

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Thursday, 27 October 2011
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning and welcome, Prosecution team. Mr Iverson, could you please
20 introduce your team for today's hearing?
21 MR IVERSON: Good morning, your Honours. With me in Court today are
22 Laurence Carrier-Desjardins, Massimo Scaliotti and Frédérique Besse and myself, Eric
23 Iverson.
24 PRESIDING JUDGE STEINER: Good morning legal representatives of victims,
25 Maître Zarambaud, Maître Douzima. Good morning to the Defence team,

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1 Mr Haynes, Maître Kilolo. Good morning, Mr Jean-Pierre Bemba Gombo. Also
2 good morning to our interpreters and court reporters.

3 Witness 47 will commence his evidence today. Before the witness is brought into the
4 courtroom, the Chamber will address one procedural matter and will issue one oral
5 decision.

6 The first matter, witness scheduling. On 21 October 2011, the Prosecution sent the
7 Chamber an email containing the proposed schedule for the upcoming Prosecution
8 witnesses. The Chamber invited the Defence to submit its views on the
9 Prosecution's proposal, which the Defence did via email on 24 October 2011.

10 Under the schedule proposed by the Prosecution, the next three witnesses would be
11 Witness 47, who will begin his evidence today, followed by Witness 31 and Witness
12 213. Some breaks are anticipated between these three witnesses to accommodate
13 Witness 31's ability and Witness 213's desire to testify in Lingala, for which the Court
14 has a limited number of interpreters.

15 After these three witnesses, there is a period of 17 calendar days until the next
16 confirmed witness, number 209 -- 219. As the Chamber understands the
17 Prosecution's proposal, the Prosecution anticipates calling witnesses 36 and 45 during
18 that 17 day period, subject to their availability.

19 Under this scenario, six Prosecution witnesses will testify between now and the
20 Court's winter recess. This would leave three Prosecution witnesses to testify after
21 the winter recess: Witnesses 15, 44 and 69.

22 The Prosecution suggests that this postponement is appropriate, because Witnesses
23 15 and 44 have indicated that they are only available to travel to The Hague after the
24 elections in the Democratic Republic of Congo which are currently scheduled for
25 28 November 2011. The Prosecutor requests the Chamber to approve the proposed

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1 schedule and asks for an additional two hours to question each of Witnesses 31 and
2 213 and four additional hours to question Witness 219.

3 The Defence advances two objections to the Prosecution's proposal: First, the
4 Defence argues that Witness 219, the Prosecution's military expert, should testify after
5 the four main insider witnesses. The Defence submits that, because Witness 219 will
6 opine upon the actual evidence presented regarding the MLC's command structure in
7 the Central African Republic, he should testify after that evidence has been presented.
8 In other words, he should be called after Witnesses 15, 36, 44 and 45.

9 Second, the Defence argues that the Prosecution's schedule contains an unacceptable
10 number of non-sitting days and that this delay is not warranted simply because
11 Witnesses 15 and 44 have expressed a preference to testify after the DRC's elections.
12 Proceeding on the assumption that five witnesses would be heard in 2012 under the
13 Prosecution's proposal, the Defence argues that the schedule neither represents an
14 efficient use of the Court's time, nor makes for a speedy and expeditious trial of the
15 accused. To this end, the Defence requests the Chamber that the Chamber set a date
16 by which the Prosecution must complete the presentation of its evidence, whether it
17 has been able to find and bring its witnesses or not.

18 Having considered the parties' positions and given the Chamber's duty to ensure the
19 fair and expeditious conduct of the proceedings, the Chamber rules as follows: First,
20 the Chamber wishes to stress the importance of completing the presentation of
21 evidence in this case as expeditiously as possible. At the same time, the
22 Chamber needs to ensure that the parties have an adequate opportunity to present
23 their cases. In the Chamber's view, this is a key component of a fair trial as
24 enshrined in Article 64(2) of the Statute.

25 Against this background, the Chamber approves the Prosecution's proposal for the

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1 order of the next two witnesses; namely Witnesses 47 and 31. The Chamber does,
2 however, wish to minimise the gaps anticipated between the testimony of these
3 witnesses.

4 Based on the estimates given by the parties, we can predict that Witness 47 will
5 complete his testimony on 1 November, or part way through the day on 2 November.

6 The VWU informed the Chamber yesterday that it had heard from Witness 31 that he
7 would be able to travel on 1 November, as opposed to the date of 3 November
8 outlined in the Prosecution's proposal.

9 Accounting for the witness familiarisation process, this would mean that Witness 31
10 could begin his testimony on 4 November, as opposed to 7 November date originally
11 indicated by the Prosecution. While this is an improvement, it would be preferable
12 if Witness 31 could begin his testimony on 2 November as soon as Witness 47's
13 testimony is completed.

14 To this end, the Chamber instructs the VWU to contact Witness 31 to determine
15 whether he is able to travel earlier so that he would be ready to start testifying on
16 2 November. This would save two or three court days, depending on when
17 Witness 47's testimony finishes.

18 This brings us to the third witness on the Prosecution's proposed re-ordered list,
19 Witness 213. He has expressed a desire to testify in Lingala and, as we all know, the
20 Court has a limited number of Lingala interpreters.

21 Beginning today, those interpreters will be working to translate Mr Ngudjolo's
22 testimony before Trial Chamber II. Considering the expected length of that
23 testimony, there may be a meaningful gap between the completion of Witness 31's
24 testimony and the start of Witness 213's testimony.

25 To minimise this, the Chamber requests the Prosecution to explore the possibility of

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1 calling Witness 36 or Witness 45, or both, before Witness 213. This would obviously
2 depend on the availability of these witnesses, and the Chamber understands that the
3 Prosecution, or the VWU, will need to contact them to determine their availability.
4 The Chamber requests the Prosecution to inform it and the Defence no later than
5 Wednesday, 2 November, on the availability of Witnesses 36 or 45, or both, on
6 whether either or both of them could be brought forward to testify before Witness 213.
7 If the answer to that question is in the negative, the Chamber wants to know whether
8 Witnesses 36 and 45 are available to testify between Witnesses 213 and 219 and, if so,
9 on what dates.
10 As is evident from the foregoing discussion, there are a number of variables that may
11 alter the witness schedule in the coming weeks and months. Because of this, the
12 Chamber considers it premature to rule on the Prosecution's request for the testimony
13 of Witnesses 15, 44 and 69 to be heard after the judicial recess, the Defence's request
14 for a ruling that Witness 219 should be heard after the four main insider witnesses or
15 the Defence request that an end date be set for the completion of the Prosecution's
16 evidence. The Chamber will address these matters as necessary and in due course.
17 Finally, the Chamber grants the Prosecution request for two additional hours to
18 question Witness 31, which the Defence has not opposed. With the additional time,
19 the Prosecution will have approximately six hours to question the witness. The
20 Chamber will defer its ruling on the Prosecution's requests for additional time to
21 question Witnesses 213 and 209 until the scheduling for those witnesses is clearer.
22 This concludes the Chamber's discussion on the scheduling issue.
23 Next, the Chamber will address the Prosecution's request for protective measures for
24 Witness 47, and for that purpose I ask the court officer, please, to turn into private
25 session.

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1 (Private session at 9.47 a.m.)

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

3 PRESIDING JUDGE STEINER: Thank you.

4 On 6 July 2010 the Prosecution filed its corrigendum to the Prosecution's request for
5 protective and special measures for Prosecution witnesses at trial. It's filing 800

6 corrigendum. In this application, the Prosecution requests the Chamber to conduct
7 the entirety of Witness 47's testimony in closed session.

8 According to the Prosecution, full closed session is necessary because the substance of
9 Witness 47's testimony could reveal details about him that could result in his

10 identification. The Prosecution asserts that the accused would not be prejudiced if

11 Witness 47's testimony were heard in closed session because the accused and his
12 counsel would have access both to the witness and his evidence.

13 Finally, the Prosecution offers to prepare summaries of the witness testimony that
14 could be publicly released. On 15 July 2010 the Defence filed its response to the
15 Prosecution request. (Filing 830-Conf-Exp).

16 The Defence acknowledges that the Prosecution has provided concrete, albeit
17 disputed reasons for the measures requested. The Defence further acknowledges
18 that any prejudice resulting from closed session hearings would be mitigated to an
19 extent by the publication of written summaries of the witness testimony.

20 The Defence requests that the Chamber conducts a short preliminary examination of
21 the witness in closed session to determine whether the requested measures are
22 justified.

23 On 15 September 2010 the Victims and Witnesses Unit filed its observations on the
24 corrigendum to the Prosecution request for protective and special measures for
25 Prosecution witnesses at trial (Filing 884-Conf-Exp).

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1 In the relevant part, the VWU suggests that Witness 47 could provide testimony in
2 closed or private session for the parts of the testimony that may lead to his
3 identification. In addition, the VWU recommends that Witness 47 be afforded face
4 and voice distortion and allocated a pseudonym to further enhance his safety.
5 On 25 October 2011 the VWU informed the Chamber that Witness 47 wishes to testify
6 in open session. It does not wish to have any protective measures granted to him.
7 When ruling on a request for protective measures, Rule 87(1) of the Rules directs the
8 Chamber to take into account the consent or lack thereof of the person for whom
9 protective measures are sought.
10 Before ruling on the Prosecution's request, the Chamber wishes to ensure that
11 Witness 47 understands the protective measures being sought and has made an
12 informed decision in relation to those measures. For the purpose of the record, I
13 want to add that yesterday the Prosecutor made a filing, 1864-Conf-Exp, on his
14 assessment, individual risk assessment of the remaining Prosecution witnesses and in
15 the relevant part the Prosecution insists in the protective measures sought for
16 Witness 47, meaning that he testifies in full closed session.
17 In order to proceed to the preliminary examination suggested by the Defence, and in
18 compliance with Rule 87(1) of the Rules of Procedure and Evidence, the
19 Chamber asks the court officer, please, to turn briefly into closed session in order for
20 the witness to be brought into the courtroom.

21 (Closed session at 9.54 a.m.)

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

23 PRESIDING JUDGE STEINER: Could, please, court usher bring the witness in.

24 (The witness enters the courtroom)

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1 (The witness speaks French)

2 PRESIDING JUDGE STEINER: Mr Witness, good morning and welcome to this
3 Court.

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

5 PRESIDING JUDGE STEINER: Mr Witness, the representatives of the Victims and
6 Witnesses Unit, with whom you met earlier this week, have informed the
7 Chamber that you wish to testify in open session; is that correct, sir?

8 THE WITNESS: (Interpretation) Yes.

9 PRESIDING JUDGE STEINER: As the staff of the Victims and Witnesses Unit
10 explained to you, if you testify in open session your identity, as well as the substance
11 of your testimony, will be known to the public, will be broadcast outside this
12 courtroom. Are you aware of that, sir?

13 THE WITNESS: (Interpretation) Yes, indeed, Madam President.

14 PRESIDING JUDGE STEINER: Mr Witness, in the Prosecution's view, testifying in
15 public may create risks, not only for you but also for family members, particularly
16 those who live in areas where the Court does not have a presence. Are you aware of
17 that?

18 THE WITNESS: (Interpretation) Yes, Madam President.

19 PRESIDING JUDGE STEINER: Despite the possibility of such risks, you wish to
20 testify in public. Can you please inform the Court your reasons for such a choice
21 and please, Mr Witness, at no moment make any reference to the place where you
22 live now with your family, nor at the places where other family members live.

23 THE WITNESS: (Interpretation) Could you please repeat, Madam President?

24 PRESIDING JUDGE STEINER: Sorry, I did not understand your question,
25 Mr Witness.

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1 THE WITNESS: (Interpretation) Could you please repeat your last point for me to
2 be able to hear it better?

3 PRESIDING JUDGE STEINER: Even being warned about possible consequences of
4 your public testimony, you wish to testify in public. Would you like to explain to
5 the Chamber the reasons why you want to testify in public? But after that, I gave
6 you a recommendation that don't mention the place where you live now or the place
7 where your family members live. There is no need to give these explanations now.
8 The Chamber would like to know, if you want, to clarify the Chamber on the reasons
9 for your choice.

10 THE WITNESS: (Interpretation) I can invoke the answer that I provided on the last
11 occasion. Those who deal with security put this question to me and I have already
12 provided them with the answer and I'll keep to that.

13 PRESIDING JUDGE STEINER: (Microphone not activated).

14 THE INTERPRETER: From the English booth, could Madam President please be
15 requested to remember that there is overlapping on the English channel? Thank
16 you.

