (Redacted)
4 (Redacted)
5 MR HAYNES:
6 Q. And the S2?
7 A. (Redacted)
8 Q. (Redacted)
9 A. (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 Q. (Redacted)
14 (Redacted)
15 A. (Redacted)
16 (Redacted).
17 Q. (Redacted)
18 A. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 Q. (Redacted)
23 A. (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 Q. (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 A. (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. (Redacted)
- 11 (Redacted)
- 12 A. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. (Redacted)
- 18 A. (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. (Redacted)
- 24 A. (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. I think you told us yesterday that the distance is 120 kilometres, or so. How
9 long did it take to walk that distance?

10 A. 120 kilometres on the main road, and you go by lorry, but when you take
11 short-cuts, which pedestrians do, it's about 70 kilometres.

12 Q. Thank you for that. How long did it take to walk 70 kilometres?

13 A. It took two days. (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. (Redacted)
- 7 (Redacted)
- 8 A. (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. (Redacted)
- 12 (Redacted)
- 13 A. (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. (Redacted)
- 22 A. (Redacted)
- 23 Q. (Redacted)
- 24 (Redacted)
- 25 A. (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 A. (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 THE INTERPRETER: The booth - the Lingala booth - signals that the sound cut
18 and part of the answer was inaudible.

19 MR HAYNES:

20 Q. We lost your answer, Mr Witness. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. I didn't understand the question. Please could you ask me again?

2 Q. Yes, let me put it in a different way. (Redacted)

3 (Redacted)

4 A. Well, I said that (Redacted)

5 Q. Thank you. Let's go backwards. How many days after (Redacted)

6 (Redacted)

7 A. I would say that at the time that these people went to meet the military
8 authorities on the other side of the river, such that they could be informed of the
9 situation, that was the 26th. They came back in the night and they went to look for
10 transport, motorbikes. They arrived on the 26th, very late in the night, and they
11 arrived in the early hours, around 4 a.m., (Redacted).

12 That was around 5. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) That was already the

16 27th. They were on motorbikes and they arrived during the day, and they left the
17 commander and he received the order to get the staff together in order to cross over
18 on the 28th.

19 (Redacted) -- it was the 27th when they left, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Okay, thank you very much. I just want to go back to Zongo for a moment.

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- 1 (Redacted)
- 2 (Redacted)
- 3 A. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 Q. Thank you. (Redacted)
- 17 (Redacted)
- 18 A. (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. (Redacted)
- 25 A. (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 Q. (Redacted)
- 4 PRESIDING JUDGE STEINER: (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 THE WITNESS: (Interpretation) (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 MR HAYNES: Thank you, your Honour.
- 15 Q. Okay, let's come to Bangui. (Redacted)
- 16 (Redacted)
- 17 A. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 Q. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 A. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE INTERPRETER: From the Lingala booth, Madam President, the Swahili
15 interpreters would like to ask the witness to kindly slow down, because he is
16 speeding up.

17 PRESIDING JUDGE STEINER: Mr Witness, you remember that yesterday I
18 mentioned that it was important for you to speak slower than normal in order to
19 facilitate our interpreters' job? The Lingala interpreter is asking you - kindly asking
20 you - to slow down because sometimes you are speaking too fast, making it difficult
21 for the interpreters to follow you. Is that fine with you, sir?

22 THE WITNESS: (Interpretation) Thank you. I have fully understood you.

23 PRESIDING JUDGE STEINER: Mr Haynes.

24 MR HAYNES: Thank you, your Honour.

25 Q. What was at Camp Béal?

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1 A. At Camp Béal, (Redacted), the rebels had begun to attack them. They were
2 already at PK4 and they were firing, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Okay. Were there any Central African forces at Camp Béal?

11 A. Yes. It was a headquarters, you know. The logistics base of the army was
12 there. There were some soldiers there as well. Some of their troops were already at
13 the battle-front. There was gun-fire and bullets were flying over the camp to
14 the -- towards the presidential residence. So I think that the only soldiers who could
15 have been there at the time would have been those guarding the arms depot and
16 others guarding the offices. There were no soldiers in the offices as such, because
17 the available soldiers were already -- had already taken up their various positions.

