

Trial Hearing
Witness: CAR-D04-PPPP-0045

(Open 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 Monday, 18 March 2013
- 8 (The hearing starts in open session at 11.06 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: Thank you, Madam President. Situation in the Central
- 15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
- 16 ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: 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 to our interpreters
- 20 and court reporters. Good morning, Mr Rojas.
- 21 THE COURT OFFICER (Redacted): (Interpretation) Good morning, Madam President.
- 22 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 23 WITNESS: CAR-D04-PPPP-0045 (On former oath)
- 24 (The witness speaks Lingala)
- 25 The witness gives evidence via video link)

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1 THE WITNESS: (Interpretation) Good morning, Madam President.

2 PRESIDING JUDGE STEINER: So first of all on behalf of the Court, of course, I want
3 to apologise to parties, participants and to Mr Witness for the delay caused by
4 problems in another place where the video link is retransmitted into the place of the
5 transmission where our witness is, so that's why we lost almost two hours of our
6 hearing today.

7 We will try to compensate, and I inform the parties and participants and Mr Witness
8 tomorrow we will sit normal hours in the morning, plus two hours in the afternoon
9 from 3 to 5 o'clock.

10 Mr Witness, are you ready to continue with your testimony?

11 THE WITNESS: (Interpretation) Yes, Madam President, I am ready.

12 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
13 under oath. Do you understand that, sir?

14 THE WITNESS: (Interpretation) Yes, I do understand that, Madam President.

15 PRESIDING JUDGE STEINER: Mr Witness, your questioning today will start by the
16 representative of the Office of the Prosecution, Mr Iverson.

17 So I give the floor to Mr Iverson. If you prefer to stay seated, please feel at ease.

18 MR IVERSON: Thank you, Madam President. Good morning, your Honours.

19 QUESTIONED BY MR IVERSON: (Continuing)

20 Q. Good morning, sir. How are you this morning?

21 A. Good morning to you too. I feel well. I'm strong.

22 MR IVERSON: Madam President, I'd like to request that we go into private session
23 for the first portion of the questioning.

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

25 *(Private session at 11.10 a.m.) Reclassified as Open session

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

2 MR IVERSON:

3 Q. Sir, the reason I asked for a private session is because I want to ask some
4 questions about the chronology of (Redacted), and these questions
5 could risk, if we asked them in open session, that somebody from the outside would
6 be able to know who you are, know your identity. I'd like to go back to the period
7 after the operations in the Central African Republic, 2003 and 2004. Now, there is a
8 transition during that period; is that correct? A political transition?

9 A. That is correct. There was some kind of transition that took place at that time.

10 Q. (Redacted)

11 (Redacted)

12 A. I have not quite understood your question. Did you say that between
13 2003/2004 there was a transitional period? (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 Q. Okay, and I'm talking about 2003 and 2004. (Redacted)

18 (Redacted)

19 A. I have not quite understood which dates you are referring to. There was a
20 process in place towards the end of 2003 and 2004, at which point there was already
21 some kind of understanding in place. Now, in 2004 the entire ALC joined the
22 FARDC and became the FRC because there was an agreement between the two forces.

23 Q. Okay. And I want to ask you (Redacted), and
24 you still haven't given a date, but in 2003/2004, during that period, (Redacted)

25 (Redacted)

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1 A. Yes, that was a required procedure. (Redacted)

2 (Redacted)

3 Q. Okay. And I'm asking specifically in 2003 and 2004. I'm not talking about

4 1999. (Redacted)

5 (Redacted), if so, could you please explain what happened to the Chamber?

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Sir, are you familiar with the process of (Redacted), what that

23 process entails just in general, even subsequent to the transition?

24 A. I would like to ask counsel who is questioning me to refer to the agreement

25 signed by the authorities when they went to South Africa. If he reads that carefully,

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1 then he might be in a position to ask me a number of questions.

2 (Redacted) When there was an agreement between the

3 authorities and when the existence of the ALC was recognised, then the ALC merged

4 with the FARDC and the authorities deemed this to be proper in terms of peace for

5 our country. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Sir, and I'm not asking questions that refer to the organisation of the transition.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Q. (Redacted)
- 6 (Redacted)
- 7 A. (Redacted)
- 8 (Redacted)
- 9 Q. (Redacted)
- 10 (Redacted)
- 11 A. (Redacted)
- 12 Q. (Redacted)
- 13 A. (Redacted)
- 14 Q. (Redacted)
- 15 A. (Redacted)
- 16 Q. (Redacted)
- 17 (Redacted)
- 18 A. (Redacted)
- 19 (Redacted)
- 20 Q. (Redacted)
- 21 A. (Redacted)
- 22 Q. (Redacted)
- 23 A. (Redacted)
- 24 Q. Sir, I'd like to go back into open session. Before I do that I'm going to try to do
- 25 the same thing that my colleague, Mr Haynes, from the Defence did, (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. Yes, I have understood you.