17 PRESIDING JUDGE STEINER: Bearing in mind the information given by the
18 witness to the representatives of VWU, now confirmed before the Chamber for the
19 purpose of the record of the case, the Chamber issues the following decision.
20 In light of the witness's desire to testify in public session, the Chamber denies the
21 Prosecution's request for protective measures. Under Rule 87(1) of the Rules,
22 consent of the affected person is a key factor to be considered when ruling on
23 requests for protective measures.

24 In the Chamber's view, it will rarely be appropriate to impose protective measures
25 over a witness's objection. In this situation, the witness has requested to testify in

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1 public session and the Chamber is satisfied that this decision has been made on an
2 informed basis.

3 In the Chamber's view, the Prosecution has not provided sufficient reasons as to why
4 the witness's preference should not be respected, or that the witness was not able to
5 make an informed decision.

6 By the same token VWU, although suggesting that usual in-court protective measures
7 in its email sent yesterday to the Chamber, has not brought to the attention of the
8 Chamber any elements to justify the reasons for the witness's opinion not to be taken
9 into account.

10 Therefore, the Prosecution's request is denied and the witness will testify in public
11 session.

12 Could, please, court officer turn into public session.

13 (Open session at 10.03 a.m.)

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

15 PRESIDING JUDGE STEINER: Thank you very much.

16 Good morning again, Mr Witness.

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

18 PRESIDING JUDGE STEINER: The Chamber has just decided that, according to
19 your wish, you are going to testify in open session. If at any time in your view you
20 need to give information that, in your view, should be only dealt with by the persons
21 present in the courtroom and not be broadcast outside the courtroom, you just let us
22 know and we can go into private session as many times as you want.

23 We will now start with your testimony, and first I ask, please, court usher to facilitate
24 you taking the oath. You may have in front of you a card with the wording, the
25 words for the oath. Could you please read these words and take the oath.

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1 THE WITNESS: (Interpretation) Should I remain seated, or --

2 PRESIDING JUDGE STEINER: You can say it seated. You don't need to stand up.

3 THE WITNESS: (Interpretation) "Solemn declaration. I solemnly declare that I will
4 speak the truth, the whole truth and nothing but the truth."

5 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken
6 the oath, can I confirm that you understand what the oath means?

7 THE WITNESS: (Interpretation) Yes, your Honour.

8 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
9 answers to questions asked of you that are true and accurate to the best of your
10 knowledge and belief?

11 THE WITNESS: (Interpretation) Yes, your Honour.

12 PRESIDING JUDGE STEINER: Mr Witness, as we just decided, you are going to
13 testify in open session. Although your identity will be known to the public, I want
14 to remind you that maybe there are other persons - victims, witnesses - connected
15 with this case, connected with you, whose identities are not known to the public. I
16 do, therefore, ask that you exercise caution when mentioning names of persons who
17 may be considered vulnerable in the context of these proceedings.

18 As I mentioned before, if need be we can go into private session. Private session
19 means that the public cannot listen to what you say, so you can speak freely. Only
20 the persons present in the courtroom will be able to hear what you say.

21 Finally, Mr Witness, because we speak different languages we have interpreters.

22 Because of the interpretation, it is important that you speak slower than normal in
23 order to allow the interpreters to do their job. You also need to give some time, five
24 seconds, after a question is put to you before you start giving your answer in order to
25 allow the court reporters to complete translating for the transcripts of the Court.

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1 This is what we call the "five seconds golden rule." So after -- before starting giving
2 your answer, please wait for five seconds.

3 Because speaking slow may seem unnatural it may be that you start speeding up, at
4 which point I will have to interrupt you and ask you to slow down again. So, please,
5 don't take offence. This is just for practical reasons, as I said, to allow the
6 interpreters to do their job.

7 Do you understand that, Mr Witness?

8 THE WITNESS: (Interpretation) Yes, your Honour.

9 PRESIDING JUDGE STEINER: Finally, I just have some questions to put to you.

10 My first question is, Mr Witness, have you been given the opportunity to read or have
11 read to you during the familiarisation process the statement, or statements, that you
12 made to the Court?

13 THE WITNESS: (Interpretation) Yes, your Honour.

14 PRESIDING JUDGE STEINER: At the time you made such statement, or statements,
15 did you do so voluntarily?

16 THE WITNESS: (Interpretation) Yes, your Honour.

17 PRESIDING JUDGE STEINER: Is the information that you provided in your
18 statement, or statements, true and accurate to the best of your knowledge and
19 understanding?

20 THE WITNESS: (Interpretation) They are true statements.

21 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the
22 Chamber intend to introduce your statement or statements as evidence in this case,
23 do you have any objection?

24 THE WITNESS: (Interpretation) Could you please repeat the question so that I can
25 understand it more clearly?

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1 PRESIDING JUDGE STEINER: You have made statements to the Prosecution.

2 These are written statements. In case the parties or the Chamber wants to have these
3 written statements as evidence for the case, do you have any objection?

4 THE WITNESS: (Interpretation) No.

5 PRESIDING JUDGE STEINER: Thank you, Mr Witness. You will start now giving
6 your testimony. You will be questioned first by the Prosecution, later by legal
7 representatives of victims, Maître Douzima and Maître Zarambaud, and finally by the
8 Defence. Starting by the questioning by the Prosecution, Mr Iverson you have the
9 floor.

10 MR IVERSON: Thank you very much, Madam President.

11 QUESTIONED BY MR IVERSON:

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

13 A. I'm fine.

14 Q. Good. I've already introduced myself to you a few days ago during the
15 familiarisation process, but let me do it one more time. My name is Eric Iverson and
16 I'm a trial lawyer, and together with my colleagues here at the two counsel table I
17 represent the Office of the Prosecutor and I will be asking you questions for all of
18 today.

19 Madam President has already advised you about how the interpretation system
20 works here. I just want to reiterate what she said. Just try to remember to keep a
21 slow and steady pace and remember the five-second pause in between the question
22 and the answer and, hopefully, things will go smoothly.

23 If at any point we need to slow down, or there's overlap in the question and answer,
24 we'll let you know and we'll straighten the situation out. Is that clear to you, sir?

25 A. Yes, sir.

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1 Q. Sometimes when I ask you questions they may not make sense to you or it may
2 seem like an awkward question, also just let me know and I'll try to rephrase my
3 question so you understand what I'm asking you about. And if you need me to
4 repeat any of my questions, please just feel free to let me know and I'll do that.
5 Okay?

6 A. Okay.

7 Q. Thank you. And just remember also, just take your time when answering the
8 questions. Try to relax and think about the answer. Focus on the question that I'm
9 asking and then answer that question. During the course of your testimony, there
10 will be probably many points where I ask you how you know something, what is the
11 basis of your knowledge for that. It's important for these Honourable Judges in this
12 Chamber to understand what you know and also how you know those facts.
13 And, also, if you need a break at any time just let myself or let the Bench know, the
14 Honourable Judges, and we can accommodate that. Is that all understood up until
15 this point, sir?

16 A. Yes, sir.

17 Q. Sir, could you please say your full name for the record?

18 A. My name is Ossibouyen, Cyprien-Francis Ossibouyen.

19 Q. And what is your date of birth?

20 A. I was born on 27 May 1968 in Bozoum.

21 Q. And what is your nationality?

22 A. Central African.

23 Q. What is your marital status?

24 A. Yes, married.

25 Q. And do you have children, sir?

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- 1 A. Yes, I have eight children to support, and they are all alive.
- 2 Q. What is your ethnic origin?
- 3 A. I come from the southern part of the Central African Republic.
- 4 Q. And do you belong to any type of ethnic group or tribal group?
- 5 A. Yes.
- 6 Q. And what is that ethnic group?
- 7 A. Mbatì.
- 8 Q. And, sir, we know you speak French. Do you speak any other languages?
- 9 A. I know some German, because that is the language that I studied at secondary
- 10 school.
- 11 Q. And any other languages that are found in the Central African region?
- 12 A. The national language Sango.
- 13 Q. What about Lingala; do you speak any Lingala?
- 14 A. Yes.
- 15 Q. How well are you able to speak and understand Lingala?
- 16 A. I understand it well.
- 17 Q. Sir, at this point, I'd like to talk about the period of September 2002 until
- 18 roughly March or April 2003. Could you tell the Court, were you employed at that
- 19 time?
- 20 A. I was a naval mechanic, working for SOCATRAF.
- 21 Q. And could you tell the Court a bit about SOCATRAF, what you're referring to?
- 22 Is this a company or could you just describe it a little bit, please?
- 23 A. Obviously, it is a river transport company.
- 24 Q. And how many years did you work at SOCATRAF?
- 25 A. I spent 12 years working for SOCATRAF.

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1 Q. Could you tell the Chamber which 12 years? So when did you start and when
2 did you finish your employment with SOCATRAF?

3 A. When I left school I first started working. When I was in my first year, I had a
4 traineeship in the company that I mentioned and when I completed that training
5 period I was employed from 1990, if my memory doesn't fail me, up until the year
6 2003.

7 Q. Now, you mentioned that SOCATRAF was a river transport company. Where
8 was SOCATRAF based?

9 A. It was based in Bangui.

10 Q. And could you just tell the Chamber a little bit about the company, what you
11 mean by "river transport company," the locations where it would go from Bangui, the
12 rivers that it would navigate, those types of things?

13 A. As you know, the Central African Republic is a landlocked country. This
14 company called SOCATRAF based itself in the capital of the Central African Republic.
15 All oil products needed for vehicles, engines and tractors, well, it's this company that
16 would take all these oil products from Kinshasa to Brazzaville and having dealt with
17 administrative issues, we'd go back up the river as far as Bangui, which was 1,275
18 kilometres away.

19 Q. Do you know, did SOCATRAF, the oil products and the other items you
20 mentioned, the vehicles, engines, and tractors, did it receive all of those items from
21 Kinshasa and Brazzaville or did those products also come over land to Bangui to be
22 transported?

23 A. Could you please repeat that question so that I can understand it more fully?

24 Q. Let me just try to simplify: Were there products going to SOCATRAF to be
25 transported? Did any products come over land to Bangui, so through the Central

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1 African Republic from another country, for example?

2 A. As I have already said, the Central African Republic is a landlocked country.

3 To the west there is the Cameroon, to the north there is Chad - the Chad - and to the
4 east there is the Sudan. So it's surrounded by these countries, and all our oil
5 products, fuel oil, petrol, kerosene, cement, et cetera, these are things that -- these are
6 the products that SOCATRAF transported into Congo, in Kinshasa or Brazzaville,
7 and they went up the river to Bangui when transporting these products.

8 Q. Do you know whether that was the sole source of fuel or oil products,
9 petroleum products, for Bangui and the surroundings of Bangui?

10 A. As far as I know, that was the only source through which the Central African
11 Republic was receiving sufficient quantities of petroleum products. You see,
12 through Cameroon the tests along the road showed that any fuel coming in by road
13 will take up too much dust and that it was better to bring the products in by river.

14 Q. And did you yourself travel the routes, the shipping routes, between Kinshasa
15 and Brazzaville and Bangui?

16 A. As I told you a short while ago, I was a mechanic on the SOCATRAF vessels, or
17 units.

18 Q. And as a mechanic - and you said you were based in Bangui, I believe - as a
19 mechanic, did you also from time to time travel on the vessels to Brazzaville and
20 Kinshasa and back to Bangui?

21 A. Yes, sir.

22 Q. During your travels on the vessels of SOCATRAF, were there ever any security
23 issues passing through these various countries and ports? Security issues such as
24 dealing with armed groups, anything like that?

25 A. That is a very important question, the question you have just put to me. Over

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1 the last decade, before I left SOCATRAF, whenever we left Bangui we would
2 navigate at a speed of 80 -- or we would navigate over 80 kilometres, that is the
3 distance between the Central African Republic and Congo-Brazzaville. The RDC or
4 the DRC rather runs from Bangui to Kinshasa, and during that period we suffered a
5 lot as we travelled along the rivers, because we would be stopped at any time by
6 armed troops who would loot fuel, who would abuse us physically over the 600
7 kilometres of the trip.

8 You see, over that 600 metre stretch, the river is so wide that Kinshasa only takes
9 control on the Bolobo River up to a certain level; that is up to the Bolobo River.

10 Q. So would it be fair to say that getting fuel to Bangui was a pretty difficult
11 process?

12 A. Very difficult over the last decade; extremely difficult.

13 Q. Do you know during that time period whether or not there were any fuel
14 shortages in the city of Bangui and the surrounding area?

