

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 Wednesday, 2 November 2011
9 (The hearing starts in open session at 9.36 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.
19 Good morning and welcome the Prosecution team, legal representatives of victims.
20 Good morning Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our
21 interpreters, court reporters.
22 We will continue today with the testimony of Witness 47. Before we bring the
23 witness in, I would like to ask Mr Haynes whether Mr Haynes has an estimation to
24 give to the Chamber on how long it will take to conclude his questioning of the
25 witness?

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1 MR HAYNES: Given the current progress, I am relatively confident that we will
2 finish today. I feel inhibited from making any greater promise than that, but we are
3 about halfway and I am going to do my very best to finish today.

4 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

5 I ask, please, court usher to bring the witness in.

6 (The witness enters the courtroom)

7 WITNESS: CAR-OTP-PPPP-0047 (On former oath)

8 (The witness speaks French)

9 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

10 THE WITNESS: (Interpretation) Good morning, your Honour. Good morning,
11 ladies and gentlemen of the Court.

12 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
13 your testimony, sir?

14 THE WITNESS: (Interpretation) Well, more or less. Let's see how things go. If I
15 feel tired, I will let you know.

16 PRESIDING JUDGE STEINER: So you feel free to inform the Chamber in case you
17 need.

18 Before I give the floor back to the Defence, I need to remind you, sir, that you are still
19 under oath. Do you understand that?

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

21 PRESIDING JUDGE STEINER: Thank you.

22 Mr Haynes, you have the floor.

23 MR HAYNES: Thank you and good morning to you, your Honour.

24 QUESTIONED BY MR HAYNES: (Continuing)

25 Q. And good morning to you, sir.

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1 A. Good morning, sir.

2 Q. Before I commence or recommence asking you questions, can I just in the same
3 terms as Mr Iverson commends you for your energy and concentration tell you that if
4 you can manage to keep it up there's a fair chance that today we might be able to
5 finish your testimony. Do you understand?

6 A. A few moments ago, I said in front of the Court that I will continue and if I
7 become tired -- you see, speaking can be very tiring. Answering all these questions,
8 if you were in my shoes I don't think you would hold up the way I have been holding
9 up, but I will see how things go today and if I'm tired I will ask for some rest, some
10 time to take some rest.

11 Q. Of course, you must. Now, just to summarise what you've told us, during the
12 19-day period that you were working for Christian Martin, you made something like
13 80 to 100 round-trips between Bangui and Zongo; is that correct?

14 A. I believe you're basing yourself on an average for your little calculations.
15 I think that's -- I think that's what you're doing, sir.

16 Q. Well, I want to concentrate really for a minute on the return trips from Bangui to
17 Zongo. You told us on 27 October, English transcript page 45, lines 18 to 20, that the
18 ferry was always empty when you returned to Zongo; is that right?

19 A. Empty? Well, *as such -- well, the load of the ferry-boat, if it was three or four
20 *hundred thousand kilogrammes I wouldn't take that into account, but if the tonnage
21 was quite high that would affect the weight; the weight that the ferry-boat would
22 have to push.

23 Q. I don't want to be unfair to you, so I'm going to show you what you said in the
24 course of your interviews with the Office of the Prosecutor, and for the witness that
25 will be CAR-OTP-0028-0336 and for those of us following in English the last four

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1 digits of the ERN will be 0041.

2 THE COURT OFFICER: Madam President, do you want the blinds to go down,
3 because this is a confidential document? It's part of the witness's statement, which
4 first page is reference CAR-OTP-0028-0306, first redacted version.

5 PRESIDING JUDGE STEINER: Although there's nobody in the gallery, let's lower
6 blinds and leave them that way, please.

7 THE COURT OFFICER: Just for the record one more time document
8 CAR-OTP-0028-0306, first redacted version at page 0306, is available on the screens.

9 MR HAYNES: It might just help the witness if we just took the page up a tiny
10 fraction for perhaps one further reply.

11 Q. Can you see there where the investigator asks you a question beginning "Juste
12 pour clarté"?

13 A. Sir, let me explain this point. I was put -- I was asked about Bangui to Zongo,
14 generally speaking what would I transport, and you see I answered saying that from
15 Bangui to Zongo I transported corpses, injured people, tanker trucks and empty
16 trucks, various weapons, all different calibres, ammunition and explosives.

17 Q. Thank you. You were making that journey, unless I'm wrong, four or five
18 times a day; is that right?

19 A. Yes, sir.

20 Q. And is it the case that on most occasions your boat would be completely empty?

21 A. Sir, I'm telling you that this question was put to me during that period of time;
22 namely, the crossings. I was asked what did I take across, let's be very clear about
23 this point, and generally speaking I was able to give details about the items that I
24 transported during that period of time.

25 Q. Sir, I'm not disagreeing with you. Perhaps it's better if we move on. The

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1 vehicles that you transported, did they appear to you to have at least a potentially
2 military purpose?

3 A. Could you repeat that question so I can understand it properly?

4 Q. Yes, tank, lorries and empty lorries, did it appear to you they were the sort of
5 vehicles that might be used in combat?

6 A. I believe that I'm being clear in my replies. During that period of time there
7 was one particular moment when in Zongo there was a problem with transportation,
8 and I transported those trucks from Bangui to Zongo so that those trucks could head
9 off and then quickly bring back the militiamen to the dock.

10 Q. Thank you. Did you know where the lorries had come from that you
11 transported from Bangui to Zongo?

12 A. I was on the dock and the lorries would arrive. I was told to take those lorries
13 to Zongo, but I don't -- I couldn't know where they came from. I saw these lorries on
14 the dock. I was told to take them across and -- but I wasn't in any position to know
15 where the lorries came from.

16 Q. That's very fair of you to say so. After the 19-day period, you didn't operate
17 the ferry from Bangui to Zongo again, did you?

18 A. I believe that the question you've asked me was already put to me yesterday.
19 You asked me whether I remembered after those 19 days whether I ever went back to
20 Zongo and I answered that question.

21 Q. And can we take it from your responses in this interview that during that
22 19-day period you never carried from Bangui to Zongo any satellite dishes, mattresses
23 or other household goods, otherwise you would have said so?

24 A. The question that you're asking me, I believe I answered that kind of question
25 yesterday. I was asked a question that was general in nature. Sir, I believe that if

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1 you were in my shoes, a man has only one brain and a man's brain has more than
2 three billion cells and during those events, during those difficult times, if you had
3 been in my shoes you would not have remembered everything. You would not have
4 been able to remember everything. I'm telling you I took those lorries across.
5 The looted goods, I didn't take that into account. I didn't take those -- I really didn't
6 pay any attention to those items that were piled up. If I didn't mention them, well,
7 it's possible. I can't mention everything, but the essential thing is -- well, I gave the
8 essential information.

9 Q. Thank you. Now, you had never seen Jean-Pierre Bemba; is that right? We
10 can remove this document from the screen now, if that makes life easier.

11 A. Would you mind repeating your question so I can understand it properly?

12 Q. Yes. You had never seen Jean-Pierre Bemba, had you?

13 A. I think I said before this Court and you yourself said that you are defending the
14 interests of your client. The client for whose interests you are defending, I saw him.
15 I conveyed him from Zongo to Bangui twice, in fact. I did transport him from Zongo
16 to Bangui.