6 MR IVERSON: Madam President, I'd like to request to go into open session.

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

8 (Open session at 11.38 a.m.)

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

10 MR IVERSON:

11 Q. Sir, I'd like to start with the very end of the operations in CAR. After the
12 battalion commander crossed the Ubangi, he went to his headquarters in Libenge; is
13 that correct?

14 A. I did not quite understand your question.

15 Q. At the end of the CAR operations, the battalion commander crossed the Ubangi
16 and went back to his headquarters in Libenge; is that right?

17 A. At the end of the operations in Bangui, the battalion commander stayed for a
18 short while in Zongo. It is only after that that he returned to his normal residence in
19 Libenge.

20 Q. For how long was the battalion commander in Zongo?

21 A. The battalion commander stayed in Zongo for one-and-a-half weeks.

22 Q. Did the battalion commander get full accountability of his battalion while in
23 Zongo? Was he able to account for every person in the battalion?

24 A. Zongo came under the battalion commander's sector, but during that time when
25 the battalion commander was in Zongo he was simply there to provide guidance to

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1 see what his soldiers were doing in order to prepare a report to submit to his
2 superiors.

3 Q. How many personnel losses did the 28th Battalion sustain?

4 A. I did not quite understand your question. Are you referring to the losses
5 suffered by our soldiers?

6 Q. Yes. How many casualties, killed in action and wounded in action, did the
7 battalion sustain?

8 A. In our battalion, there were eight dead and then you had 20 injured who
9 received treatment.

10 Q. And was the battalion commander able to confirm these numbers during the
11 time that he was in Zongo?

12 A. Yes.

13 Q. Did Colonel Moustapha ask the battalion commander to report his battalion's
14 state of readiness and to account for his losses?

15 A. Yes -- no, he could not ask for that. After the events it was normal for the
16 battalion commander to prepare his report. Furthermore, there was an evaluation
17 meeting. The leader convened all battalion commanders. He read all the reports,
18 which made it possible for him, in turn, to prepare his own report.

19 Q. And in the battalion commander's report, there was a report of the number of
20 killed in action and wounded in action; is that right?

21 A. All those things were included, so the report also included reference to injured
22 soldiers who were still receiving treatment at the hospital.

23 Q. And would that have been a hospital in Zongo?

24 A. Minor injuries were treated in Zongo, but soldiers who had sustained serious
25 injuries were transferred to the reference hospital in Bwamanda, and this locality is

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1 also in the sector of our brigade.

2 Q. Sir, the Deputy Battalion Commander, René Abongo, was killed in action in the
3 CAR; is that right?

4 A. Yes, that is correct. The deputy commander of the 28th Battalion died there.

5 Q. Do you know the circumstances of his death, sir?

6 A. No, that did not require a report to be submitted to me. We were together.

7 Q. So if you were together, then I assume that you know the circumstances of his
8 death; right?

9 A. Yes.

10 Q. Under what circumstances did René Abongo die?

11 A. This is what I can say: He died during the last battle on the other side, on the
12 Bossangoa road. The battalion advanced up until the afternoon or evening. At
13 around 1530, the battalion stopped because our soldiers did not have water so they
14 stopped to try and find some water to drink. This location was 25 kilometres away
15 on the Bossangoa road, and it was there at around 1600 hours, the rebels were
16 advancing and they attacked at around 1630 and 1700 hours. The deputy
17 commander of operations was also present. The only person who died was the
18 deputy battalion commander. When the rebels attacked, the deputy stood up, he
19 took his weapon to go and see where he had positioned his troops. He was not
20 aware that the enemy had already repulsed his soldiers, and that is when he was hit
21 by a bullet during that battle. He was the only one killed there.

22 There was another person who was ill, but who subsequently died because of the
23 trauma caused by that attack. So this happened in the bush.

24 Q. Sir, would you agree that the event you described happened around
25 mid-February 2003?

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1 A. I do not want to lie. I think I have forgotten the date.

2 Q. Sir, I want to ask a few questions about your memory. It seems that some
3 events are clearer in your mind than others; is that fair to say, sir?