15 A. There were several fuel shortages several times. Actually, even at Petroca
16 some barges were also hijacked, so to speak, by militia as they sailed along the
17 river.

18 Q. Now, between Brazzaville and Bangui, just that route, were there any other
19 smaller ports at which SOCATRAF stopped to load or unload goods?

20 A. When we left Bangui, our port of departure, further down, some 70 kilometres
21 down, there is an estuary in Zinga. That is at Soi de (phon) Zinga. Thereafter,
22 when we travelled seven kilometres, we would get to Mongoumba. From
23 Mongoumba we would stop at Mbetu, which is in Brazzaville, then from Mbetu we
24 would again dock at Dongo-Zaire which is on the DRC side. From Dongo-Zaire, we
25 would then again stock at Efondo (phon), which is towards Brazzaville. From

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1 Efono, we would stop at Iranga (phon), Liranga rather, and from Liranga we would
2 stop at Musaka. From Musaka, we would stop in Brazzaville.

3 Q. Now, again, between Bangui and Brazzaville, those -- that section of the route,
4 were there any smaller ports that were located in the Democratic Republic of Congo?

5 A. Please repeat your question for a better understanding.

6 Q. Well, you just mentioned a number of smaller ports, and my question is:
7 Between the -- on the Bangui-Brazzaville route, on that section of the Ubangi River,
8 did you stop at any ports that were in the territory of the Democratic Republic of
9 Congo?

10 A. Well, as far as I know, this is an international river. The Central African
11 Republic ought to have been free to navigate on the river but over the last years, with
12 the presence of the militia, in those areas where there were no ports we were forced to
13 stop. We were forced to dock and this happened when the militia would board and
14 search our vessels. This was unacceptable, but it happened on several occasions,
15 and if one did not obey or if one did not comply, then one would be beaten up and
16 mistreated.

17 Q. On these occasions, were you transporting fuel or petroleum products?

18 A. To be specific, downstream - downstream - we travelled with empty barges. If
19 any private businesses had cattle or cotton from Chad, and what have you, if there
20 was timber and planks, all of this would be loaded by SOCATRAF onto those empty
21 barges which we would then take down. But whenever we were taken unawares, as
22 was the case, then the looting would take place given that these people were armed.

23 Q. And do you know if there was ever any fuel or petroleum products that were
24 taken, that were looted?

25 A. Now, that would be on the way up. A short time ago I was telling you about

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1 our journey down. Now, on our return trip, the barges would be loaded from
2 Kinshasa as we take the fuel up to the Central African Republic. Now, as we
3 travelled up, once we exceeded the 600 kilometres between Kinshasa and Bolobo, you
4 may want to know that the country was divided at the time.
5 From Kinshasa to Bolobo, the area was under the control of the Congolese Republic.
6 Now, from Bolobo to the Republic of Central Africa, that is the area called Bolobo and
7 so beyond the 600 kilometres it became impossible for us to travel safely and it is
8 within those areas that the barges were looted, that the petroleum products were
9 looted, rather, and the barges were boarded and searched within that range
10 upstream.

11 Q. Would you say that the petroleum products were a very important commodity
12 to those groups that looted those petroleum products?

13 A. Yes. You see, the Kavraka (phon) barges, the Kavrak (phon) barges, that is
14 barges which would take on bulk products, were of great interest to them. When
15 they saw any of those Kra'Vak barges, they would attack. They would board and
16 search mandatorily. They wouldn't let you go through.

17 Q. Now I'd like to ask you about the port at Zongo in the Democratic Republic of
18 Congo. Were you ever involved in the shipping of fuel products or other products
19 to that port?

20 A. You have talked about Zongo and raised a question relating to Zongo. Now,
21 from the geographical location of Bangui Town, now taken from my position, the
22 position at which I am seated right now, Bangui would be located behind me and
23 then in the position where the Presiding Judge is seated would be Zongo. The
24 distance between myself and Madam, the Presiding Judge, is covered by water and
25 that would be the Ubangi River.

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1 So during the period under review, I was able to transport a lorry tank with kerosene
2 from Bangui to Zongo. It was white, in a white tank.

3 Q. Do you know if either you --

4 THE INTERPRETER: It was a tanker, rather, a white tanker.

5 MR IVERSON:

6 Q. Now, my next question relates to either you, yourself, or just SOCATRAF in
7 general. Do you know if SOCATRAF transported petrol or gasoline or diesel fuel to
8 the port of Zongo?

9 A. No.

10 Q. Now I'm going to have to follow up, because you don't know or SOCATRAF
11 did not transport petrol, or gasoline ,or diesel fuel?

12 A. Please kindly repeat your question for a clearer understanding.

13 Q. You're right, that was an inept question. So my question was -- let me just ask
14 the question again: Did SOCATRAF transport petrol, gasoline or diesel fuel to
15 Zongo?

16 A. No. To be specific, SOCATRAF collected its petroleum products from the set
17 Congo port in Kinshasa. Never did it take any petroleum products from Bangui to
18 Zongo, no. SOCATRAF did not do that.

19 Q. Do you know how that area of the Democratic Republic of Congo received any
20 type of petroleum products, if not through SOCATRAF?

21 A. Please, kindly repeat your question for better understanding.

22 Q. I'm just asking, if you're aware, how did that area of the DRC receive petroleum
23 products, such as petrol, gasoline, diesel fuel or kerosene?

24 A. I have no idea.

25 Q. Now, we have a bit of an idea of some of the things you did while working for

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1 SOCATRAF, but if I could just ask you to tell the Chamber in more detail, what does
2 a naval mechanic do in the company of SOCATRAF?

3 A. The naval mechanic deals with the engines and all the mechanics of a shunter,
4 particularly if there are technical problems with transmission, and you may want to
5 know that we have some radios on such vessels, and the mechanic therefore attends
6 to the technical problems that may arise when the vessel is in use.

7 Q. Now, were you on several different vessels or were you on one vessel in
8 particular?

9 A. Throughout my working life in SOCATRAF, I worked on at least five vessels.
10 You see, one could have been transferred to a vessel or unit or maintained at the same
11 position over certain periods, that is how it was arranged, and these were seasonal
12 assignments?

13 Q. Now, I'd like to change the topic just a little bit, still talking about the same
14 period that I previously mentioned, the 2002/2003 period. Have you ever heard the
15 term "Banyamulengue," sir?

16 A. Okay. That name that you have mentioned, I'm surprised that you pronounce
17 the word so well. This was a term used to refer to militia who committed acts of
18 violence and abuses on the Central African Republic. Even the 12-year old children,
19 even the small young children in the Central African Republic today, are able to tell
20 you because they know, they know who the Banyamulengue were or are.

21 Q. You say that they are a militia. Are you familiar with the term "MLC" or
22 Movement for the Liberation of Congo?

23 A. No, that name even to this date continues to terrorise the people of the Central
24 African Republic.

25 Q. Okay. Well, since you're familiar with the term "Banyamulengue" that is the

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1 term that I will also use. Did you ever have any encounters with the

2 Banyamulengue?

3 A. I met them, I transported them, I saw them.

4 Q. Sir, my next series of questions is -- pertains to your encounters with the

5 Banyamulengue, and I would really just like to start at the beginning. Could you

6 describe to the Court your initial encounter, your first encounter with the

7 Banyamulengue?

8 A. The first time I met the Banyamulengue was during the events that the Central

9 African Republic experienced, in the heat of those events. That is when I saw them

10 and I got to know the name "Banyamulengue."

11 Q. Do you remember the day - and I'm not asking the date or the day of the

12 week - but do you remember the day when you first encountered the Banyamulengue,

13 when you first saw them? And, you know, just right now I'll leave it at that, do you

14 remember the actual first time?

15 A. It will be somewhat difficult for me to remember the day, but as I told you a

16 short while ago I saw them in the heat of the events that took place in the Central

17 African Republic. I saw them, I provided transport for them or, rather, I transported

18 them.

19 Q. Now, how did you come to transport the Banyamulengue? How did that

20 happen? How were you one day a naval mechanic with SOCATRAF and the next

21 transporting Banyamulengue? If you could just tell the Chamber what happened

22 and how you came to be in the service of the Banyamulengue.

23 A. I did not join the Banyamulengue, I did not work with them, but what I know is

24 that the country was at war and, as a citizen, I did not exactly know what was going

25 on as such. But in the Central African Republic there was a slogan as follows:

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1 "Akoli A'kpe," which means the men, all the men, should not stay in their homes.

2 Anyone who remained in their home would be killed by the Banyamulengue. So

3 already they had been killing people in the capital of the Central African Republic, so

4 at that time everybody fled.

5 My technical director is the one who came to fetch me as we were returning from

6 Brazzaville. He came to fetch me at night.

7 MR IVERSON: Sir, just a couple of things. Sorry, I didn't mean to interrupt, just

8 it's time that we take a break, give the interpreters and the court reporters a break,

9 and the other thing is I didn't want to be misunderstood, so I apologise. I hope you

10 don't take offence. I didn't meant to say "in the service of the Banyamulengue. " It

11 was a poor word choice on my part.

12 Madam President, I think it's time to take the break. Thank you.

13 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. Mr Witness, at 11 o'clock

14 we always have a short break, a half-an-hour break, in order to allow our interpreters

15 to take some rest and, as well as our witnesses. You can have a coffee, a cup of tea

16 and rest a little bit before we continue. We are going to suspend now and resume at

17 11.30.

18 Please, court officer, accompany the witness.

19 THE WITNESS: (Interpretation) Thank you, Madam President.

20 PRESIDING JUDGE STEINER: The court officer will accompany you outside the

21 courtroom.

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (Recess taken at 11.01 a.m.)

25 (Upon resuming in open session at 11.33 a.m.)

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- 1 THE COURT USHER: All rise. Please be seated.
- 2 PRESIDING JUDGE STEINER: Welcome back.
- 3 Could, please, court usher bring the witness in.
- 4 (The witness enters the courtroom)
- 5 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 6 THE WITNESS: (Interpretation) Good morning, Madam President.
- 7 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 8 THE WITNESS: (Interpretation) Yes, Madam President.
- 9 PRESIDING JUDGE STEINER: I'll give the floor back to Mr Iverson.
- 10 MR IVERSON: Thank you, Madam President.
- 11 Q. Welcome back, sir. I would -- I'd like to start where we left off before the break.
- 12 You had mentioned at the very end of your testimony that your technical director
- 13 came to fetch you while you were returning from Brazzaville and he came to fetch
- 14 you at night, and this is in reference to your first encounter with the Banyamulengue.
- 15 Could you tell the Court a bit about that interaction, what happened when your
- 16 technical director came to get you; where you were and what you were doing?
- 17 A. Thank you, sir. Upon returning from Brazzaville, when we arrived -- when we
- 18 docked at the quay, we had covered a distance of 1 275 kilometres - it was no mean
- 19 feat - and despite the difficult journey we arrived at our destination. I was
- 20 extremely tired.
- 21 I went to bed, and at a belated hour I was taken by surprise because my door was
- 22 being knocked at. My wife woke me up and said that people were knocking at the
- 23 door. In fact, they were banging at the door.
- 24 When I woke up, they said "If you don't open the door, we shall break it down." I
- 25 got up and upon opening the door I saw men in military garb, and this was at a

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1 belated hour at night-time at approximately 2 a.m.

2 I saw my technical director standing there, he was a Frenchman - Mr Christian Martin

3 was his name - and he said to me "Take your things, we're leaving." For a technical

4 man like me, I had all my working clothes that were dirty and I took what I could,

5 and there were easily 36 men standing there.

6 We left and we took a turning. It was my chief who had given them the map so that

7 they found my house. I got into the Hilux four-by-four and we went into town.

8 Upon arriving in town, we got out by the water-side. We were by the naval base

9 and he took me inside.

10 Upon arriving there, we found an officer. His name was Colonel Danjito. From

11 there we went approximately 150 metres down the side of the river there and we

12 went to the ferry, which belongs to the Ministry of Transport. That was the ferry.

13 This ferry had already been looted by the soldiers.

14 He said to me "Do what is necessary. Defend the honour of SOCOTRAF. Find out

15 what's wrong with it. Use your diagnostic tools." What he could do in his capacity

16 of technical director, well, he was not able to do it there and then. He came to get

17 me. He said that he did not have anybody available and that's why he called

18 Mr Herasik (phon), my director manager, who gave them the map as to how to find

19 me. I diagnosed what was wrong, holding my torch. I reported back to him, and

20 he said "Take the keys and you will be taken to the naval base."