17 Q. Had you seen him either in person, or on TV, or anything like that before the
18 first occasion that you say that you transported him?

19 A. Sir, I think you're playing with words. It's true that you are defending the
20 interests of your client, but I did say before this very courtroom that I conveyed the
21 client, whose interests you are defending, from Zongo to Bangui. For the first time
22 he came on board a helicopter. He is here behind you at this very moment and he
23 knows this full well. He knows this full well. He knows that he got out at Zongo
24 and I crossed the river with him and I don't see why you are repeating, going over
25 and over again these questions. I transported him from Zongo to Bangui.

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1 Q. The information that you had, according to you, that the man on the boat on the
2 day of the first crossing was Bemba, came from Warrant Officer Odon, didn't it?

3 A. Sir, I think you've already obtained the answer. You're trying to play with
4 words. I told you that Warrant Officer Odon, who was here during the crossings, he
5 said that he was -- it was your customer, your client, that -- whose interests you are
6 defending that will be making the crossing.

7 Q. And if he hadn't told you that, would you have had any idea who the man was?

8 A. Sir, it will always -- those will always be the facts in my mind.

9 Q. Now, you had some dealing with the security guards who came onto the boat
10 on that first occasion; is that right?

11 A. Please repeat your question just as you have put it to me and without making
12 any interruption, please.

13 Q. Did you speak to any of the security guards on that first trip?

14 A. I will just repeat what I said. You are playing with words and words should be
15 slotted into their proper place. Sir, I've already told you that the guards that were
16 surrounding the client whose interests you are defending today, these were Libyans.
17 I didn't talk with those men. They were Libyans, and a little earlier on you asked me
18 whether it was on the TV, this, that and the other. I'm just telling you the facts that I
19 experienced on the ground. It was a president, a commander, and in those days,
20 well, the client whose interests you are defending today -- now, in that particular
21 period of time, when I was involved in this dirty business, everybody in this
22 courtroom here today should stand and pay tribute to the man whose interests you
23 are defending today? I mean, your client in those days enjoyed a huge amount of
24 prestige and stature.

25 Q. So you didn't speak to the security guards. Did they speak to you?

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1 A. I think you've already obtained the answer, but I will reiterate the points I have
2 already covered. When you say "president" and "commander" and today you are
3 telling me before the courtroom that you're defending the interests of your client, it's
4 all nice to say that "I'm defending the interests of my client President and Commander
5 Jean-Pierre Bemba," and then I would understand that, but all the security agents
6 surrounding his person, I mean, it's like a Doberman Pinscher ready to pounce to
7 defend your client. When they went on board that ferry, the way that they went and
8 boarded the ferry, it wasn't to be cordial and nice. When they asked me to open up
9 the manholes that -- I mean, you know the dimensions of those manholes, because
10 you were there on the ground, were you, in Bangui, during these upheavals? When
11 they asked me to open up the manholes they weren't being nice about it, sir, and
12 when you ask me this type of question, and I can see in my mind, I can run through
13 my mind what happened to me during that time, I can tell you that my poor head
14 could have fallen on that day, because the facts that you're asking me to talk about
15 now really takes me right the way back. It takes me -- it makes me feel ill at ease, sir.
16 I can see it in my mind's eye now. He didn't have an aide-de-camp in those days,
17 but he was surrounded by Libyans. I keep on saying this. Of course you are
18 defending his interests today but you should ask him where did he leave his
19 aide-de-camp? He's there, behind you. He's well-informed. He can tell you
20 where he left his aide-de-camp.

21 Q. So I take it from that they did speak to you to ask you to open the manholes.
22 Did they speak in any language you could understand?

23 A. Sir, I am saying before this very courtroom, that with you and the gentleman in
24 this Court, everybody is seated in this courtroom, we are showing respect to the
25 golden rule that prevails in this courtroom, but during that particular period of time

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1 in question, when your client first arrived, I can tell you that that golden rule, well,
2 nobody - nobody - was going to adhere to the golden rule that is prevailing in this
3 courtroom today. Their aide-de-camp didn't speak to me. They made threats -- no,
4 here we are talking, aren't we, but just picture in your mind's eye, you know. I mean,
5 it's not his country, he's come in war time, he's armed, and the way that he spoke to
6 me, I can tell you it wasn't to be cordial like the climate of our exchanges now. It
7 was threats. "Okay, is this motor safe and secure? Open up that up." You know,
8 even if the person isn't speaking to me in a language I can understand, he gesticulates
9 and his gesticulations, well, I understand that he's talking -- he's asking me "What's
10 underneath there? What's down below?"

11 Q. Well, I'm going to take it from your answer that he didn't speak to you in a
12 language you understood and you needed his gesticulations to understand him.
13 Would I be right to assume that?

14 A. Sir, let me tell you that these men that were ensuring the security detail, well,
15 I can see this before my mind's eye and this makes me feel unsettled and I can tell
16 you -- no, you're just now drinking some water. I can see you drinking that water.
17 You are just having a nice drink of water, but during that particular period in
18 question, you know, you wouldn't have -- you wouldn't have even had anything to
19 drink at all and the way that they threw questions at me, you know, so that they
20 could have a look around and look at the boat, I can tell you, had it been you in my
21 shoes way back then I think -- I think you would have deduced quite a number of
22 things.

23 Q. Did you see how the security detail communicated with the man they were
24 there to protect?

25 A. Please repeat your question just as you put it to me.

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1 Q. I have to ask you why is it necessary for me to repeat the question in precisely
2 the same terms?

3 PRESIDING JUDGE STEINER: Mr Haynes, is it not easier to repeat the question,
4 please?

5 MR HAYNES:

6 Q. Did you see how the security detail communicated with the man they were
7 there to protect?

8 A. They were the people who made up his security detail. He talked with these
9 people so that they could properly ensure his safety. The language that was used, or
10 that he used, in order to have his strong men around him, I mean he's just behind you.
11 He's in this very room. Why don't you ask him the question and then he can provide
12 an answer in what language he himself used to speak to his henchmen? I mean, he's
13 in this very room, sir.

14 PRESIDING JUDGE STEINER: Mr Witness, sometimes the Defence needs to repeat
15 a question in order to be sure about your answer, about the coherence of your
16 answers. This is -- this is a normal kind of questioning.

17 We don't want you to be upset or feel harassed. Just understand that this is how a
18 questioning sometimes takes place, although I agree with you that sometimes some
19 repetitive questions can be very, very annoying. Try to keep your calm and, if you
20 don't know any answer, just say "I don't know."

21 Let's try to continue with your testimony without having you feeling so upset. The
22 Chamber is attentive and the Chamber will intervene in case the Chamber notes that
23 something not regular is going on. Try to understand how the system works. Is
24 that fine with you, sir?

25 THE WITNESS: (Interpretation) Yes, your Honour. I'd just like to say the

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1 following, however. You know, these are events and these are facts that made a very
2 deep impression upon me, both physically and psychologically. I feel as though
3 they really, really affected me.