4 A. You are the one putting questions to me and I am giving you answers.

5 THE INTERPRETER: From the Lingala interpreter, "We did not hear the last part of
6 the witness's answer."

7 MR IVERSON:

8 Q. Sir, could I ask you just to repeat the last part of your answer? The interpreter
9 did not hear it.

10 A. Are you referring to the circumstances in which the deputy battalion
11 commander died? Would you want me to repeat?

12 Q. No, sir, that's not what I'm asking about right now. But it has been more than
13 ten years, on Friday, last Friday, 15 March, we reached the 10-year mark of the end of
14 the operation, so I have to ask, after ten years of these events happening, is your
15 memory still clear on all of the points you mentioned with counsel for the Defence?

16 A. I do not know. I do not know whether I am understanding the interpretation
17 correctly. You asked me to repeat what I said, and I asked you whether you wanted
18 me to repeat my account of the death of the deputy battalion commander. That is
19 what I was asking you.

20 Q. And I'm saying "No, sir." I'm not asking you to repeat. I'm asking you a
21 different question about your memory. Is your memory clear on all of the points
22 you mentioned with counsel for the Defence?

23 A. If you ask me questions about those things, then I will answer your questions.

24 Q. Okay. It doesn't really answer the question, but let me ask you this: Were
25 you mistaken about anything that you said under oath to Defence counsel?

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1 A. I haven't understood your question. You're speaking about taking the oath
2 with regards to the Defence, in order to join the FARDC, or to swear an oath with
3 which institution? Please, could you excuse me and ask your question again.

4 Q. Sir, were you mistaken about any of your testimony so far that you have given,
5 including your testimony from last week? Are you mistaken about any of the points
6 that you've testified on so far?

7 A. To make an error is human, and if there is a mistake that has been made, please
8 indicate it to me. If I have something to say with regards to that mistake, I will do
9 so.

10 Q. Sir, I'm not asking about any mistakes in particular. I'm giving you the
11 opportunity right now to let the Chamber know whether or not you think you made
12 mistakes or left anything out of your testimony so far. Have you?

13 A. As far as I'm concerned, since the start of these proceedings to date, I don't
14 remember having made any mistake. Perhaps this mistake is due to the
15 interpretation, but if there is an error, please tell me what it is so that I make comment
16 thereon. When I speak in Lingala, it's interpreted into other languages that I don't
17 understand, so I could say something that I know and during interpretation it
18 changes, so you can understand something that's different from what I said.

19 MR IVERSON: Madam President, I'd like to request that we go into closed session
20 briefly. Excuse me, private session.

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

22 *(Private session at 12.04 p.m.) Reclassified as Open session

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

24 MR IVERSON:

25 Q. Sir, I want to ask you about the notes that you brought in to the hearing on the

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1 first day. Do you remember that?

2 A. I remember. I remember having brought with me some notes.

3 Q. And you prepared these notes because you knew why you were testifying;
4 right?

5 A. It was the day of familiarisation. I was given information with regard to my
6 *testimony, and when I arrived here there was a straw hut outside where I sat down
7 while waiting for the liaison for the video conference to be established, and
8 during the familiarisation they told me that I could ask questions to people who were
9 guiding me, and that's how the day in which I entered into the room, where I started
10 to give my testimony, I brought these notes with me.

11 And before that I was in a room, and I would say it was during familiarisation where
12 I was told that the aim of my stay -- or the reason why I was called. And after I was
13 told that, I started to reflect on the aim as to why I'd been called so that I wouldn't get
14 lost, but I have to say that when I arrived here nobody told me to leave my notes
15 outside.

16 I remember that on the day that I was at the familiarisation, I entered with my notes,
17 and the same thing happened on the day that I arrived here. I said that I'm going to
18 bring my notes with me. Nobody prevented me from bringing them with me. And
19 in these notes I wrote a few ideas down that came to mind. That was 30 minutes
20 before entering the room in which I started giving testimony.

21 Q. Very well, but your answer doesn't really explain something else you said and I
22 want to ask you about that. You prepared notes because you knew why your
23 colleagues were called to testify; right?

24 A. I had no contact with any people at all. What you've just said isn't true. If
25 you want to ask me questions with regards to the notes that I brought with me, ask

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1 me questions, such as "Why were you allowed to bring your notes during the
2 familiarisation?" Then I will answer the question. Since we started to work
3 together I've been told not to bring notes, and that's the reason why I no longer bring
4 them with me. So ask me questions with regards to the notes.
5 I remember that the familiarisation took place on the Friday, so that's something that
6 happened when I already arrived on the compound. I received nothing from
7 outside. When they gave me the sheets, I started writing my notes. There was also
8 the ICC staff who were alongside me. Nobody prevented me from taking notes at
9 that time.