21 Now, from the town where we were, on the riverside, in order to go to our garage in

22 the 6th arrondissement, or district, so that's where we went. I was escorted by the

23 soldiers. Upon arrival, I opened up the workshop. I took what I needed in order to

24 be able to diagnose what was wrong with the ferry.

25 We retraced. We retraced our -- we went back to where we had come from and

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1 I had to then mend the ferry. I changed the starter, I changed the batteries, I also
2 changed one of the electro parts and it took me approximately three hours to do this.
3 I did everything I could with that engine.
4 He said to me, the technical director said to me, that he would not put me under the
5 command or responsibility of Colonel Danjito and he told me to obey this individual.
6 I was under the responsibility of Colonel Danjito at the time and he said to me that in
7 view of the fact that I had managed to mend the ferry, he said that I should activate
8 the motors and that I should cross the river.

9 Q. Having arrived at such a late hour from Brazzaville to Bangui, were you aware
10 of what was taking place in Bangui at that time?

11 A. Upon leaving Brazzaville, we knew that Bangui was already a tense location.
12 There was a great deal of tension there. In order to reach Bangui, we needed 12 days
13 of travelling. We saw some Central African civilians upstream, they were going to
14 Bétou in order to get some fuel, so you could see that Bangui was at a bad situation at
15 that time.

16 Q. And you mentioned that all these people were gathered that you initially saw
17 after you were -- after you talked to your technical director. Who were these people?
18 What was their nationality? Where were they from?

19 A. Yes. The soldiers, those who were wearing military garb, who were in the
20 company of my technical director, well, there was the head of the presidential
21 security guard who was a French mercenary. He took the name Befou. He went by
22 the name Befou. So there was him and there were all those soldiers in his company.
23 Of course, he had at the time a Hilux, an olive green Hilux, four-by-four, with
24 revolving light on its roof at the time.

25 Q. So after you got the ferry fixed and started up, can you tell us about the actual

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1 crossing of the river?

2 A. Very well. When I activated the engines, in view of the fact that I had been
3 told to cross the river, Mr Odon, or Warrant Officer Odon was put in charge. There
4 was a sergeant in the person of Mr Ilemala and a corporal chief and they were all
5 under Colonel Danjito. They told me to cross the river and there were no lights on
6 the boat. I was under military order at the time, so of course you cannot say "no." I
7 was given the order to cross the river and as a technician I took as -- I took the Sofitel
8 light, on the roof of the Sofitel, as a landmark. This building is approximately 15
9 storeys high and I took the light on the top of the roof of this building as my
10 landmark. I knew that Zongo was across the river, directly across the river, from me.
11 I was navigating by night. I then found myself enmeshed in nets, in fishing nets.
12 The sergeant asked me to do all that was necessary for us to reach Zongo and so I had
13 to dive underneath the boat with the knife in my hand and, you know, using a knife
14 in order to cut fishing nets is no easy thing. I managed to do this and I finished this
15 task at approximately 5 o'clock. I then activated the engines again. I reached
16 Zongo Manu military, by -- and on my way I ran into at least 15 canoes.

17 Q. And once you reached Zongo, how did you dock the ferry?

18 A. Yes. As I said to you, I was under pressure. There was no visibility at all and,
19 as I said to you, there was fog during that period. In order to dock, well, when I
20 moved back somewhat I could not see the quay and I needed time to react. So this
21 meant that I then went straight into the canoes that were docked at the side of the
22 river there, but it was the soldiers who were pressurising me. The civilians were not
23 at all happy, but the soldiers then started shooting into the air, so the civilians fled.

24 Q. And when you say the soldiers started shooting in the air, who are you talking
25 about?

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1 A. I'm referring to the militia who were under the mangrove trees in Zongo.

2 They had already taken up position under the mangrove trees.

3 Q. And at this point what time of the day is it, approximately?

4 A. 5.30/5.45.

5 Q. So is that approximately at dawn, or just before dawn?

6 A. Yes, indeed.

7 Q. Okay. Could you describe the soldiers that you saw under the mango trees?

8 Who were they, if you know?

9 A. Well, these were the Banyamulengue whom you asked me about at an earlier
10 stage. They were the Banyamulengue and that was the first time that I saw any
11 Banyamulengue.

12 PRESIDING JUDGE STEINER: Mr Iverson, if you allow me? Just to make it sure
13 on what period we are talking about, could you give us an estimation if not of the
14 date, but at least the month and the year we are talking about?

15 THE WITNESS: (Interpretation) This was during the month of October.

16 PRESIDING JUDGE STEINER: Of what year, if you remember?

17 THE WITNESS: (Interpretation) The year 2002.

18 PRESIDING JUDGE STEINER: Thank you.

19 Judge Aluoch.

20 JUDGE ALUOCH: I also have a clarification to seek from you, Mr Witness. This
21 concerns the night when your boss came to your house, and your answer which
22 appears in the transcript, in the English version, is: "For a technical man like me,
23 I had all my working clothes that were dirty and I took what I could and there were
24 easily 36 men standing there." From your statement that I looked at very quickly,
25 you described these men as having been armed. This is CAR-OTP-0055-002 (sic).

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1 You say these 30 or so men were armed. Can you just clarify were they armed or
2 not when you opened the door and found them, please?

3 THE WITNESS: (Interpretation) Those soldiers of the Presidential Guard upon
4 their arrival were indeed armed. They were holding their weapons in their hands,
5 because these were difficult times in the capital city.

6 JUDGE ALUOCH: Thank you.

7 MR IVERSON: Thank you for that clarification, your Honours.

8 Q. So what happened next? So you just talked about seeing the Banyamulengue
9 at the shore in Zongo. What did the Banyamulengue do when you arrived?

10 A. Yes. I had already docked the ferry at this time and tied it up. The person in
11 charge of them walked towards Odon, Warrant Officer Odon. I asked him to wrap
12 the cable around the attachment point. He did not see it, but that he then wrapped
13 the rope around the mango tree. He then approached Warrant Officer Odon and
14 they had a discussion. He then started to use his walkie-talkie and a short time
15 thereafter the group of lorries started to approach. Everyone was in a happy mood.
16 They were all singing. They were all singing in their patois language. There was a
17 festive atmosphere. They arrived under the mango trees and the fastest amongst
18 them already started to alight and in a -- a few moments later the person in charge
19 asked Warrant Officer Odon and then he asked me and we started to disembark.

20 Q. Can you describe what these Banyamulengue men wore? How were they
21 dressed?

22 THE INTERPRETER: Correction from the interpreter: "Disembark" is in fact
23 "embark."

24 THE WITNESS: (Interpretation) You know, there is a difference between militia
25 and soldiers in the military themselves. You can recognise the difference by their

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1 uniform. They were rather slovenly looking, these individuals. You know, they
2 were wearing rags and they were -- they had nothing. They weren't wearing a shirt.
3 What was important was the fact that they were bearing weapons. They were also
4 wearing shorts.

5 MR IVERSON:

6 Q. Did you get a chance to hear the language that they were speaking?

7 A. They were speaking Lingala. They said that they were going to war, war or
8 the battlefield, that was just or merely one kilometre afield.

9 Q. Now, did you have a chance to actually speak to one of them, or more of them,
10 personally, or did you overhear what they were saying?

11 A. I did not talk to them, because when they embarked, you know, this was a
12 peaceful time. However, during the disturbances everyone was standing. I was
13 not in a position to put any questions to them, because this was beyond my
14 understanding. I could not understand what was going on.

15 Q. So I take it then when you said you heard them that you overheard what they
16 were saying; is that correct?

17 A. Yes.

18 Q. And can you tell the Chamber what they were talking about or if anybody gave
19 instructions to the rest, if there was a leader, anything like that?

20 A. There was a person in charge of every militia group and the person in charge
21 did not have any uniform as such. He was wearing indescribable clothing and he
22 said that in Bangui there were no longer any soldiers and that is why they were going
23 to Bangui in order to wage war.

24 Q. Do you remember if he said anything else to the soldiers?

25 A. Are you talking about the person in charge, the person who was giving them

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1 orders?

2 Q. Right. I'm trying to determine what you remember, if anything, about a
3 leader - I'll use the word "leader," it could also be commander - about a leader talking
4 to the soldiers or giving instructions to the soldiers out-loud so that everyone could
5 hear. Do you remember anything about that?

6 A. Well, the leader -- well, what is (indiscernible) at in Équateur there was never a
7 single soldier. Everyone was a commander. Everyone was a commander. If
8 someone wants to speak to you, he will say "I'm a commander." He speaks about his
9 leader, he says "My commander says such-and-such and such a thing." Everyone is
10 a commander there. Everyone in that country has the rank of commander.

11 Q. Let me put it this way then: Was there anyone from that group of
12 Banyamulengue who talked to the rest of the group and gave them any instructions,
13 or said any words at all, during the embarking or during the part where you're
14 traversing the river?

15 A. When the lorries arrived they would be placed in groups under the mango trees.
16 And there was someone who was listened to more than others, who had authority,
17 and in each lorry orders would be issued to them by this person prior to embarking.

18 Q. And that person you referred to who had more authority, or had authority, do
19 you know what orders he issued? Do you remember his words?

20 A. The gentleman who was listened to more than the others said, if I remember
21 this correctly, that war was being waged in Bangui. He said "You have no children
22 there. You don't have any family there. When you cross over, you know what the
23 river looks like. You know the river goes this way. You have the middle here and
24 on the other side you have Zaire. When you arrive at the middle, then you are in
25 Central African territory. You should be aware of the fact and it is war. Kill all

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1 those you find. At peacetime, the Central Africans will be in their country. They
2 will rebuild their country in peacetime."

3 Q. I just want to make sure that I get this correct, because I felt like there was -- it
4 wasn't entirely clear in the interpretation, so let me just repeat back to you what I got
5 in the English translation, and this is just going to be partial: "Kill all those you find.
6 They will rebuild their country in peacetime." Is that what he said?

7 A. I'll repeat what I said. The person in charge said the following: "At this point
8 in time, we are in Zaire. War is being waged in front of us. Zaire is limited by the
9 middle of the river. As soon as you cross over the middle of the river, you are in the
10 Central African Republic. You have no children over there. You don't have any
11 women, any wives. You don't have any family there. All those you find there, men
12 and women, you should kill them, destroy all the houses that we see there beyond
13 Zongo. Destroy everything. This is war time, and in peacetime they will rebuild
14 their country."

15 Q. When this person of authority said those words, what was the reaction from the
16 Banyamulengue soldiers?

17 A. As soon as this leader issued these orders, everyone was happy and they would
18 shake their side-arms like this. They applauded the leader for giving them these
19 orders. So we are now in peacetime, but the situation could be worse. Those were
20 terrible times then.

21 MR IVERSON: Madam President, I'm not aware whether or not the videos are part
22 of the record, but I'll just state on the record that the witness was motioning how the
23 Banyamulengue were reacting and that's with a fist-pump with his right hand up in
24 the air.

25 Q. Now, how long did it take for you to -- once all of the Banyamulengue were on

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1 the ferry, how long did it take for you to cross the Ubangi River back to Bangui?

2 A. Could you please repeat your question, because you were a bit fast and I didn't
3 fully understand it?

4 Q. How long did the trip take from Zongo to Bangui? Once they were all loaded
5 on the boat, how long did the trip take to go to Bangui?

6 A. On average, it was 20 minutes from Zongo to Bangui. The embarkment was
7 carried out quickly. They were obliged to leave quickly and they were very happy
8 and wanted to go, so it had to be done quickly.

9 Q. And you described the atmosphere on the bank of the river to be almost festive.
10 What was the atmosphere like on the trip across during those 20 minutes that it took
11 to cross between Zongo and Bangui?

12 A. Well, the atmosphere on the boat at the very beginning was such that everyone
13 was trying to communicate with everyone else. Everyone was looking for
14 ammunition. That's what they were interested in. Everyone was looking for their
15 clothes, shirts, and they would put the ammunition in the shirts. They just had
16 enough time to take their ammunition and weapons.

17 Q. Now, you describe one occasion of encountering the Banyamulengue and
18 transporting them. Could you approximate for the Chamber how many similar
19 crossings you made with the Banyamulengue?

20 A. On the very same day, is that the purpose of your question, or are you asking
21 me about the entire period?

22 Q. Let's first go with the entire period. I'm actually interested in both, but let's
23 just talk about the entire period at this point.

24 A. Well, with regard to the entire period, I made this trip on 19 occasions. There
25 were 19 days. Each day I just did a return trip, or I did return trips, and in the night

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1 that's all I did.

2 Q. Okay. So I think that gives us a pretty good idea. You say you did this for 19
3 days and on a continual basis; is that true?