4 Now, it's true that there is the golden rule. He has, however, the answer and then he
5 dares to play with words to try and set me off balance. It is irritating, but me - even
6 me - it makes me feel entirely ill at ease. Why? Well, because I was the sole person.
7 You know, I can tell you I've come a long, long way and when I see in my mind's eye
8 what I saw and when he tries to play with words, these pictures well up in my
9 memory.

10 It's true that he's doing his job and I don't hold that against him. I'm not holding that
11 against a counsel who's defending the interests of his client. He's doing his job, but
12 when he plays with words and that prompts me to see the way that I was treated in
13 the field, even he in my shoes he wouldn't be able to stand up to it.

14 I'm telling you here and now, ladies and gentlemen of the Court, we are in peacetime
15 now and you need to try and make that mental leap to try and see in what
16 circumstances these crossings took place.

17 PRESIDING JUDGE STEINER: Mr Witness, we fully understand your point. I will
18 ask Mr Haynes to try to be as more objective and concise as possible in your questions
19 in order to obtain a concise and objective answer. Otherwise, we will continue going
20 in circles and nobody, starting by the Defence, will benefit if the witness starts
21 avoiding giving the proper answers, or asking the Defence to repeat and repeat.

22 So, Mr Haynes, I'm sure that you are more than able to adapt your mode of
23 questioning to the particularities of the witness that are -- that is in the stand right
24 now and we hope we can continue smoothly. You have the floor, Mr Haynes.

25 MR HAYNES: Thank you very much, your Honour.

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1 Q. Sir, in the long answer you just gave at line 19 of the previous page, you told us
2 that "He talked to these people to ensure his safety." Can we therefore take it that
3 you saw the man you believe to be Jean-Pierre Bemba talking to the security guards
4 who were on the boat?

5 A. I think that you have the answer. You already have the answer. From the
6 question that you asked me earlier you've got the answer before your very eyes, and I
7 would say to go down that road there's no point in playing on these words, sir.

8 Q. Did you hear those conversations, or just see them?

9 A. Within this courtroom, even if you take off the headset, even if I were to take off
10 my headset, if I were to close my eyes and I were to speak, somebody in the far
11 corners of this courtroom and if I were to speak then people would be able to see that
12 I'm speaking, even though they can't hear the language that I'm using when I speak,
13 but they would know that I'm speaking even if in the farthest corner of the courtroom
14 because that's what you would understand.

15 THE INTERPRETER: Correction from the English booth: The gentleman said it
16 was a conversation between two and three people.

17 MR HAYNES: Thank you very much.

18 Q. You told Mr Iverson last Friday, that's 28 October, page 8, lines 7 to 9, that
19 Mr Bemba never spoke to you personally on either occasion that he crossed on your
20 boat. Is that still correct?

21 A. I think you already have the answer to your question before your very eyes.
22 Earlier on, you said that we should adhere to the rules and that we would finish your
23 line of questioning today, so I think it's in your vested interest to follow a straight line
24 so that we can finish.

25 Q. Did you meet Mr Bemba on either occasion?

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1 JUDGE ALUOCH: I'm sorry, Mr Haynes, do you mean meet face-to-face, or what do
2 you mean?

3 MR HAYNES:

4 Q. Well, did you interact with him socially on either occasion?

5 A. I think the question you're putting to me -- well, in your shoes I wouldn't have
6 put this question to me, sir. To meet the president and commander, in what way?
7 To meet him as a friend, or -- I mean, I don't know? I told you that I conveyed him
8 to the far shore.

9 Q. Did he introduce himself to you on either occasion?

10 A. He introduced himself to me. I told you that I conveyed him to the far shore.
11 He was on the ferry. An incident took place. One of his bodyguards, I don't
12 know -- well, the motor was working and he made a gesture with his hand and that's
13 all, but to say that I met him as you were using the word "meet" as a friend, well,
14 I mean I have met you once since I have been in The Hague and I would put the
15 question back to you. Me, as an accused person, rather as a witness, have I met
16 Mr Haynes just once? And if you have that answer, well, then you have got the
17 answer to your question you put to me.

18 Q. Did you have any physical contact with Mr Bemba?

19 PRESIDING JUDGE STEINER: Mr Haynes, we are trying - the Chamber, the Bench
20 is trying - not to intervene, but I think you are going too far.

21 MR HAYNES: Well, your Honour, with respect I think I'm not. I don't want there
22 to be any ambiguity about this particular line.

23 PRESIDING JUDGE STEINER: You don't need to answer this question. You can
24 move on, please, Mr Haynes.

25 MR HAYNES: Could we please have on the screen, therefore, Defence document 8

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1 at page 354 for the witness, and for those following in English you'll need to look at
2 last four numbers on the ERN 0061 and I hope it's now clear to the Court why I
3 wanted the clarification of the last question.

4 THE COURT OFFICER: Document CAR-OTP-0028-0339, first redacted version at
5 page 0354, is available on the screens. It's a confidential document and would not be
6 broadcasted outside.

7 MR HAYNES: We need to go to the bottom of that page.

8 Q. In what way did Mr Bemba greet you on that first boat trip?

9 A. You have the answer to my question. It's very clear. Your Honours, ladies
10 and gentlemen of the Court, could I show you how this occurred?

11 PRESIDING JUDGE STEINER: What do you mean by "show"?

12 THE WITNESS: (Interpretation) The answer is clear, but as he doesn't understand
13 me, I'm going to show you what happened.

14 PRESIDING JUDGE STEINER: But from your dock you can do it, but you're not
15 going to go to the Defence.

16 THE WITNESS: (Interpretation) Okay, that's fine. First of all, when he came to
17 Zongo it was me who could carry him across the river, who could transport him.

18 The ferry was empty. When his men came running, they asked me to open up the
19 manholes. They checked the machinery. Everything that was on the vessel, they

20 asked me questions. They saw what the situation was. They took up their
21 positions. The client whose interests he is defending came on board and -- well,

22 I mean he's there. I can't forget him. He came on board. I was on the bridge and
23 he held out his hand and I took it. That was the greeting. That's all that happened

24 and then I went back up onto the bridge. I think it's perfectly clear. You don't need
25 to put any other questions about it. It's clear. He held out his man -- his hand, I

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1 greeted him, and we shook hands. That's the first time that I greeted that gentleman
2 on the ferry and that's what I said here. It's perfectly clear.

3 MR HAYNES:

4 Q. So that was when you met him, was it?

5 A. Sir, let me say once again it might be a good idea to look in a dictionary when
6 you talk about meeting someone, it's not the same thing, and that's why I am saying
7 you are playing with words and that's why I'm not happy with this. To meet
8 someone is not the same thing as to greet someone. Even if I walk out here, even in
9 this courtroom, someone sees me and says "Good morning, sir." Now, when you say
10 "Good morning" to somebody, is that a meeting? It's not a meeting and that is why I
11 am saying Mr Haynes is playing with words instead of focusing on the essential.