10 For me it was the first time of appearing before a tribunal, so I don't know the
11 proceedings. Even here (Redacted), I've never appeared before a tribunal, none.
12 And this was the first time for me that I appeared before the Bench, so I do not know
13 the procedure before a tribunal such as this.

14 Q. Why mustn't you lose sight of the dates, sir?

15 A. I'm a human being. There are dates relating to the events which are engraved
16 in somebody's memory, but the person might forget the dates given that the events
17 took place a long time ago. That's the reason why the person has to take time to
18 recall the events and thereby remember the dates.

19 Q. Sir, could another explanation be that you want to make sure that your dates
20 match with what colleagues have said?

21 A. The name of the person who testified before me is something I don't know.
22 What's his name?

23 Q. Funny that you said right before you, but I need to ask you which colleagues
24 were called, according to you?

25 A. If you give me the name of the person who testified before me, then I can tell

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1 you if I know this person or if I don't know that person. Please excuse me saying
2 this. I came here and I started to testify before the Bench, but I can tell you that I do
3 not know the person who testified before me.

4 Q. Sir, you're the one who said that you knew why other colleagues had been
5 called, and that's in transcript T-293, English edited transcript, page 36, lines 20 to 23,
6 just for the reference. You're the one who said that you know why other colleagues
7 were called, so we all know that you know which other colleagues were called.
8 Which ones were they, sir?

9 A. With regard to what you've just said, I would state the following: I arrived
10 here where I am now. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) They took my number; my contact number.

17 Here I'm talking about the staff working here. For my security, I don't have a
18 telephone number. I don't go out. It was when they said that that I understood
19 that there was a message that had been sent to ask some of us to come and testify, but
20 I don't know what their names are and I also can't say if they came before me, or if
21 they will come after me.

22 Q. Sir, just for the record, are you refusing to answer the question?

23 A. I don't know. I don't know what question you put to me to which I haven't
24 answered. I don't know any colleagues who have been called, or are said to have
25 been called, to testify before me. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Okay, I think I'll just move on here. Sir, which dates are you supposed to
6 remember?

7 A. I'm a human being. During the time when these events were ongoing there
8 were dates that I remember precisely and which I can give with regard to these events,
9 but I can't lie and give false dates because I swore an oath when I said that I would
10 tell the truth. If I do that, if I tell lies, then at that time I would have to give false
11 dates.

12 Q. Okay, but I'm asking about specific dates. Which dates did you write down?
13 Which dates were you supposed to remember?

14 A. For me, the date or the dates that are easy for me to remember are those dates
15 which I wrote to not forget them, to not get lost, to not get confused during my
16 testimony. So I wrote dates of events that I was sure that I remembered that events
17 had occurred at that time. I did that in order to make things easier for me.

18 Q. Okay, and I'd like to make things easy for you and for the Chamber. What did
19 you write down in your notes? What dates and ideas did you write down in your
20 notes?

21 A. I consider myself an adult. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 dates that I remember and which I wrote on the notepaper.

2 Q. Sir, I'd like to move to some other questions and for that I think we need to

3 remain in closed session, Madam President.

4 (Redacted)

5 A. (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 PRESIDING JUDGE STEINER: Mr Iverson.

13 Mr Witness, the Prosecutor needs to ask you the question because you are the witness,

14 not the Prosecution. That's why the answer must come from you. Please answer

15 the questions.

16 THE WITNESS: (Interpretation) Thank you.

17 MR IVERSON:

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 Q. (Redacted)

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

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

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- 1 (Redacted)
- 2 Q. (Redacted)
- 3 (Redacted)
- 4 A. (Redacted)
- 5 (Redacted)
- 6 Q. (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 A. (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Q. Well, that is a good point, sir. So let me ask you --
- 16 MR IVERSON: And for this I think we can go into open session, Madam President.
- 17 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 18 (Open session at 12.45 p.m.)
- 19 THE COURT OFFICER: We are in open session, Madam President.
- 20 MR IVERSON:
- 21 Q. Sir, since you mentioned your oath, and you mentioned the oath to tell the truth
- 22 and nothing but the truth, I want to ask you something that you omitted. Do you
- 23 consider it important to tell the whole truth?
- 24 A. Yes, I am here to tell the truth in relation to what I know.
- 25 Q. And you took an oath to tell the whole truth; correct?