4 A. Yes.

5 Q. Did you get any -- many breaks in-between crossings?

6 A. Well, your question - the question that you have asked me - well, sir, if you
7 watch television, well, you know what atmosphere -- what the atmosphere is like in
8 war-time. There are no breaks. You're obliged to do what certain people in
9 authority want you to do.

10 As for breaks, no, I'd cross over. A lorry would arrive, they would embark, I'd go
11 back and have to turn around, take them to the destination. I'd arrive, dock, they'd
12 get off. If there were wounded on the other side, they would get on. I'd return; I'd
13 take them back to Zongo. On the other side you have to take charge of ammunition.
14 So these were the trips, sir. It wasn't easy.

15 Q. Okay, I understand. And I'd like to ask you a few detailed questions about
16 these trips, and I'll start with on the first occasion approximately how many
17 Banyamulengue did you transport on your ferry from Zongo to Bangui?

18 A. On average, there would be between 150 to 200 militiamen who would embark.

19 Q. And again, just with regard to that first group, do you know where they went
20 when they disembarked in Bangui?

21 A. On the first occasion, as soon as we arrived, when I docked at the quay there
22 was a lorry and as shots were being fired everywhere there was a lorry that took
23 them. And on the second or third trip they -- the sergeant, he was smart, he took
24 them directly. He drove them directly to the naval base, which isn't far away. It's
25 just 100 or 150 metres away.

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1 Q. Now, you mentioned a few people who accompanied you on the ferry who
2 were not Banyamulengue. You mentioned a warrant officer and this sergeant.
3 Who were these two people, this warrant officer and this sergeant?

4 A. I said a minute ago, not a number of persons, I said there was one warrant
5 officer, Mr Odon was his name, Sergeant Ilemala and a corporal who had received
6 orders from their commander, Mr Danjito, who was in charge of the naval base.
7 They were on the ferry and they monitored all the operations that involved these
8 crossings.

9 Q. Now, during the crossings, were this warrant officer and this corporal, were
10 they in charge of you, so to speak?

11 A. They were on the ferry to co-ordinate all the activities, because the warrant
12 officer had a walkie-talkie. If Zongo called him and he was carrying out
13 manoeuvres, well, I don't know how this worked exactly, but he had his
14 walkie-talkies on him all the time and he was using them continually.

15 Q. And did you notice whether some of the Banyamulengue also had
16 walkie-talkies?

17 A. Yes, the one who was on the other side had two black walkie-talkies. The one
18 on the other side in Zongo, the one who called Warrant Officer Odon.

19 Q. Now, what type of equipment did the Banyamulengue bring with them, if any
20 equipment, when they crossed to Bangui?

21 A. As far as equipment is concerned they had weapons, Kalashies, Kalashnikovs.
22 They had weapons of all calibres.

23 Q. So they had weapons. Did you notice whether or not they had ammunition or
24 also extra ammunition?

25 A. As for ammunition, there was ammunition in some boxes. You see how long

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1 this table is, so there were these boxes, these cases, that were half the height of this
2 table here, so they had such cases that they -- that were transported. There was
3 ammunition that they would put on the ground and everyone would use their shirt to
4 collect the ammunition, because they said that in the field ammunition was going to
5 be important.

6 Q. Do you know whether there were many boxes, or could you estimate how
7 many boxes of ammunition the Banyamulengue transported in total during that
8 whole period?

9 A. As for a precise number, well, there were about 200 individuals and each one
10 had one or two weapons, but I can't tell you the number of weapons or the amount of
11 ammunition that they had. Perhaps their leader knew the exact number of weapons
12 or boxes of ammunition that they had, but I did see these boxes myself that I
13 transported. I saw a lot of ammunition that was on the deck and everyone could
14 help himself. They would use their shirts to put the ammunition in their shirts.

15 Q. Now, the only reason I'm asking is to get an idea whether it was just, you know,
16 one or two boxes, a few boxes of ammunition, or whether there were several, many,
17 maybe dozens or more?

18 A. There were boxes. It's in the plural, boxes, of ammunition.

19 Q. Okay. Again I'm sorry to insist, but I just want to get a clear idea of, you know,
20 did these boxes for example take up a very small portion of your ferry, or did they
21 cover significant portions of your ferry when you were crossing the river?

22 A. Well, can you see how high these two desks are, mine and yours? So if you
23 put boxes -- the boxes on each other, then it will reach the height of this table, this
24 desk. On each occasion whenever there was a crossing, whenever the lorries arrived,
25 each soldier, or all these soldiers, had their boxes.

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1 Q. So would it be fair to say that for approximately each soldier there was one box?

2 A. Each group had boxes. Each militiaman had one or two weapons and, in
3 addition to their magazines, they had ammunition in their shirts. There were others
4 who used skirts. They'd raise the hem of their skirts and put ammunition in the
5 skirts, or dresses. You can try and imagine what this looked like.

6 Q. So we have weapons and boxes of ammunition and you -- when we talk about
7 weapons, you mentioned rifles and weapons of every calibre. What about other
8 weapons, like grenades and that type of thing?

9 A. The question you have asked me, well, as for that question, yes, I saw weapons.
10 I saw Kalashnikovs. I saw boxes of ammunition. I saw weapons that I myself am
11 not familiar with. I don't know their names. They had weapons. It varied. It
12 depended on the calibre of the weapon. Can you see how thick this pen is? Well,
13 the end of the Kalashnikov ends here. Others have the diameter of this glass and
14 others the diameter of this jug.

15 THE INTERPRETER: The witness points to the jug.

16 THE WITNESS: (Interpretation) So it varied. Some had the forms of pots, so
17 there were various types of ammunition and of weapons.

18 MR IVERSON: Okay, thank you, sir. That was very helpful to the Chamber's
19 understanding.

20 Let me just describe what the witness did, for the record. He took the pen that
21 belongs I believe to the ELMO and showed that as an example of one type of calibre
22 weapon, he pointed to the glass and said that the diameter of the glass represented
23 another calibre of weapon and he pointed to the water container and used that as
24 another example as a diameter or a calibre of a weapon.

25 Q. Sir, can I ask you do you know -- you described how the Banyamulengue were

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1 dressed. Do you know if they remained in those clothes, or whether they received
2 any other clothes such as military uniforms?

3 A. Okay. When they crossed over, some were wearing rubber boots, green
4 military colour rubber boots. When they crossed over, the first group had been
5 dressed by the naval base. This was under the supervision of Danjito. It was under
6 his supervision that they were given these clothes and, regardless of whether the
7 clothes they were issued were of the right size, you had to accept them and go into
8 the field.

9 Q. Now, you mentioned that you speak and understand Lingala. What language
10 did the Banyamulengue use during the time that you were able to observe them?

11 A. They spoke more in Lingala and in other dialects. When they would speak,
12 well, they'd always use some Lingala.

13 Q. And I meant to cover this before, but how is it that you are able to speak and
14 understand Lingala?

15 A. A very good question. Now I'm in The Hague, but since when I was born,
16 well, in school we were taught a bit of English. When I arrived in -- well, after
17 48 hours I was able to say "Hello" to someone and, given the entire period of time I
18 spent in SOCOTRAF, when I would leave with the boat and go to one of the Congos,
19 everyone would speak Lingala. The fishermen who would bring fish to us would
20 only speak in Lingala, so I spent some time on the river and as a result I can
21 understand Lingala.

22 MR IVERSON: Very good. It seems you have a talent for languages, sir. Madam
23 President, I'd like to request to go into private session to deal with some confidential
24 documents.

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

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1 Please remind the witness on what "private session" means.

2 (Private session at 12.30 p.m.)

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

4 MR IVERSON: And I'm sorry, I should have specified this, but I do believe that the
5 curtain behind the witness should be lowered because we'll be dealing with
6 confidential documents on the computer screen.

7 PRESIDING JUDGE STEINER: Court officer, please.

8 (Pause in proceedings)

9 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0028-0400.

10 THE COURT OFFICER: The document as referenced by Counsel is available on
11 your screens and it's a confidential document.

12 MR IVERSON: Madam President, I would like to request to reclassify this
13 document. I think that the reasons for its classification as confidential have now lost
14 their purpose, because the witness is testifying in public, so the Prosecution sees no
15 reason why they couldn't be reclassified as public, or at least this particular
16 photograph. I'd have to -- I don't want to say that with regard to all of them,
17 because I just want to, you know, make sure that there's no identifying features in any
18 other photograph.

19 PRESIDING JUDGE STEINER: Your request is on the transcript. We will
20 appreciate it later.

21 MR IVERSON: Very well. Thank you, Madam President.

22 PRESIDING JUDGE STEINER: Mr Haynes.

23 MR HAYNES: Can I just say that I entirely agree.

24 PRESIDING JUDGE STEINER: I'm sorry, I should have asked, Mr Haynes. I'm
25 really sorry.

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1 MR HAYNES: Not at all.

2 MR IVERSON:

3 Q. Sir, do you see what's on your screen there, your computer screen?

4 A. Yes, I do.

5 Q. And do you recognise this photograph?

6 A. Yes, I do.

7 PRESIDING JUDGE STEINER: Mr Iverson, sorry to interrupt you, may I ask you

8 whether the reasons for being in private session remain, since you asked even for the

9 reclassification of the document?

10 MR IVERSON: Correct. I do request to go into public session. It was just an

11 oversight on my part. I apologise.

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

13 (Open session at 12.34 p.m.)

14 THE COURT OFFICER: We are in open session, Madam President, and the

15 document will be broadcasted outside this courtroom.

16 PRESIDING JUDGE STEINER: The document is considered reclassified as public

17 and can be broadcast outside the courtroom.

18 THE COURT OFFICER: Thank you, Madam President. Madam President, should

19 we raise the blinds, or should we leave them down for future documents?

20 PRESIDING JUDGE STEINER: Since the other documents have not yet been

21 reclassified, maybe we can keep the blinds the way they are because in any case the

22 document is being broadcast.

23 MR IVERSON: Certainly. The Prosecution has no objection. Not to be difficult,

24 but I don't intend to introduce the photographs all in line. They are all kind of

25 different, in different parts of the questioning. I didn't realise that this would

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1 become an issue, so --

2 Q. Sir, back to the questions about the photograph, who took this photograph?

3 A. I myself.

4 Q. And is this -- what you see on the screen, is that a fair and accurate
5 representation of the picture that you took?

6 A. Yes, sir.

7 Q. Could I have you describe for the Chamber what is happening in this
8 photograph here?

9 A. What you see on the photograph is the barge that we use for crossing, or the
10 ferry, that we used to take the Banyamulengue soldiers as you can see them on the
11 picture from Zongo to Bangui. A short while ago you asked me who the
12 Banyamulengue were. Now you can see them on the screen. These are the militia
13 who did a disservice to the Central African Republic. This picture was taken in
14 Zongo by myself.

15 Q. Do you remember when during this 19-day period where you transported the
16 Banyamulengue, do you remember when you took this picture?

17 A. This photograph is of the first contingent that crossed the river. The first
18 contingent. As you can see, before me you can see that they are loading the cases of
19 ammunition.

20 Q. And I'd like to ask you about those cases of ammunition you refer to but, first,
21 since you said that this is the first instance which you described earlier, I notice that
22 the picture doesn't look like it's at dawn. Could you explain what time of day this
23 was taken?

24 A. This photograph, I took it at around 8/8.45 I believe.

25 Q. So if you docked at around 5.30 or 5.45 I believe you said; is that right? You

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1 said you docked in Zongo at about 5.30 a.m., or 5.45, around that time; is that correct?

2 A. Yes, yes, 5/5.20. Yes, yes, yes.

3 Q. So why did it take I guess three hours for you to dock and then for the
4 Banyamulengue to load the boat?

5 A. Please kindly repeat your question for a better understanding.

6 Q. Well, I'm just trying to establish kind of a time-line of events on that morning,
7 and you said that you docked at around 5.30/5.45 and you said that you took this
8 picture in Zongo at around 8 to 8.45. Why did it take approximately three hours for
9 the Banyamulengue to load the ferry?

10 A. Well, when I docked, some of them were there, but they had to wait for the
11 other lorries to arrive. On average, we needed two to three lorries to be -- before we
12 could move.

13 Q. And do you know how the Banyamulengue co-ordinated the lorries that you
14 refer to; how they made sure that they had lorries on the way for you to load on to
15 your ferry?

16 A. As I told you a short while ago, there was one of them under the mango tree
17 and he had the means of communication. From his position to the place where they
18 were kept, there was a channel of communication.