18 PRESIDING JUDGE STEINER: Mr Haynes, I would like to ask Mr Haynes and also
19 the Prosecution, whether you have any objection if I ask Ms Toumaj, that is at the side
20 of the witness, to make a gesture for him to slow down every time he starts speeding
21 up, because otherwise I'll have to interrupt more frequently.

22 Any objection, Mr Haynes?

23 MR HAYNES: On my part, absolutely not.

24 MR IVERSON: No objection from the Prosecution, Madam President.

25 PRESIDING JUDGE STEINER: So I please ask Ms Toumaj to make a gesture with

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1 your hand in order to -- the witness to slow down every time he starts speeding up,
2 and therefore I don't need to interrupt the questioning every time to remind him.

3 Is that fine with you, sir?

4 THE WITNESS: (Interpretation) Yes, I agree.

5 PRESIDING JUDGE STEINER: Mr Haynes.

6 MR HAYNES: Thank you, your Honour.

7 Q. I know it's a long time ago, but can you explain approximately where is Camp
8 Béal in the city of Bangui?

9 A. I can provide that description, but you have to forgive me that, (Redacted)
10 (Redacted), I cannot give any further descriptions of Camp Béal.

11 However, if you are coming from the river, from the DRC, and you crossed over, it
12 would be some two-and-a-half kilometres away from the river before you get to P4.
13 Right there, in-between there is the National Assembly.

14 Now, if you left the RDC to go towards the airport, you would see the residence of
15 late-President Patassé and then Camp Béal, for me, was located right in the centre of
16 the city, that is of Bangui.

17 Q. Okay.

18 A. And this city is located along the Ubangi River.

19 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. Counsel, I did not quite understand your question. Would you please kindly
5 repeat it?

6 Q. (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 (Redacted) I have not quite understood you. Please, could you repeat your question?

18 Q. Mr Witness, you're quite correct to criticise me. Let me put it another way.

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Okay. Just a few things about that. Colonel Thierry, what was his position?

13 A. Colonel Thierry (Redacted) would have been referred to as the G3. He was
14 in charge of soldier training, operations, planning of the national territory, and he
15 was the one in charge of such things in their army.

16 Q. (Redacted)

17 A. (Redacted)

18 (Redacted)

19 Q. (Redacted)

20 (Redacted)

21 A. This is what the structure looked like: The operations commander was

22 General Mazi of the Central African Republic. (Redacted)

23 (Redacted) There was also a colonel, whose name I now forget, but it must have

24 been Colonel Ouragan. He was in charge of administration and logistics relating to

25 the operations.

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1 Q. And what nationality was he?

2 A. He was a Central African national. (Redacted), he was the commander
3 of the FACA troops on the ground, and his troops were with him as well.

4 Q. (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. When and where were soldiers provided with uniforms?

23 A. (Redacted)

24 Uniforms were mentioned and that was before the attack.

25 MR HAYNES: I'm sorry, Mr Witness, there are just some distracting noises at the

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1 moment.

2 PRESIDING JUDGE STEINER: It appears that there is some problem with the
3 interpretation for --

4 (Pause in proceedings)

5 PRESIDING JUDGE STEINER: Apparently the problem is just with communication
6 between the two court officers, so we can continue. No prejudice to the questioning.

7 MR HAYNES: Thank you, your Honour.

8 Q. I'm sorry, Mr Witness, for the pause, but there were some strange noises and we
9 needed to see what they were.

10 Was it all the soldiers (Redacted) who were provided with a uniform, or just some of
11 them?

12 A. As for the soldiers at Camp Béal, I would say that most of (Redacted)
13 (Redacted); that is the Central African uniform.

14 Q. Thank you, you've cleared up the ambiguity in your original answer. What
15 about food and fuel for the vehicles? (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 Q. Okay, now let's move back to the chronology. (Redacted)

20 (Redacted)

21 (Redacted)

22 A. After the command had been put in place, the command of operations that is,
23 there were only two units: (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) All of this

2 was done on the same day, and on the next day (Redacted).