12 Q. Why didn't you mention that you had shaken Mr Bemba's hand before?

13 A. Sir, let me just say this: This is beating about the bush. I think the Court took
14 all the time it needed to send investigators for them to bring back proof/evidence to
15 support the work of the Court. Time has been at work and time has made it possible
16 to bring back the evidence for you in the work that you're carrying out in defending
17 the interests of your client. A two-second greeting or handshake, why spend so
18 much time on that? That's why I'm saying that if I were in your shoes I wouldn't do
19 it in this way. I mean, I think it's perfectly clear and I think we should move on to
20 the essentials.

21 Q. I want to move on now to what you told us happened to you on that first
22 crossing. Do you remember telling us that during that first crossing you'd been
23 shot?

24 A. I said that, sir. I told you here that one of his henchmen -- well, he didn't know
25 how the ferry operated. I told you these were men who -- well, how shall I put it?

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1 It is like an Alsatian dog trained to attack, ready to bite anybody, and it's not wearing
2 a muzzle. So, you know, when -- I told you that when they came on board it wasn't
3 in a cordial fashion and when you ask me that sort of question repeatedly this is why
4 I don't feel comfortable because I am reliving that scene. I'm the one who
5 experienced that and there's an attempt being made to reconstitute facts, but please let
6 me say this: When he fired a shot, you can see the impact marks on the ferry itself.
7 I was on the bridge when he fired a shot. I was there.

8 Q. How many shots were fired?

9 A. Sir, I can tell you that even you as a lawyer you could count the number of shots.
10 I told you that he fired and you say "How many shots did he fire?" If someone fires
11 a shot, he aims and he shoots. I didn't see, but when he fired I heard it. We're
12 talking here about a diesel engine that was behind me and it's like being in an
13 acoustic chamber. He fired a shot and you're now asking me to count the number of
14 shots? I don't know.

15 Q. Okay. And the bridge, what is it made of?

16 A. It's made of -- well, the -- it's sheet metal that was bent to make the actual cab
17 area.

18 Q. Thank you. And when you say you can see the point of impact is still visible,
19 where do you say the point of impact is still visible?

20 A. Okay. Sir, you're asking me where the impact marks could be seen. I think
21 when I spoke to the investigators about this ferry, they were there in situ. They saw
22 the ferry. Even today you can still see the impact marks on the ferry. It's still
23 visible on the ferry.

24 Q. Where was the shot fired from?

25 A. From the front towards the back.

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1 Q. From the deck level?

2 A. Of course.

3 Q. And where do you say it hit you?

4 A. Ladies and gentlemen of the Court, well, I've already told you I still have a scar
5 here, the scar of where I was grazed by the bullet here. I have it still. You can come
6 and see it. If I were to show you, you would see it.

7 PRESIDING JUDGE STEINER: Mr Witness, for the record, can you describe the
8 place in which you say you have this scar?

9 THE WITNESS: (Interpretation) You see how I'm standing, your Honour? It's
10 here.

11 PRESIDING JUDGE STEINER: The witness is pointing to his cincture on the right
12 side.

13 THE WITNESS: (Interpretation) On the right-hand side, yes.

14 PRESIDING JUDGE STEINER: Thanks.

15 Mr Haynes.

16 MR HAYNES: Thank you, your Honour.

17 Q. And the mark that the bullet left, do you say that that is on the inside or the
18 outside of the bridge structure?

19 A. Sir, let me tell you that he fired a shot from the prow of the boat in the direction
20 of the bridge; in other words, the impact is coming from the outside going into the
21 bridge.

22 Q. And do you say that the bullet passed through the metal structure of the bridge?

23 A. Of course, from the outside towards the inside. I don't know what else you
24 understand by that.

25 Q. And what did it feel like being shot?

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1 A. Sir, when I heard the sound of the detonation, I was at the helm on the bridge
2 and I heard this detonation. I was focused on what was happening in front of me so
3 that I could guide the vessel. It was only a little bit after that that I felt something, it
4 was a burning sensation, and when I looked to check I saw that my shirt had been hit
5 and I opened it up and saw a wound.

6 Q. So it didn't impede your ability to pilot the boat?

7 A. To begin with I was panic-stricken, and it was Warrant Officer Odon who told
8 me to pull myself together and to continue.

9 Q. So Warrant Officer Odon knew you had been shot?

10 A. When he came up I said "The shot fired by that gentleman hit the sheet metal
11 and I was hit here." He saw that and he said "Yes, that's a bullet, but be brave. It's
12 not so serious. Be brave and let's move ahead. The most important thing is to
13 disembark them."

14 Q. What did he do about it?

15 A. Who are you talking about? Who did what with the wound.

16 Q. What did Warrant Officer Odon do about the fact that you had been shot whilst
17 driving the boat?

18 A. He went down to speak to the men in charge of his security. He went off to
19 your client and they spoke, but it didn't last long. They just spoke and the client
20 gesticulated with his hand to show that we were heading towards the wharf and
21 Odon said to me "Be brave, take heart," and we continued.

22 Q. So when you arrived in Bangui you had a wound to your abdomen; is that
23 right?

24 A. Yes.

25 Q. I know you've referred to it as a graze, but was there a bullet inside you?

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1 A. No, the bullet was not inside my body.

2 Q. Were you bleeding?

3 A. There wasn't too much blood, but you could see the flesh was exposed. There
4 wasn't too much blood. When you're on the river and when you're injured, we tend
5 to take brake liquid to anaesthetise the injury, or battery acid. We can use it to clean
6 it and we put it on quickly and that's what I did.

7 Q. So you didn't go and seek any medical attention?

8 A. Well, to go and seek aid? Well, let me say that I've already said here that ever
9 since I started from day 1 to day 19 on the instructions of the colonel I couldn't leave.
10 I wasn't allowed to leave the ferry for 30 minutes or an hour and the warrant officer
11 advised me and he said that "On the battle-field things are much worse than that, so
12 be brave." That's what he said to me. I was panic-stricken, but he said "Be brave.
13 It's not a vital organ that's been hit, so take heart, be brave and what's important is
14 that we finish what we're doing carrying out the orders of hierarchical chiefs."

15 Q. Did you have your camera with you?

16 A. I told you here that I always had my camera with me, but let me say here that
17 with everything that happened when the client whose interests you are defending
18 today when he came along let me say that there was great danger and risk attached.
19 Could I take my camera out and take a picture of this sort of event? I was quite
20 panicky at the idea.

21 Q. You didn't ask Warrant Officer Odon to take a photograph of your injury at the
22 time?

23 A. Let me say that I was panic-stricken. You can't imagine the context in which
24 all of this happened. I mean, now we are in times of peace and that's why you are
25 asking these sort of questions, but your client knows full well the context in which all

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1 of this happened.

2 PRESIDING JUDGE STEINER: Mr Haynes, can we go into the break?

3 MR HAYNES: Could I ask two questions and then we'll go to the break?

4 Q. Were you still panic-stricken after everybody had disembarked the boat in
5 Bangui?

6 A. Sir, let me say this: When you play with words, well, the reality of what
7 actually happened is different from what you're implying in these questions you are
8 putting. Things are totally different. There's a huge difference. When this
9 actually happened, you have to imagine the atmosphere, the context in which it all
10 occurred. Even you, a lawyer, there were lawyers in Bangui. There were people in
11 charge, authorities, but when you know that all people have to flee, whether they're
12 lawyers or whatever, you can imagine the situation. I really don't think you should
13 ask these questions. "After they disembarked from the ferry were you still
14 panic-stricken?" Just imagine the atmosphere surrounding the events about which
15 you're questioning me.