19 Q. Now, I'd like to ask you about these cases of ammunition you're referring to.
20 Where in the picture -- and I know it's difficult to see, but if you could just direct, you
21 know, the Chamber, who can also see the photograph on their screens, where they
22 can see these cases of ammunition that you're talking about?

23 A. If you look straight into your screen right before you, you can see two men.
24 There is one with a bag to his back and they are holding something between their
25 hands, and those two are loading a case -- or those who have cases in-between them

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1 are loading those cases on to the ferry.

2 Q. And we talked about before how the number of cases generally approximately
3 was equal to the number of soldiers on each load. Do you know where the other
4 boxes could be seen on the photograph, or if they can't be seen on the photograph?

5 A. Let me specify one thing. You can see they are setting down those boxes of
6 ammunition and on the ferry you have what could be referred to as manholes and
7 that is the holes into which they are, so to speak, dropping the cases.

8 Q. Okay, I think I understand that. Now, on this load of Banyamulengue, was it
9 only men who were on that ferry at that time?

10 A. There were men and there were also women, so it was a mixed group of men,
11 women and minors.

12 Q. Do you know whether all of them were armed, or just some of them? Could
13 you specify who was armed?

14 A. All those people you see on the -- on the ferry, you can see they are just in front
15 of the engine room and one of the leaders was there. Initially, it was all quite
16 well-organised. Their leaders would tell them to drop off their weapons at a certain
17 position and they all would drop off their weapons there, but the point is that they
18 were all armed.

19 Q. So when they arrived on the shore in Bangui, did they have their weapons still
20 in this kind of mass weapon collection point, or did they take their arms up
21 and -- when they got to the shore in Bangui? How did that work?

22 A. As soon as I docked, well, at the beginning they were well-organised. The
23 person in charge, or Warrant Officer Odon, would come out and make fast the vessel
24 and then I would hold the engine still so that the ferry would stay in a proper
25 position, and then the leader would ask them to take out the weapons and disembark

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1 the cases of ammunition. Then they would line up in columns, collect their weapons
2 and go to the naval base.

3 Q. So you say in the beginning they were well-organised and they would sort of
4 file off the ferry in a column. At what point were -- you say in the beginning they
5 were well-organised. At what point were they not well-organised, then?

6 A. Now, when they began to see the dead bodies of their brothers who had fallen
7 at the battle-front, then from 8 to around 1 p.m., when the dead bodies were being
8 brought back, immediately they saw that happening all changed. Everything
9 changed.

10 Q. Do you know how soon after the first group arrived you started seeing corpses
11 being brought back to your boat?

12 A. On average about three hours, because when they left the naval base they
13 would go to the battle-front and then three hours later dead bodies would already be
14 brought back and this was the result of war. They were at war. These bodies, some
15 of them would be actually blown apart.

16 Q. Now, you talked about transporting the Banyamulengue to Bangui and this
17 may tie in with your last answer, but what if anything did you bring back to Zongo?
18 Did you go back with an empty load, or did you sometimes bring things back to
19 Zongo?

20 A. The ferry was always empty when we returned to Zongo. Warrant Officer
21 Odon and myself, we would be in the ferry and I would be at the bridge and that
22 would be it, empty, and it is the other way round that the ferry would be loaded.

23 Q. What happened to these corpses that you mentioned? Were they then buried
24 in Bangui?

25 A. At the very beginning, I took those dead bodies to Zongo. Then on three

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1 occasions actually I took those bodies back to Zongo, but on the fourth occasion the
2 authorities in Zongo, the leaders in Zongo, said that I should no longer bring the war
3 dead bodies from the other side to their territory and that I had to return them to the
4 Central African Republic since they had fallen in the Central African Republic. So I
5 went back. I took those dead bodies back to the Central African Republic.

6 Q. And were there any wounded soldiers? You mentioned corpses, those who
7 were killed in combat. Were there any soldiers who were wounded that you saw?

8 A. Wounded militia, wounded militia, not soldiers. Now, if you say "soldiers,"
9 that would be an overstatement. I am talking about militia. Now, if it was a soldier,
10 the soldier would be recognised by his uniform, his beret and his service number and
11 that was organised, but I'm talking about militia here. There were dead militia,
12 there were injured militia with the types of dead bodies which I described previously.
13 That is -- those are the categories that I took back.

14 Q. You may have already answered my next question; I just want to be sure. You
15 say you took wounded militiamen back to Zongo; is that right?

16 A. To be specific, those I took from Bangui to Zongo were dead bodies blown apart
17 in pieces. Then the wounded persons, I will take them back as well. Now, the
18 wounded persons would be taken off in Zongo, but any dead bodies in pieces were
19 not taken and they warned me. They told me that if I ever brought any such dead
20 bodies again then I would be the one to be taken and that is how Adjutant Odon told
21 me that I must then take those bodies back.

22 Q. That you would be taken? How did you interpret that? What did you take
23 that to mean?

24 A. Please repeat your question for a better understanding.

25 Q. I'll try to clarify. You just said "They told me that if I ever brought any such

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1 dead bodies again then I would be the one to be taken and that is how the adjutant,
2 Odon, told me that I must then take those bodies back." I don't know if that's -- the
3 interpretation is off, or what that is supposed to mean. Did you take this as a threat?

4 A. As I told you, now we are in times of peace, but on that day the manner in
5 which I was addressed was not friendly. It was with authority that they spoke to me,
6 and as I told you everybody was a commander at the time, and when a commander
7 issues orders or instructions, if you are not a man enough you can urinate in your
8 own underpants and these were being -- these were words uttered at gunpoint.

9 Q. Were you threatened in such a manner by the Banyamulengue?

10 A. Regarding threats, I was threatened several times. You see, when a militia has
11 been shot and is between life and death and he is taken and he is screaming that he
12 will die with his weapon, then you see Warrant Officer Odon on the ferry asking me
13 to cross over, but then the wounded person who arrives no longer looks at Odon.
14 He's only looking at the driver and ordering the driver to take him across to the other
15 side, otherwise he will shoot at the driver, and so the driver is caught in that type of a
16 situation, a life or death situation. So those are the types of threats that I have come
17 under.

18 I remember one case when an injured soldier arrived with his intestines hanging out
19 and belly tied into place by a piece of cloth. You know, he came screaming and he
20 put his finger on the trigger. That is when he was going to shoot, but he died biting
21 his tongue right there in front of us. He was about to shoot.

22 MR IVERSON: Sir, now is the time to break for lunch. We will continue with your
23 testimony after the lunch break, Madam President.

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

25 Mr Witness, we'll have now our lunch break. It's 1 o'clock. We will resume at 2.30.

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- 1 You have time not only to have lunch, but to take some rest if you so wish.
- 2 Court officer, please take the witness outside the courtroom and in the meantime we
- 3 will suspend and resume at 2.30.
- 4 THE WITNESS: (Interpretation) Thank you, Madam President.
- 5 (The witness stands down)
- 6 THE COURT OFFICER: All rise.
- 7 (Recess taken at 1.01 p.m.)
- 8 (Upon resuming in open session at 2.35 p.m.)
- 9 THE COURT USHER: All rise. Please be seated.
- 10 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Before we bring
- 11 the witness in, the Chamber has a short oral decision to be issued. It's the oral decision
- 12 on the applications to question Witness 47 by legal representatives of victims.
- 13 On 14 October 2011, the Chamber received an application from Maître Zarambaud on
- 14 behalf of the victims that he represents to question Witness 47. It's Filing 1843-Conf.
- 15 The application contains a list of 12 sets of questions.
- 16 Similarly, the Chamber received an application from Maître Douzima on 20 October 2011
- 17 on behalf of the victims that she represents. It's Filing 1851-Conf. The application
- 18 contains a list of five sets of questions.
- 19 On 20 October 2011, the Defence filed a response to the application of Maître Zarambaud,
- 20 asserting a number of objections to his proposed questions (Filing 1852-Conf). The
- 21 Defence argues that Maître Zarambaud's questions 1 to 4 and 10 are likely to be put by the
- 22 Prosecution and are therefore repetitive. The Defence also argues that questions 2, 4, 7, 8,
- 23 10 and 12 should not be asked using excerpts from the witness's interview. Finally, the
- 24 Defence argues that question 9 is misleading and that question 12 goes well beyond the
- 25 witness's knowledge.

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1 On 24 October 2011, Maître Zarambaud filed his reply to the Defence response, it's Filing
2 1861-Conf, requesting the Chamber to dismiss the Defence response. Maître Zarambaud
3 argues that he cannot guess which questions will be asked by the Prosecution, that
4 reading of excerpts from the witness's interview aims at refreshing the witness's memory,
5 and is neither leading nor prejudicial.

6 On 27 October 2011, the Defence filed a response to the application of Maître Douzima,
7 (Filing 1866-Conf). However, the Chamber notes that this document was filed outside
8 of the time-limit set by the Chamber in paragraph 14 of its "Decision (i) ruling on legal
9 representatives' application to question Witness 33 and (ii) setting a schedule for the filing
10 of submissions in relation to future applications to question witnesses." The Defence did
11 not request an extension of time-limit, and did not offer any explanation for the late filing.
12 As such, the Chamber declines to consider the Defence response to Maître Douzima's
13 application.

14 Having considered the reasons given by both Maître Douzima and Maître Zarambaud as
15 to why the personal interests of the victims they represent are affected, the Chamber
16 allows their applications to question Witness 47, as the witness may testify on the MLC
17 operations in the Central African Republic and on possible crimes that victims have
18 allegedly suffered.

19 Turning to the proposed questions, after considering the objections made by the Defence
20 and the observations of the legal representatives, Chamber allows the questions presented
21 in the applications, except for Maître Zarambaud's question 6, which is merely
22 speculative. The Majority of the Chamber, Judge Ozaki dissenting, also finds that Maître
23 Zarambaud's question 1 and 12.2 should be rephrased in a more concise and objective
24 manner.

25 Judge Ozaki dissents as well with respect to questions 1 and 3 of Maître Zarambaud,

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1 which she would not allow for reasons already explained in paragraph 13 of her partly
2 dissenting opinion on the Order on the procedure relating to the submission of evidence;
3 question 2.2, which is leading, and question 9.2, which is speculative.

4 I now ask, please, for the court usher to bring the witness in.

5 (The witness enters the courtroom)

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

7 THE WITNESS: (Interpretation) Good afternoon, Madam President.

8 PRESIDING JUDGE STEINER: Did you have the opportunity to take some rest during
9 the lunch break?

10 I think the interpreters are having trouble in listening to you. Could you repeat --

11 THE INTERPRETER: Madam President, we did not hear anything.

12 PRESIDING JUDGE STEINER: -- please, your answer, Mr Witness?

13 THE WITNESS: (Interpretation) Yes, Madam President, I did indeed rest.

14 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving your
15 testimony?

16 THE WITNESS: (Interpretation) Yes, indeed, Madam President.

17 PRESIDING JUDGE STEINER: Mr Iverson, you have the floor.

18 MR IVERSON: Thank you, Madam President.

19 Q. Welcome back, sir.

20 A. Thank you, sir.

21 Q. Could I ask the court officer to please display the last document we had,

22 CAR-OTP-0028-0400, and it is now a public document.

23 Sir, do you see the photograph on your screen?

24 A. Yes, Madam President, I do.

25 Q. Sir, what if any mention was made of the name Jean-Pierre Bemba on this day?

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(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 A. Could you please repeat your question for a better understanding?

2 Q. You've described the day to us, we now see a picture of part of the day in front of us
3 and my question just has to do with during the course of that day did you ever hear the
4 name Jean-Pierre Bemba mentioned?

5 A. Yes, the militiamen on this photograph said themselves that it was their president,
6 Mr Jean-Pierre Bemba, who had called upon them to intervene in the Central African
7 Republic.

8 MR IVERSON: Thank you, sir.

9 Madam President, at this time I would like to submit this document as evidence in this
10 case, and I would ask that the court officer display CAR-OTP-0028-0399 and at this time
11 that document is confidential.

12 PRESIDING JUDGE STEINER: Do you intend the document to be as well reclassified as
13 public, Mr Iverson?

14 MR IVERSON: Yes, Madam President. As I look at the document here I really don't see
15 any identifiable features, or easily identifiable features, that would potentially disclose
16 identifying information about individuals.

17 PRESIDING JUDGE STEINER: Mr Haynes.

18 MR HAYNES: Your Honour can take it that I will take the same position in relation to all
19 the documents produced by this witness.

20 PRESIDING JUDGE STEINER: Thank you very much. Therefore the further document
21 is reclassified as public and can be displayed publicly, court officer.