3 Q. What was the combat situation (Redacted)

4 A. (Redacted) The rebels were using heavy

5 weaponry, and the heavy weaponry reached (Redacted) and also managed to hit the local

6 authorities and the shells fired by the rebels fell upon (Redacted). Subsequently, the Libyans

7 were also using heavy weaponry in order to fire back upon the enemy. They were

8 in charge of security for the president. There was also planes from the Central

9 African government who were flying overhead and dropping shells on rebel

10 positions. (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 THE COURT OFFICER (Redacted): (Interpretation) I apologise, Madam President, but

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1 it would seem that the witness needs to take a small break.

2 PRESIDING JUDGE STEINER: Of course. We can anticipate the breaking - the
3 normal breaking - so we will suspend now. Mr Witness, ten minutes? We can
4 suspend for ten minutes and then we will continue.

5 THE WITNESS: (Interpretation) Thank you very much.

6 PRESIDING JUDGE STEINER: Mr Witness, we will anticipate our normal break.

7 It's 20-to-11. We'll be back at 10-past-11.

8 I ask, please, court officer to turn into closed session in order for the witness to be
9 taken outside the video link room. In the meantime, we will suspend and resume at
10 10-past-11.

11 *(Closed session at 10.41 a.m.) Reclassified as Open session

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

13 THE COURT USHER: All rise.

14 (Recess taken at 10.41 a.m.)

15 (Upon resuming in open session at 11.35 a.m.)

16 THE COURT USHER: All rise.

17 Please be seated.

18 THE COURT OFFICER: Your Honours, we are in open session.

19 PRESIDING JUDGE STEINER: We are in open session. So just we are resuming
20 just to share with the parties that we are having a serious technical problem due to
21 the snowstorm that we are facing at this moment. There is no estimation at all on
22 when the communication will be re-established, which means that at least for the time
23 being we cannot proceed.

24 So the suggestion of the Chamber instead of leaving all parties, participants, here
25 waiting, is that we suspend and we resume in the afternoon when we hope the

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1 communication will be fully established. So this is the proposal of the Chamber that
2 we sit: The only possibility in the afternoon will be to sit between 3 and 5, from 3 to
3 5. So if that is agreeable to the parties, that is the suggestion that was given to us by
4 Registry.

5 Mr Haynes?

6 MR HAYNES: Would you forgive me a moment? Obviously, I didn't know you
7 were going to say that. Would you mind if I consult with the accused just briefly,
8 because it will mean of course him sitting in a small room for quite a long time?

9 PRESIDING JUDGE STEINER: For sure, Mr Haynes.

10 MR HAYNES: If that is the proposal, the accused would prefer if he could be
11 transported back to the detention unit to await the later sitting. I don't know what
12 the logistics of that are.

13 PRESIDING JUDGE STEINER: I don't know either, Mr Haynes, but maybe is it
14 possible for Mr Rojas to get the information?

15 THE COURT OFFICER: Yes, Madam President, I will liaise with the necessary staff
16 in order to see whether it would be possible to arrange transport for Mr Bemba and I
17 will let the Defence know in due course.

18 MR HAYNES: So that the position is completely explicit, if that is not an option,
19 I think he would prefer to suspend until tomorrow morning.

20 PRESIDING JUDGE STEINER: The Chamber will consider then, Mr Haynes.

21 MR HAYNES: Yes.

22 PRESIDING JUDGE STEINER: As soon as the Chamber is informed about the
23 possibility of transportation for Mr Bemba during this long break, in principle, the
24 Chamber will resume at 3 o'clock. If the transportation is not possible, Mr Rojas will
25 inform the parties and participants that we will resume tomorrow morning at

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- 1 9 o'clock.
- 2 Mr Rojas, please also liaise with Ms Toumaj - only the mobile phone is available - in
- 3 order for the witness not to be kept in that small room as well waiting for further
- 4 instructions.
- 5 So the hearing is suspended until 3 o'clock until otherwise decided.
- 6 THE COURT USHER: All rise.
- 7 (The hearing ends at 11.39 a.m.)
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 10 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public