16 Q. One last question on this topic which may be of interest to everybody. Can
17 you explain to us why it is that throughout six interviews with the Office of the
18 Prosecutor you never once mentioned receiving a gunshot wound to the abdomen
19 whilst driving the boat?

20 A. I think -- I think I did speak about it. Perhaps it escaped them, like sometimes
21 the court reporters here miss things. The investigator, who was typing this, certainly
22 didn't have an easy task and I admire the speed and dexterity of the lady. She
23 understood a bit of French and English. She was listening and then she was typing
24 10, 20, 30 words a second, so maybe she missed it, but I did speak about it.

25 MR HAYNES: Thank you for that explanation.

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1 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

2 Mr Witness, we'll have now half-an-hour break. You can take some rest. Our
3 interpreters and court reporters also need to take a break. It's 5-past-11. We will
4 resume at 11.35.

5 I ask, please, court usher to take the witness outside the courtroom. In the meantime,
6 we will suspend and resume at 11.35.

7 (The witness stands down)

8 THE COURT OFFICER: All rise.

9 (Recess taken at 11.04 a.m.)

10 (Upon resuming in open session at 11.41 a.m.)

11 THE COURT USHER: All rise. Please be seated.

12 PRESIDING JUDGE STEINER: Welcome back. We'll continue with the
13 questioning of Witness 47 and I ask, please, court usher to bring the witness in.

14 (The witness enters the courtroom)

15 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

16 THE WITNESS: (Interpretation) Good morning, your Honour, ladies and
17 gentlemen of the Court.

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

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

20 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

21 MR HAYNES: Thank you, your Honour.

22 Q. And welcome back, sir.

23 A. Good morning.

24 Q. Before the break we were talking about the occasion on which you say
25 somebody who you were told was Mr Bemba crossed in a boat of which you were the

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- 1 pilot to Bangui. Do you remember that?
- 2 A. It wasn't someone else. It was Warrant Officer Odon.
- 3 Q. It's okay. I just want to remind you what we were talking about before we had
- 4 a break, that's all, and do you recall that that is what we were talking about?
- 5 A. (No audible response).
- 6 Q. Okay, sir. Are you ready to proceed?
- 7 A. (No interpretation).
- 8 Q. Thank you. When you arrived in Bangui, what happened to the Libyan
- 9 security guards?
- 10 A. What Libyan security guards are you talking about?
- 11 Q. The ones that you say were on your boat?
- 12 A. Once they got to the dock, the vehicles arrived and they got into the vehicles
- 13 and they left.
- 14 Q. Which vehicles are those?
- 15 A. They were four-by-fours. Everything was -- when they came, they lost no time.
- 16 They got into some four-by-fours. The members of the security detail got into these
- 17 four-by-fours.
- 18 Q. And were those vehicles that were waiting on the shore in Bangui?
- 19 A. I'm saying that, when I moored the boat, shortly thereafter the vehicles arrived
- 20 at the dock.
- 21 Q. Thank you. Just so that we're clear, had the Libyan security guards arrived at
- 22 the boat in Zongo in vehicles?
- 23 A. Could you repeat that question so I can understand it properly?
- 24 Q. Yes. When the Libyan security guards arrived at your boat in Zongo, did they
- 25 arrive in vehicles?

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1 A. Yes, sir.

2 Q. And what happened to those vehicles?

3 A. Those vehicles remained at the dock in Zongo.

4 Q. After the Libyan security guards left in vehicles in Bangui, did you remain at
5 the port in Bangui, or did you do another round-trip to Zongo?

6 A. Well, when I left them on the dock in Bangui, they got into these four-by-fours
7 and they left. They went into the town of Bangui, and we stayed with the
8 instructions that no one was to move very far away from the ferry-boat for at least
9 two hours.

10 Q. Thank you. Now, what about the man who you say was Mr Bemba? Did he
11 get into a four-by-four, or did he get into another sort of vehicle?

12 A. He -- they made a concession. He got into another kind of four by four, a
13 Mercedes one, and it was brand-new, ash coloured.

14 Q. And --

15 A. More of a hatchback type.

16 Q. Thank you very much. And to whom did that belong, so far as you could see?

17 A. I don't know the owner.

18 Q. Was it manned with a driver and bodyguards?

19 A. In the four-by-four that --

20 Q. The four-by-four that Mr Bemba, as you call him, got into, who was driving that
21 and were there any bodyguards in it and, if so, where did they come from?

22 A. Would you mind repeating that question?

23 Q. Yes, I'll put it more straightforwardly. The vehicle that Mr Bemba got into, did
24 it appear to you that it was a vehicle belonging to the President of the Central African
25 Republic, President Patassé?

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1 A. I've told you what I saw. He got into a four-by-four Mercedes, kind of a
2 hatchback, and it was grey. It was brand-new, it didn't have registration plates and
3 all the security men went into other four-by-fours and then they headed off with the
4 security people who had come to fetch them.

5 Q. Who were the security people who had come to fetch them?

6 A. Members of the Presidential Guard, headed by Mr Befio.

7 Q. Thank you. Now, when they returned, did they return with members of the
8 Presidential Guard?

9 A. Upon their return, it still was members of the Presidential Guard. They were
10 at the front. In the middle there was the four-by-four of Mr Jean-Pierre Bemba and
11 behind there were his security officers.

12 Q. Were they the same Libyans that had come out on the boat?

13 A. It was the same ones.

14 Q. And when they got back on the boat, did they come on to the boat in vehicles or
15 on foot?

16 A. They walked on to the ferry. They were on foot. They took up their positions
17 on the ferry-boat. Some of them were outside. Mr Jean-Pierre Bemba got on to the
18 boat and then the other -- the other group closed and a four-by-four with -- a Toyota
19 Hilux with a front cabin came on to the ferry-boat.

20 Q. How many security guards were there?

21 A. I believe that I told you the number in my testimony, the number of members of
22 his security detail.

23 Q. Well, I apologise if this is a question you've answered before, but could you
24 remind us what the number was?

25 A. Sir, I'm making reference to what I said in my testimony. I believe that there

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1 was a question and I would like to ask you to make reference to what I said in my
2 testimony.

3 Q. Well, let's just be approximate. Were there more or less than ten men?

4 A. I think -- well, I can only refer to what I stated in my testimonial; the version of
5 the facts as I previously related.

6 PRESIDING JUDGE STEINER: Mr Haynes, it appears to me that when referring to
7 "testimony" the witness is referring to his statement.

8 MR HAYNES: Your Honour and I have the same understanding of what he's saying
9 but we'll move on from here.

10 Q. How many vehicles had they travelled in to the boat in Bangui?

11 A. Please, would you mind restating your question?

12 Q. Yes. How many vehicles containing the Libyan security guards arrived at the
13 boat in Bangui?

14 A. The vehicles that arrived, I told you with respect to them, that the way that they
15 arrived, well, it's like how you drive at 100, 110 kilometres an hour. That's the way
16 they arrived.