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1 A. Yes.

2 Q. Sir, could I have you explain to this Chamber what you understand by the
3 phrase "the whole truth"?

4 A. The expression "the whole truth" means answering to all the questions that have
5 been put to me, by shedding light on such questions.

6 Q. Do you believe that it means leaving nothing out of your account, sir?

7 PRESIDING JUDGE STEINER: Mr Iverson, the five seconds, please.

8 THE WITNESS: (Interpretation) I will answer all the questions that are put to me
9 by all parties, and I will speak the truth in relation to what I know.

10 MR IVERSON:

11 Q. Well, there's a reason that you say "the whole truth" in your oath, and I just
12 want to make sure that you understand why that is. It would be improper to tell
13 half-truths; correct?

14 A. I do understand what you have said, but let me say that from the beginning of
15 my testimony, do you really think that I am not telling the truth or speaking the
16 truth?

17 Q. Sir, right now I'm simply asking you if you understand what is meant by the
18 term "the whole truth." Do you feel that you've told the whole truth to this
19 honourable Chamber?

20 A. Yes, I have been answering calmly to the questions by speaking the truth, the
21 whole truth.

22 Q. So you don't feel that you've been misleading anyone; correct?

23 A. I have not been misleading anyone.

24 Q. Do you recall telling the Chamber last week that you weren't aware of any cases
25 of indiscipline, sir?

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Witness: CAR-D04-PPPP-0045

(Open Session)

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1 THE INTERPRETER: The French booth didn't get the last bit of the Prosecutor's
2 question.

3 MR IVERSON: I must have trailed off there. Sorry about that.

4 Q. Do you recall last week telling this Chamber that you were not aware of any
5 cases of indiscipline? Do you recall that, sir?

6 PRESIDING JUDGE STEINER: Reference, Mr Iverson, please.

7 MR IVERSON: If I could ask the Chamber that I come back with the reference. I
8 was asking him if he recalled, so I wasn't expecting that you would ask, Madam
9 President.

10 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

11 MR HAYNES: If we're not going to have a reference, could the question be a bit
12 more specific as to what Mr Iverson alleges the witness says, or said?

13 MR IVERSON:

14 Q. Sir, you don't -- you say that there were no rapes, no murders and no pillaging;
15 is that correct?

16 A. Let me repeat what I said, and it is the truth. This is what I said: Before
17 getting to PK4 and PK12, when the rebels came, scores were settled and the rebels
18 who were on the side of current President Bozizé perpetrated some massacres and
19 did anything they wanted to do against late-President Patassé's ethnic group. So
20 there was a lot of disorder, and when we arrived there, we learnt about those things
21 that had happened. That was my testimony. That is what I said.

22 Q. Sir, did the ALC commit any rapes, any murders, or did they pillage at all?

23 A. I cannot answer that question in relation to the ALC in general terms.
24 However, regarding my group, all the intelligence services were led by the Central
25 Africans, and during that period I did not learn of any such cases.

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1 Q. Sir, and this is what I'm talking about, are you failing to mention any type of
2 misconduct that may have occurred in a battalion of the ALC?

3 MR IVERSON: May I go into closed session briefly, Madam President?

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

5 *(Private session at 12.56 p.m.) Reclassified as Open session

6 THE COURT OFFICER: We are in private session, your Honour.

7 MR IVERSON:

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 MR IVERSON: Well, we'll have to explore that during the next session, sir. Thank
18 you for your time.

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

20 (Open session at 12.58 p.m.)

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

22 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. We had many
23 technical problems today with the video link, and for that reason today we'll have just
24 this short two-hour session that came to an end. I thank you very much, and we will
25 adjourn and resume tomorrow morning at 9 in the morning. We hope you have a

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1 very restful afternoon and evening.

2 I thank very much the Prosecution team, the legal representatives of victims, the

3 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,

4 our court reporters, Mr Rojas from the video link room.

5 This hearing is adjourned.

6 THE COURT USHER: All rise.

7 (The hearing ends in open session at 1.00 p.m.)

8 CORRECTION REPORT

9 The Court Interpretation and Translation Section has made the following correction
10 in the transcript:

11 *Page 13 lines 6 and 7

12 "testimony, and when I arrived here there was something outside where I sat down

13 on the bench, while waiting for the liaison for the video conference to be established,

14 and". Is corrected by "testimony, and when I arrived here there was a straw hut

15 outside where I sat down, while waiting for the liaison for the video conference to be

16 established, and"

17 RECLASSIFICATION REPORT

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

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