22 THE COURT OFFICER: Madam President, document CAR-OTP-0028-0399 is now
23 available on your screens and it's a public document.

24 MR IVERSON:

25 Q. Sir, do you recognise this document?

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Witness: CAR-OTP-PPPP-0047

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1 A. Yes, Madam President.

2 Q. Sir, I'm asking you questions over here at the Office of the Prosecutor counsel table.
3 It's not Madam President right now. How do you recognise -- how do you recognise this
4 photograph?

5 A. This is a photograph that I took to make sure that the world at large would know
6 precisely what happened in the Central African Republic during those events, the events
7 that our country lived through, and of course you can see here -- you can see the bridge
8 opposite, the command bridge, and the individual in military garb is Warrant Officer
9 Odon. The rest of the individuals on the photograph are militiamen.

10 Q. Sir, is this a fair and accurate representation of the photograph that you took, the
11 image that you see?

12 A. Yes, indeed, sir.

13 Q. And do you recall when you took this particular photograph?

14 A. During the daytime.

15 Q. Right. You said there were 19 days where you were going back and forth on the
16 ferry. If day one was -- we'll say the first day is day one and we'll say that day 19 is the
17 last day. When within that time-frame did you take this particular photograph?

18 A. It was between the -- some time between the sixth and the eighth day.

19 Q. Okay, good. And that was exactly what I was hoping that the information - the
20 type of information - that you'd give, just so you were following what I was asking for.
21 You see on the left-hand side of the photograph what appears to be boxes. What are
22 those, in fact?

23 A. As I said to you at an earlier stage, what you can see piled up here, well, you can see
24 that there is a manhole, a hole that we called a manhole, on the ferry here. These were
25 ammunition crates that were filled up. These are the ammunition cases that are full and

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1 the militiamen were in charge of this ammunition.

2 Q. So you mentioned the manhole and you can see a number of boards going across a
3 platform of planks, if you will. Was there a space underneath those planks to store the
4 ammunition cases?

5 A. Yes. As you can see, just opposite our viewpoint there is a sort of cover and if you
6 lift this you then gain access to the inside of the boat, and if for example the boat starts to
7 take on water you can feed a hose in here or -- in order to extract the water. Now, this is
8 where the ammunition cases were placed, at a distance approximately of the length of this
9 table.

10 Q. Do you happen to remember on that particular day whether that space beneath the
11 planks was full of ammunition, or what was the circumstances on that day, if you
12 remember?

13 A. The location where those crates are piled up, there are a lot of ammunition cases
14 here, crates. Now, they used some buckets and they would gather ammunition. You
15 can see here on the photograph the individual who is wearing a skirt. Well, he filled this
16 skirt with ammunition. Others who had towels would use them in order to carry
17 ammunition and this is where the ammunition is piled up.

18 Q. Now, in the very back of the photograph you see the white tower. I'm not very
19 good with nautical terms, but I think that that is the bridge. Is that normally where you
20 would be located?

21 A. Yes, this ferry is rectangular in shape.

22 Q. Do you remember what side of the river this photograph was taken on? Was it on
23 the DRC side - the Zongo side - or the Bangui side, or was it in the middle of the river?

24 A. As soon as I docked, I put the engine in neutral in order to enable me to take hold of
25 the cable and to make fast the ferry. I had to do this. I had to moor the ferry, and once I

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1 had done this I would then come back to the bridge, I would accelerate and I gestured to
2 Odon to load the ferry and to load all those individuals onto the ferry.

3 Q. And was this just after loading? Was this in Zongo, then?

4 A. Could you please repeat your question for a better understanding?

5 Q. Well, I was just wondering if this photograph was taken on the Zongo side of the
6 Ubangi River?

7 A. We had already disembarked, we had already left the Zongo side, the Zongo quay
8 side.

9 MR IVERSON: Thank you, sir.

10 Madam President, I would like to submit this document as well to be considered as
11 evidence, CAR-OTP-0028-0399, and I'd like to ask the court officer to please pull up
12 another document. Again, this document is confidential. I would just like to ask the
13 witness a few questions about the photograph before I make any request, because I need
14 to have some more information before I can intelligently represent what the position of
15 the Office of the Prosecutor would be with regard to the photograph. And the ERN
16 number is CAR-OTP-0028-0398.

17 PRESIDING JUDGE STEINER: Therefore, the blinds must be lowered and the document
18 not displayed outside the courtroom.

19 MR IVERSON:

20 Q. Sir, do you see the photograph on your screen?

21 A. Yes, I have it in front of me.

22 Q. And I just wanted to ask you, sir, who is the person in the middle of the photograph
23 with the white hat?

24 A. That's me, myself.

25 MR IVERSON: Okay. Madam President, I would like to -- at this point, I'd just like to

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1 move on to another topic but I'd like to come back to this photograph. That's the
2 information that I needed to know, in order to determine the OTP's position.

3 PRESIDING JUDGE STEINER: You're not showing any further document on the screens
4 right now?

5 MR IVERSON: Not for the moment, Madam President. There's one more picture after
6 this, in which there are identifiable features and so I -- but I'll save that one 'til later.

7 PRESIDING JUDGE STEINER: So just to then ask the court usher to raise the blinds.

8 MR IVERSON:

9 Q. Sir, I asked you a few minutes ago about the name Jean-Pierre Bemba, and whether
10 it had been mentioned, and now I want to ask: During the 19 days of your being on the
11 ferry, did you ever actually see Mr Jean-Pierre Bemba?

12 A. Yes, sir, I saw him, and I took him from Zongo to Bangui. I took him from Bangui
13 to Zongo and, on another occasion, I took him from Zongo to Bangui and from Bangui to
14 Zongo.

15 Q. Okay. I'd like to ask if you could provide the Chamber with a few more details
16 about these two encounters and I'd like to start with the first one, the first being the first
17 one in time, which one happened first. Can you describe for the Chamber how
18 Mr Bemba came to be on the ferry that you were operating?

19 A. On the first occasion, Mr Jean-Pierre Bemba arrived in Zongo in a helicopter -- by
20 helicopter, a blue helicopter, and he landed in Zongo.

21 Q. After the blue and white helicopter landed, what happened next? How long
22 after --

23 A. Before --

24 Q. I'm sorry, I'll let you just answer the first question, which is, you know, what
25 happened next after Jean-Pierre Bemba's helicopter landed?

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1 A. Okay. Before Mr Jean-Pierre Bemba landed in Zongo, the entire town of Zongo
2 had been mobilised and militia on the ground drove out all the population of Zongo.
3 They beat the population and they fled. And shortly after, the helicopter flew over the
4 Ubangi River; it flew over at a very low altitude. This blue helicopter landed, and
5 shortly after they provided security for the river right up until -- right up unto the quay.
6 I had already docked. The escort then arrived at break-neck speed and, as there was a
7 gentleman who had authority in the Équateur, all the means had been mobilised for the
8 situation. He arrived in a red Mitsubishi, and there were all-terrain Hilux vehicles
9 transporting his security detail.

10 Q. Did you as the ferry captain, or driver, receive any special instructions because
11 Mr Bemba was present?

12 A. Warrant Officer Odon whispered some information to me and said that very soon
13 we would be transporting Mr Jean-Pierre Bemba, because it was Odon who was
14 co-ordinating all the activities that had to do with the transmission of information, so he
15 knew who we would be ferrying.

16 Q. Prior to that moment, did you have any idea or did you know who Mr Bemba was?

17 A. No, sir.

18 Q. And how did Mr Bemba arrive to the quay to load the ferry that you were piloting?

19 A. I'm telling you, before this Court, that Mr Jean-Pierre Bemba exercised a significant
20 amount of authority in Équateur. Before he arrived, the militia in the field and troops
21 from Zongo drove out the entire population. Even the small huts along the river were
22 destroyed in seconds. Everything was cleared in a fraction of a second. The place had
23 been combed through, and shortly after the helicopter flew over the river at a very low
24 altitude.

25 Q. Do you remember at that time what -- how intense was the fighting in Bangui when

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1 Mr Bemba arrived in Zongo with the helicopter, if you remember that?

2 A. Yes, the fighting was intense in Bangui, the capital.

3 Q. Do you know why Mr Bemba didn't land in Bangui? Why go to the trouble of
4 landing in Zongo and then crossing with the boat?

5 A. At that time in Bangui, the Central African Republic capital, Bangui was divided.
6 The airport had already been searched, so he couldn't arrive at the Bangui M'Poko airport.
7 He preferred to go to the other side and then cross over by ferry.

8 Q. Was the -- the ferry route between Zongo and Bangui, how secure was that route?
9 Did you ever take fire from weapons, from rifles or anything of that nature?

10 A. During the crossing there were these bullets from Bangui, or rather they came from
11 Zongo.

12 Q. Okay, I'd like to go back to your testimony about Mr Bemba's arrival. So we got to
13 the point where he arrived and landed in the helicopter, and you mentioned that a red
14 Mitsubishi truck had arrived at the quay at the port of Zongo. When did Mr Bemba
15 arrive to the port to embark on your ferry?

16 A. The helicopter landed and the all terrain vehicle with his security guards arrived
17 first, and the all terrain vehicle, or the Mitsubishi, was in the middle and behind there
18 were the security agents, the security officers too, and they arrived at break-neck speed.
19 I think it was 70 an hour. That was their speed when they arrived at the quay. That
20 was their average speed.

21 Q. So am I correct in understanding that the first people who arrived were the security
22 entourage?

23 A. Could you please repeat that question so that I can understand it more fully?

24 Q. Certainly. I think it's clear enough and I'm going to ask the next question. Could
25 you just describe the security entourage? How many people were in the security

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1 entourage?

2 A. Mr Bemba's security detail consisted of about 30 men, and to be more precise they
3 weren't from the Congo or from the Central -- or the Central African Republic. They
4 were from the Maghreb. They were in fact from Libya, these security men of his.

5 Q. And can you describe what the security detail of these 30 Libyan men did when they
6 arrived to your boat?

7 A. When they arrived, well, the first thing was that they were told that their president
8 and commander would be crossing over by ferry, and then they rapidly boarded the ferry
9 and they started opening the manholes I've shown you and they did this to check what
10 was inside. They wanted to be sure that the ferry was safe, because the president would
11 be a passenger on the ferry. They made me open all the manholes. They made me
12 examine the entire boat. There was a hold that was taking on water and they asked me
13 whether this might be the cause of death for their boss, and they then told me that if the
14 ferry did not arrive in Bangui with the president and commander they said they would
15 kill me. The guy took a gun out and said that I would be killed immediately. I was
16 asked, "Is it safe?" The other person on the other side told me to open another hold. I
17 did it. I hadn't even finished doing that and then I was asked to open another manhole
18 by someone else. There are about four manholes along the length of the boat and four on
19 the other side, so I had to open all these manholes so that they could have a look inside
20 and see what there was inside. One was sealed and they obliged me - they made
21 me - open it so that they could have a look inside, and this wasn't done in a friendly
22 manner. It was done by putting pressure on me. Try and understand the sort of
23 atmosphere that prevailed on that day.
24 So these things were done. They went down and had a look at things with their torches.
25 Then they got out, they took up position on the left and on the right-hand side and his

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1 order was then issued so that the commander and president could go to the bridge.
2 When he did that -- well, you see how long this room is. When he walked over to the
3 other side, well, he arrived and then he walked back a bit and took a position in the
4 middle. He was a large man. He had a cane, I think an aluminium or silver-plated cane,
5 and he was holding this in his hand.
6 I ran up to take away the cable that was mooring the boat. I had to do that so that the
7 boat could reverse, and one of the security men stopped me and asked me where I was
8 going? He said I should remain on the ferry and we should leave. As he didn't
9 understand me and I didn't understand him either, I made a sign to him to make him
10 understand that I wanted to take the cable away and, while we were having this
11 discussion, he was holding a gun in his hand. Odon, the warrant officer, understood
12 what the situation was. He took the cable away and I was able to refloat the boat and to
13 reverse.

14 Q. Did you happen to notice the clothing that Mr Bemba was wearing?

15 A. Yes, I saw uniforms, fatigue-style uniforms. There were the trousers and then you
16 had the top here, but no belt.

17 Q. You described that the security guards had pistols, one that was waved in your face.
18 Do you know if Mr Bemba was armed?

19 A. He had a sort of waistcoat and a gun here under his armpit. He had a waistcoat, or
20 a flack jacket.

21 Q. And what happened while -- you're in the bridge reversing the boat. What
22 happened while you were reversing the boat?