17 You know, the driver braked and only, you know, a few metres away the Presidential
18 Guard detail jumped out of their vehicles and then, then it was the car of
19 Mr Jean-Pierre Bemba that arrived and those of his security detail, well, they parked
20 the car on the road, not too far from the French Embassy, and it's from that point that
21 they got out, all the members of the security detail, so that they could board the ferry.

22 Q. Sir, I'll try the question again; it's quite a simple question. How many vehicles
23 were used by the Libyan security guards?

24 A. The number of vehicles? Well, they were in four-by-fours but the number of
25 vehicles, you know, here and now, with all these questions, I mean, I -- I may have

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1 given an average in my testimonial but I can only refer to what I said in my
2 testimony.

3 Q. Was it the same number that had left the boat two hours earlier?

4 A. What, what did you say?

5 Q. Was it the same number of vehicles that the Libyan security guards had left the
6 boat in two hours earlier?

7 A. The number of vehicles that came, well, it was more because the number
8 of -- number of members of the Presidential Guard, though the Presidential Guard
9 members were there as well, the number was quite high and they were quite
10 numerous, even before they went back again for the first time.

11 Q. Very well. Did the Toyota Hilux come to the boat to collect the Libyans?

12 A. Are you putting this question to me to talk about the disembarkation or for the
13 return trip?

14 Q. Really, both. Did the Toyota Hilux come to disembarkation and then come
15 back two hours later?

16 A. Sir, I've already told you that a little time after the disembarkation the
17 Presidential Guard arrived with certain people and then there was the boss of
18 the -- what is the head of the Presidential Guard, who's called Befio. Then they left
19 into the town.

20 Now, when they came back, at the front there was the head of the Presidential Guard
21 with his four-by-four, with his Hilux, with a metal green, sheen colour in his Hilux
22 with his blue rotating flashing light, and then after him his people came, and then
23 they arrived and then all the vehicles were parked along the road with the
24 lights -- with the hazard lights on and then they greeted each other. They greeted
25 the members of authority who were there and then part of the security detail boarded

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1 the ferry.

2 He himself boarded after them, and then in the third wave it were people belonging
3 to his security vehicle and then a Hilux with a front cabin, with a twin-cab, Hilux
4 twin-cab boarded the ferry then.

5 Q. And who was driving that?

6 A. There was maybe a soldier who was driving.

7 Q. A Libyan soldier?

8 A. No, it was a Central African soldier.

9 Q. The Hilux, is it an open-back vehicle or a vehicle with a roof covering the whole
10 of its chassis?

11 A. I said it was a front cab, so there are -- there's a twin-cab where the driver is, and
12 then behind there is a back seat and behind that again there's -- there's the kind of
13 pick-up platform.

14 Q. And what was in that vehicle?

15 A. Now, the first time when he -- when the vehicle came back, there was behind, in
16 that pick-up platform there was -- there were white Sprint crates full of bank-notes,
17 10,000 and 5,000 in clumps, rather, of 10,000 and 5,000 francs.

18 Q. Were the boxes only in the pick-up area of the Hilux?

19 A. Yes, sir.

20 Q. And how many were there?

21 A. On average, nine boxes.

22 Q. It might be a mistranslation but what do you mean by "on average"?

23 A. You want a precise number, but if you want an exact number, well, then please
24 refer to what I said in my -- in my version, in my testimony.

25 MR HAYNES: Certainly we can do that. Can we therefore have on the screen,

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1 please, document number 8 in the Defence list, that's CAR-OTP-0028-0339, at page
2 0357. Those following in the English will need to look at the last four digits 0064.

3 PRESIDING JUDGE STEINER: Court officer, the blinds need to be lowered.

4 THE COURT OFFICER: Document CAR-OTP-0028-0339, first redacted version, at
5 page 0357 is available on the screens and it's a confidential document.

6 MR HAYNES: The witness will need to see the very bottom of the page, please.

7 Q. Sir, it might help if you just read the last five lines on that page. For those
8 following in English, it's the first paragraph on page 0064. Tell me when you've read
9 that, sir, will you?

10 A. Yes, I have read this text.

11 Q. Okay. Do you agree with what you said there about the size of each of the
12 boxes, that they were 90 centimetres by 1 metre 10? 90 centimetres by 1 metre 10, do
13 you agree with those dimensions?

14 A. Yes, sir.

15 Q. So did that make them almost like a cube?

16 A. Yes, sir.

17 Q. Now, forgive us, we've been getting our tape measures out. In front of you,
18 there are three boxes that make the table you're sitting at. Would each of the boxes
19 you're talking about be about the same size as one third of the table you're talking
20 about; the table you're sitting at?

21 A. You're talking about -- well, the height is 1 metre 10. You can see it goes from
22 my feet to my hip. It's about 1 metre 10 in height. That's the height of these
23 cigarette - Sprint cigarette - boxes; Sprint being a brand in Central African Republic.

24 Q. And the square at the top, what dimensions was that?

25 A. The top was open. It wasn't closed. There wasn't a lid.

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1 Q. Well, you're bringing me on to my next question. Given that you've told us
2 there were nine boxes of that size all in the pick-up area at the back of the Hilux, how
3 were they arranged?

4 A. A little earlier on, when you asked me the question, I told you that I was
5 referring to what I stated in my statement, so the number of nine. I said there were
6 five boxes of this type filled with bank-notes.

7 Q. So is it five, or nine?

8 A. I told you, sir, that there were five. I really stand by what I said in my
9 statement. There were five boxes. The boxes weren't closed, they were open, and
10 all these bank-notes you could see. I could see these bank-notes. They were in
11 denominations of 5,000 and 10,000 CFA francs, respectively.

12 Q. Very well. Who was it that told you there was nine billion CFA in those open
13 five boxes, as you now say it was?

14 A. These weren't boxes. They were cardboard boxes that had been filled with
15 bank-notes, in 10,000, and 5,000 franc denominations, and the person who told us that
16 they take this -- they took this from the BCA, the person who told us that were
17 soldiers who were driving the four-by-four. The Hilux four-by-four. The D-8D
18 Hilux four-by-four.

19 Q. How many soldiers were in that vehicle?

20 A. Five soldiers. They were escorting and they were of Central African
21 nationality.

22 Q. And did they stay with the vehicle on the voyage to Zongo?

23 A. Yes, this vehicle was boarded to the point when they -- when I disembarked
24 them at Zongo. They left with that four-by-four. When the helicopter went off,
25 they came back with the four-by-four to the ferry and I took them back to Bangui.

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1 Q. And I imagine you'll tell us that by then the four-by-four had nothing on it's
2 back platform?

3 A. Quite obviously, it was empty. The rear platform was empty. All those
4 cardboard boxes were no longer there.

5 Q. What sort of helicopter were you able to see?

6 A. It was the older type of helicopter that have got turbines just above the head of
7 the pilot, between the rotary blade and the -- and the rotors.

8 Q. Suitable for carrying how many passengers?

9 A. On average, the pilot could know the average, but as far as I know the pilot, the
10 mechanic and all the henchmen, they came to that place on board that particular
11 helicopter.

12 Q. And did they all, if you could see, leave on it?

13 THE INTERPRETER: The interpreter missed the beginning of the statement made
14 by the witness, because the microphone wasn't activated.

15 MR HAYNES:

16 Q. Did you say you weren't able to see?

17 A. I said that when I disembarked them they went off to where the helicopter
18 was -- had landed. A little time after that the rotary blade started whirring and
19 when that began, well, you can feel that, and then the helicopter rose up by staying
20 very, very close to the surface of the water just as they had come.

21 Q. And could you see inside?

22 A. The helicopter, when it came, the *two doors were not closed, be they on the
23 starboard or on the port side, the doors were not closed.

24 Q. Very well. Your final answer on this topic then. In the back of the Toyota
25 Hilux, were there five or nine boxes of cash of about a cubic metre in dimension?

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1 THE WITNESS: (Interpretation)

2 I said five cardboard boxes.

3 MR HAYNES: Okay.

4 We can now remove the section of the witness's interview from the screen and open
5 the blinds, your Honour.

6 Q. Sir, was the first visit the only time you saw Libyan security guards?

7 A. Would you mind repeating your question so that I can understand it properly?

8 Q. Certainly. When five days later you say Mr Bemba came back, did he have a
9 Libyan security detail then?

10 A. He couldn't go anywhere without his security detail.

11 Q. I know that. What I want you to tell us is whether the second occasion on
12 which you saw him that security detail was Libyan?

13 A. Yes, sir.

14 Q. And just to cut things short, did they get off the boat with him in Bangui and
15 come back on to the boat with him before the journey back to Zongo?

16 A. Yes.

17 Q. And were the arrangements precisely the same, that they got into some
18 four-by-four vehicles and Mr Bemba got into a grey vehicle driven and guarded by
19 members of the Presidential Guard?

20 A. When he came for the first and the second times, it was the Mercedes hatchback
21 four-by-four that he got into. There was a driver and he was in the back.

22 Q. And was there a Central African Presidential Guard security presence around
23 that vehicle?

24 A. The Presidential Guard came. Well, first of all, everything happened through
25 transmission. When we arrived at the dock, it was a question of seconds. The

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1 vehicles of the Presidential Guard just arrived then. At the front there was the head
2 of the presidential security guard, the Frenchman who was in charge of the
3 presidential security at the time.

4 On my screen you can see, you've got a light. Where it says "Power," his siren was of
5 that colour, the gendarmerie colour, so that was the colour of his siren on top of the
6 vehicle, and when that started to flash you knew it was the Presidential Guard and he
7 arrived followed by his elements, his men, and that's how it happened.

8 Q. Thanks. Did you see how the vehicles which took the Libyan security guards
9 arrived there?

10 A. The security guards, the Libyans, they boarded on four-by-fours that the
11 Presidential Guard in arriving had prepared, had got ready, to transport them in.

12 Q. Thank you. Now, can we go straight, please, to the return journey. You told
13 us that some men were brought on board; do you remember that?

14 A. Yes, I do.

15 Q. And do you agree that everything you knew about those men you were told by
16 Warrant Officer Odon?

17 A. Yes, sir.

18 Q. And he told you that they were prisoners of war?

19 A. Yes, he did.

20 Q. Did he know why they had been imprisoned?

21 A. Warrant Officer Odon?

22 Q. Sir, yes.

23 A. I don't know. He said to me "The men you can see tied up over there are
24 prisoners of war."

25 Q. So you didn't know why they had been imprisoned or by whom; is that right?

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1 A. Please, could you give me your question again? Actually, there are two
2 questions in what you just asked. You asked who and something else.

3 Q. Very well. Warrant Officer Odon didn't tell you why these men had been
4 imprisoned, did he?

5 A. No, he didn't tell me why.

6 Q. Nor did he tell you by whom they had been imprisoned, did he?

7 A. No.

8 Q. So this might seem an obvious question, but you yourself had no idea why they
9 were being transported to Zongo?

10 A. That is correct.

11 Q. And you've already told us this, but you had no idea what nationality they were
12 either?

13 A. I didn't know their nationality. When I saw the way in which those men had
14 been tied up, there were many question marks in my mind. One of them made this
15 gesture to me, asking me whether I had a cigarette, and I put one between his lips.
16 I was really struck by the fact that there was one of them who was looking at me. He
17 didn't have any strength to open his mouth and speak, and when I looked at
18 him -- well, I told you that once peace had returned I was walking around and I saw
19 that man. He was wandering aimlessly around the road and when I saw him, I went
20 up to him and he -- he wasn't talking. It was as if he'd lost his wits. I spoke to him
21 and he didn't answer. I felt such pity for him and I took whatever I had in my
22 pocket and gave it to him, put it into his hand.

23 Q. Thank you very much for that. Now I'm moving on, and I want to just retrace
24 our steps a little bit and ask you about the transportations. Do you understand?

25 A. Yes, I do.

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1 Q. According to you at what time did the transportation of troops start each day?

2 A. So the question is when and at what time did I transport the troops? I told you
3 that when I crossed the river for the first time it was very late at night. We were
4 conveying them day and night, both day and night we were taking them across the
5 river.

6 Q. Thank you very much indeed. What time of night did you stop transporting
7 soldiers to Bangui?

8 A. It was late. It was like as if one was standing guard. There were the
9 walkie-talkies that Odon had. Odon could get hold of people in Zongo and Bangui,
10 so everything was in the hands of Odon and his colonel. We were there at the dock
11 in Bangui. If Zongo called up Odon, he got a message and he said to me "Start up
12 the engines, we're crossing over to the other side. We'll board them and then
13 disembark them in Bangui," and that's how it happened. So at night-time, even if it
14 was 1 o'clock or 2 o'clock, I was crossing the river.

15 Q. By that do you mean 1 or 2 o'clock in the early hours of the morning?

16 A. Yes, yes. Yes, sir. That's what I'm saying, it was very late. Really late,
17 almost 2 in the morning. If there was no longer any activity then it was possible for
18 us to rest, but only late.

19 Q. Presumably, therefore, the transportation of troops at 5 o'clock in the afternoon,
20 or 7 o'clock in the evening, or 9 o'clock in the evening, was a daily occurrence?

21 A. Let me say that, as you yourself have said, when Odon got the message, at
22 whatever time it was, you then -- we then had to make the round-trip.

23 Q. Well, I don't want to press this too much, but was it every day that you
24 transported troops after dark?

25 A. Sir, I just carried out the task. I did what I was told. I didn't know when the

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1 message could arrive, day or night. I was just told, "Start up the engines," and I
2 couldn't say "No." My job was to make sure that the engines were running and
3 working, and when I was told to start up the engines then off I went. Whether it was
4 night, or not, you just had to get on with it and cross the river.

5 Q. And when troops were transported at night to Bangui, was it necessary for them
6 to be processed at the naval base when they arrived?

7 A. When they disembarked at Bangui, it had to be by transiting through the naval
8 base. From Zongo to Bangui, everything happened in and around the naval base.