23 A. When I was reversing the boat, the president and commander was in the middle.
24 He was holding his cane and doing this. One of his bodyguards didn't understand what
25 was going on, and they were ready to open fire and I had to adjust the motor to reverse.

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1 You know, when you have a ferry in this position, given the engine's inertia the boat
2 advances towards the quay, so in order to pull back you have to accelerate so that the
3 motor refloats the boat. This man hadn't understood the meaning of this manoeuvre,
4 how the ferry functioned, so he took his gun out and he fired. He didn't understand how
5 these things work. I was already very disturbed because, given the calibre of his gun, the
6 shot was a traumatising one. Warrant Officer Odon needed to calm me down and to
7 speak to the president and commander so that his aide-de-camp would also calm down.

8 Q. And was the warrant officer successful in calming the situation down?

9 A. Yes, sir.

10 MR IVERSON: Just on page 74, line 17, of the transcript, I'm just going to provide some
11 narration. The witness with his right hand was pretending he had a cane in his right
12 hand and then tapping it into his left palm; the top of the cane into his left palm.

13 Q. Now, the security detail, did they have any other weapons in addition to pistols?

14 A. Yes, they had weapons of other calibres, in addition to the pistols. The pistols that
15 they had were not the pistols I was used to seeing. You see, the diameter of that emblem
16 symbol behind you, the diameter of that pipe or pole, so the barrel of the pistols that they
17 had had the diameter of the poles that you can see behind you.

18 MR IVERSON: Well, we're making full use of the courtroom today. The poles he's
19 referring to are the ones that -- on which the flags of the Court are mounted. And when
20 he talks of diameter, he's talking about the barrel of the weapon.

21 Q. Sir, do you recall, approximately -- remember how we numbered the days 1 to 19?
22 Do you recall on which day this first visit by Mr Bemba occurred?

23 A. It was between the seventh and the ninth. Between the seventh and the ninth.

24 Q. And when you were crossing the Ubangi River, you said that Mr Bemba was
25 standing in the middle of the barge, or the boat. Was he then surrounded by the security

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1 detail? Is that how it -- is that how it was?

2 A. Yes, sir. I told you a short while ago, and I demonstrated to you, that the ferry was
3 as big as this courtroom. It had a rectangular shape. Now, if you were to take this wall,
4 the Libyan security details were lined up on this side. On the other side, at the entrance
5 and at the bridge, they were ready and they were ready to open fire. And I can tell you
6 that on that day, if you saw them, you would not dare look at them even for two seconds.
7 They were looking very wild.

8 Q. And did the crossing take the usual 20 minutes from Zongo over to Bangui?

9 A. On average 20 to 25, because of a few problems here and there, but when you
10 accelerate the vessel would move faster.

11 Q. And do you know whether Mr Bemba himself or his security detail had any
12 methods of communication, any type of walkie-talkies or otherwise?

13 A. They had extremely perfect means of communication. They had satellite
14 telephones with separate batteries, and once connected transmission was possible. So
15 they had at least three types of that means of communication. They also had the famous
16 Thuraya. That is what they were using at the time, the Thuraya.

17 Q. My next question is -- I just want to clarify an issue. How did you know that the
18 man that you saw on your ferry that day was in fact Mr Jean-Pierre Bemba?

19 A. Let me be specific, sir. I did the first crossing, the second and the third, and the
20 atmosphere in Zongo at that time was not the same as when President Commander
21 Jean-Pierre Bemba landed in Zongo. A helicopter was landing in Zongo for the first time,
22 and you can imagine what the impact of that would be. All the inhabitants who lived
23 along the river, right up to the market, were driven away. Any small huts in that area, or
24 huts in that area were instantly destroyed. So this was a man with authority, a man who
25 had men on his side.

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1 Q. Now, when the inhabitants of Zongo were running away, did you happen to
2 overhear any talk of Mr Bemba during that period, during that time-frame of the day?

3 A. When the civilians were being driven away, the militia and the soldiers in the DRC,
4 or from the DRC, were saying that President Commander Jean-Pierre Bemba was going to
5 arrive soon. The women were beaten. You see women being beaten even before you
6 with pieces of wood, and there was nothing you could do about it. Even though women
7 were being beaten right there before you, who would you complain to?

8 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0028-0404, and
9 this is a confidential document.

10 THE COURT OFFICER: The document as referred by counsel is available on the screens,
11 and it's a confidential document.

12 MR IVERSON: Madam President, for this document I will not be requesting
13 reclassification just for the simple reason that it's impossible for us to verify potential risk
14 or impact to third parties with this photograph, and there are identifiable features in the
15 photograph.

16 PRESIDING JUDGE STEINER: Should we then go into private session, Mr Iverson, or
17 it's not necessary?

18 MR IVERSON: I don't believe that private session is necessary, no. Yes, Madam
19 President, the answer would simply be "No, I don't think that's necessary."

20 Q. Sir, do you see the photograph on your screen?

21 A. Yes, sir.

22 Q. Who took this photograph?

23 A. I, myself.

24 Q. And is this image that you see on your screen a fair and accurate depiction of the
25 photograph that you took?

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1 A. Yes, sir.

2 Q. Could you please describe to the Court what is happening in this photograph?

3 A. Madam President, gentlemen of the Court, this picture before you depicts the
4 following: The soldier you see right before you is Warrant Officer Odon. Then next to
5 him there is somebody with a blue scarf. Someone smoking a cigarette, he is the
6 specialist in this heavy weaponry that you can see.

7 Now, the soldier who you see is Sergeant Ilemala and behind -- behind is another
8 gentleman from the Maghreb and he is kneeling at a heavy weapon which was positioned
9 there. That is the person behind the bonnet of the car and you can see another gentleman
10 who is bald in the background.

11 PRESIDING JUDGE STEINER: Mr Iverson, if you don't mind that I interrupt you?

12 MR IVERSON: Not at all, Madam President.

13 PRESIDING JUDGE STEINER: Just I wanted to ask the witness what is -- whether you
14 know what is the nationality of this Warrant Officer Odon?

15 THE WITNESS: (Interpretation) Madam President, yes, he is of Central African
16 nationality. The chief warrant officer in the back is also a Central African.

17 PRESIDING JUDGE STEINER: This Sergeant Ilemala is Central African?

18 THE WITNESS: (Interpretation) Yes, madam. Those two gentlemen, Odon and
19 Ilemala, and another corporal were the three persons co-ordinating the entire crossing
20 exercise. I thank you, Madam President.

21 MR IVERSON: Thank you for that clarification, Madam President.

22 Q. Sir, could you -- sir, there are four people in the foreground of the photograph, and
23 we've identified those on the ends and you've talked about the two people in the middle.
24 Now, the two people in the middle, there's one with the blue scarf you said and another
25 one showing thumbs up. Do you know where those two individuals are from, or what

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1 their nationality is?

2 A. As I told you a short while ago, they are Libyans. The four-by-four on the
3 photograph was not the only vehicle - the only four-by-four vehicle - that arrived. Six of
4 them came from Benghazi, landing in Zongo, and then I had to take them to Bangui.

5 Q. And again, you know, using the day one through to 19 as a reference, approximately
6 when was this photo taken?

7 A. Between the 11th and the 12th. Oh, I'm sorry. I'm sorry, please. This
8 photograph, when Mr Jean-Pierre Bemba came, it was at a time of intense fighting. I
9 have already told you that the Bangui M'Poko airport had already been taken over, and
10 when Mr Bemba arrived I took him to Bangui and when he finished what he was doing in
11 Bangui he went back to Zongo and it was around 4 p.m. that the plane bringing in those
12 four-by-fours landed in Zongo.

13 One more detail. If I had not used my intelligence, if I had not been smart enough, I
14 would never have been able to make these photographs that we are able to look at today.
15 First of all I had to technically separate the cables of the electro-vans, and for that reason
16 the engine stopped and that is how we were almost going to be shipwrecked. We were
17 drifting downstream, and I smartly went to Odon and asked him to facilitate things for
18 me and that is how I was able to make these photographs that we can now look at here in
19 this Court. If I had been taken unawares, I surely would have lost my life for that reason.

20 Q. Do you know if the Libyan nationals depicted in this photograph, do you happen to
21 know if either of those two individuals were -- formed part of Mr Bemba's security
22 entourage?

23 A. What I know is that when he arrived he did not have any Congolese or Central
24 African bodyguards. His bodyguards were all Libyan. On the same day when he
25 finished his business in Bangui he took off, and it is on that very day that the plane landed

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1 in Zongo bringing all -- bringing in this arsenal that you can see on the photograph.

2 MR IVERSON: Madam President, once again the Prosecution submits this document as
3 evidence in this case and that is CAR-OTP-0028-0404.

4 PRESIDING JUDGE STEINER: Sorry again to interrupt you, Mr Iverson. I just want a
5 clarification from the witness. Here on page 81, line 13 - 12/13 - it said, "On the same day
6 when he finished his business in Bangui he took off, and it is on that very day that the
7 plane landed in Zongo bringing all -- bringing in this arsenal that you can see on the
8 photograph." Mr Witness, when you refer to the "plane," are you referring to the
9 helicopter, or is it another plane you are referring to?

10 THE WITNESS: (Interpretation) Madam President, I'm referring to another aircraft.
11 The helicopter cannot transport those types of vehicles that you see on the photograph.

12 PRESIDING JUDGE STEINER: So, and what kind of plane was that, if you may describe
13 it for the Chamber?

14 THE WITNESS: (Interpretation) The aircraft that brought in those vehicles did not
15 come to the area where the French embassy is located near -- opposite Zongo. It flew to
16 the south of Zongo and then landed directly. It was a very noisy aircraft.

17 PRESIDING JUDGE STEINER: And then this plane landed, was not in the airport,
18 because you said the airport was already seized. Where did this aeroplane land, if you
19 know?

20 THE WITNESS: (Interpretation) Madam President, maybe there is a
21 misunderstanding. A short while ago I said that at that time Bangui -- now, let me give
22 you a picture. Bangui was on this side, where I am, and Zongo was on the other side,
23 where you are, and we were separated by the Ubangi River. Now, at that time, the
24 Bangui M'Poko Airport had already been taken over, had been searched and taken over,
25 so the craft that brought in the vehicles could not land in Bangui and that is why it

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1 overflow and landed in Zongo on the other side.

2 PRESIDING JUDGE STEINER: Thank you very much. Mr Iverson.

3 MR IVERSON:

4 Q. Do you know how long approximately Mr Bemba and his security entourage stayed
5 in Bangui before they came back? As you mentioned earlier you ferried them back to
6 Zongo, so how long did they stay in the city of Bangui?

7 A. Two hours at the very most.

8 Q. And do you have an idea of where Mr Bemba and the security entourage went in
9 Bangui?

10 A. What I know is that when I docked, a number of vehicles arrived at very high speed.
11 Commander President Jean-Pierre Bemba went into a grey Mercedes, grey as the colour
12 just across and so he boarded that vehicle and the boss of the presidential security, who
13 was in a four-by-four, took off with the sirens running, and you may want to know that
14 when there is a presidential convoy in Africa, particularly, the driving is at break-neck
15 speed. That is how it happened.

16 Q. For the record, the colour grey the witness is referring to is the colour grey that's on
17 the screens between the interpreters, the court reporters and the courtroom. Sir, I think
18 this would be a good moment to wrap up for the day. We are coming close to the time
19 when we finish for the day but I do just want to commend you for your energy and your
20 focus today and I hope we can continue that tomorrow. So thank you. Thank you,
21 Madam President.

22 THE WITNESS: (Interpretation) Well, I thank you, Madam President. I am the one
23 to thank you, Madam President.

24 PRESIDING JUDGE STEINER: You don't have to thank for anything, Mr Witness. The
25 Court thank you very much as the Prosecution said for your energy and your willingness

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1 to testify. We will adjourn for today. You can take some rest. Our interpreters and
2 court reporters need as well to take their break. We will resume tomorrow morning at
3 9.30 in the morning.

4 I ask, please, the court usher to accompany the witness outside the courtroom. As soon
5 after the witness leaves the room we will adjourn and resume tomorrow morning.

6 (The witness stands down)

7 PRESIDING JUDGE STEINER: I would like to thank very much Prosecution team, legal
8 representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo. To thank very
9 much our interpreters and court reporters. The hearing is adjourned.

10 THE COURT OFFICER: All rise.

11 (The hearing ends in open session at 4.00 p.m.)

12 RECLASSIFICATION REPORT

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

14 ICC-01/05-01/08-3038, the version of the transcript becomes entirely Public.