9 Q. And was it necessary for Colonel Danjito to be there to meet and greet them?

10 A. Yes, sir, the colonel who was in charge of the base was always present.

11 Q. Thank you very much. Now, I want you to think very carefully about my next
12 question. We're going to, as briefly and as painlessly as possible, discuss the
13 incidents of rape that you say you saw, and I want to start by asking you how many
14 incidents do you say you saw? Is it two, is it three, or is it four?

15 A. (No audible response).

16 Q. Sir, did you hear and understand that question?

17 A. Yes, I did. You're talking about the episodes as if we were watching a film. I
18 think that this question that you've just put to me, if these are episodes, well, I think
19 I've already spoken about this to the investigators and all I can do is to refer to what I
20 told the investigators.

21 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me?

22 Mr Witness, when Mr Iverson from the Prosecution asked you many questions about
23 the rapes, you were able to tell the story by heart. This is what Defence now wants
24 you to repeat, what you said here in this courtroom when questioned by the
25 Prosecution. We know that you gave your version of the facts in your written

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1 statement, but it's necessary that you repeat the story now before the Judges. That's
2 why Defence is asking you this question. So if you could try to remember how
3 many events or how many incidents you witnessed, this is what Defence is asking
4 you.

5 THE WITNESS: (Interpretation) If I start at the beginning, the first that I saw I
6 spoke about the women -- the 22 militiamen and the eight women who were raped on
7 the ferry.

8 PRESIDING JUDGE STEINER: Will you continue, Mr Haynes?

9 MR HAYNES: Yes.

10 Q. I don't at this stage want you to give us the details. I just want you to tell us,
11 when you look into your memory with your mind's eye, how many incidents you say
12 you witnessed? Two, three or four?

13 A. Sir, you asked me the question. On this point I can but refer to what I said in
14 my testimony. So as to avoid my exceeding what I might want to say, please take a
15 look at what I said and ask me questions step-by-step. For me, it's a very sensitive
16 matter.

17 Q. Sir, will you just try for me to tell us how many episodes you witnessed,
18 without referring us back to your witness statement?

19 A. You're asking me to give you a figure, you just want a figure, but I can but refer
20 to what I've already given you and it's on the basis of that that you can ask me
21 questions. You're asking me to give you a figure. If I give you a figure that is not
22 okay then it's not a good thing, so on the basis of what I have said in testimony please
23 ask questions. I said that I remembered the first case of the 22 militiamen and eight
24 women, and if there are others in the context of what I've testified then please ask me
25 questions, or refer to what I've already said, and that should help you.

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1 Q. Sir, I want to be clear and I don't want to be unfair to you. Are you saying, as
2 you sit there now, that the only episode you have an independent recollection of is
3 the one involving the 22 men and the eight women?

4 A. That's not what I said. That's not how I put it. There were cases of rape.
5 Starting with the first one that I described to you there was then a succession, and if
6 we go about it in this way I think it would be easier.

7 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me, maybe we could try
8 again after the lunch break? It's 1 o'clock.

9 MR HAYNES: Absolutely, your Honour.

10 PRESIDING JUDGE STEINER: Mr Witness, we'll have now our lunch break. You
11 can have lunch and take some rest. It's 1 o'clock. We'll be back at 2.30.

12 I ask, please, court usher to take the witness outside the courtroom. In the meantime,
13 we will suspend and resume at 2.30.

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 1.01 p.m.)

17 (Upon resuming in open session at 2.37 p.m.)

18 THE COURT USHER: All rise. Please be seated.

19 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I will ask the
20 court usher to bring the witness in because apparently we have a problem, but let's
21 wait for the witness to expose his feelings. Madam Kneuer?

22 MS KNEUER: Madam President, are we doing so in public or in private session?

23 PRESIDING JUDGE STEINER: As soon as the witness comes in, I will turn into
24 private session.

25 (The witness enters the courtroom)

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

2 (Private session at 2.39 p.m.)

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

4 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

5 THE WITNESS: (Interpretation) Good afternoon, your Honour. Good afternoon,
6 ladies and gentlemen of the Court.

7 PRESIDING JUDGE STEINER: Mr Witness, the Chamber received an information
8 from VWU that you were feeling too tired and not willing to continue testifying
9 today; is that correct?

10 THE WITNESS: (Interpretation) Yes, your Honour, I'm feeling tired, physically
11 tired.

12 PRESIDING JUDGE STEINER: In the beginning of today's hearing, I asked
13 Defence on how long Defence would take to conclude its questioning and Mr Haynes
14 said that probably he would be able to finish today. Do you feel able to go to
15 4 o'clock or you prefer to adjourn today and continue tomorrow morning?

16 THE WITNESS: (Interpretation) Let's resume tomorrow.

17 PRESIDING JUDGE STEINER: Court officer, please turn into open session. Mr
18 Haynes, is there anything you would like --just wait a little bit.

19 (Open session at 2.41 p.m.)

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

21 PRESIDING JUDGE STEINER: Mr Haynes?

22 MR HAYNES: I didn't want to intercede when your Honour was talking to the
23 witness in private session, but I think it's fair to say that I think it would be unlikely
24 that I would conclude today but I don't believe we will go into the afternoon
25 tomorrow.

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- 1 PRESIDING JUDGE STEINER: Thank you very much for the information,
2 Mr Haynes. I think that taking into account the state, the physical and mental state
3 of the witness that appears not to be feeling well to continue testifying today, we are
4 going to adjourn and resume tomorrow morning at 9.30 in the morning.
5 Any observations from the Prosecution?
6 MR IVERSON: No observations, Madam President.
7 PRESIDING JUDGE STEINER: Any further observation, Mr Haynes?
8 MR HAYNES: No, thank you, your Honour.
9 PRESIDING JUDGE STEINER: Mr Witness, we will adjourn. I will ask VWU to
10 assist you. If it's just a matter of you being tired, you will have sufficient time to rest
11 and we will resume tomorrow morning at 9.30.
12 I thank very much the Prosecution team, legal representatives of victims, the
13 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
14 court reporters.
15 I ask, please, court usher to take the witness outside the courtroom. Mr Witness, we
16 wish that tomorrow you will come back feeling better. Court usher, please.
17 (The witness stands down)
18 PRESIDING JUDGE STEINER: The hearing is adjourned.
19 THE COURT OFFICER: All rise.
20 (The hearing ends in open session at 2.45 p.m.)
21 CORRECTIONS REPORT:
22 The Court Interpretation and Translation Section has made the following corrections
23 in the transcript:
24 *Page 3 lines 19 to 20
25 "Well, as terms of -- well, the load of the ferry-boat, if it was three or four thousand

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1 kilogrammes I wouldn't take..." Is corrected by "Well, as such -- well, the load of the
2 ferry-boat if it was three or four hundred thousand kilogrammes I wouldn't take..."

3 *Page 30 lines 22 to 23

4 " The helicopter, when it came, the doors - the two sliding doors - were closed. Be
5 they on the starboard or on the port side, the doors were closed." Is corrected by "The
6 helicopter, when it came, the two doors were not closed, be they on the starboard or
7 on the port side, the doors were not closed."

8 *Page 31 lines 1 to 2

9 "THE INTERPRETER: Message from the English booth: The doors were indeed
10 closed." Is deleted

11 RECLASSIFICATION REPORT

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

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