

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed 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 Friday, 1 November 2013

9 *(The hearing starts in closed session at 9.13 a.m.) Reclassified as Open session

10 THE COURT USHER: All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE STEINER: Good morning, everyone. Could, please, court

14 officer call the case.

15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central

16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,

17 ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. I welcome

19 the Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre

20 Bemba Gomba. Good morning to our interpreters, our court reporters.

21 Good morning, Ms Bossette.

22 THE COURT OFFICER (via video link): (Interpretation) Bonjour, Madame le

23 Président.

24 PRESIDING JUDGE STEINER: And good morning, Mr Witness. How are you

25 today?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Witness CAR-D04-PPPP-0054 (On former oath)

2 (The witness speaks French)

3 (The witness gives evidence via video link)

4 THE WITNESS: (Interpretation) Good morning, Madam President. I am in form.

5 Good morning, Madam President. I'm in form; I'm in good health, too.

6 PRESIDING JUDGE STEINER: That's good. We heard that you had some
7 difficulties in coming to the -- to the hearing today, this morning. You were feeling
8 tired.

9 THE WITNESS: (Interpretation) Yes. We did a lot of work yesterday, and you
10 noted that I even asked for a five-minute break, just a little five-minute break. I was
11 indeed very tired, Madam President.

12 PRESIDING JUDGE STEINER: Now you are feeling well and ready to continue with
13 your evidence?

14 THE WITNESS: (Interpretation) Yes, Madam President, I'm ready.

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

17 THE WITNESS: (Interpretation) Yes, I know that. It's like that, Madam President.

18 PRESIDING JUDGE STEINER: We will make our best, all of us, in order to see if we
19 conclude with your testimony this afternoon. For that purpose, we need your
20 co-operation in order to be as much concise, direct, and objective in your answers,
21 and if we all do like that, maybe we succeed in concluding today your testimony,
22 Mr Witness.

23 Before I give the floor to Mr Scaliotti, for the record, I want to inform and to regret,
24 there for logistical reasons, we don't have the English real-time transcript today.

25 The Prosecution who is questioning the witness agreed in continuing and by

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 following the French real-time transcript.

2 Mr Scaliotti, you have the floor.

3 MR SCALIOTTI: Thank you, Madam President, and good morning.

4 QUESTIONED BY MR SCALIOTTI: (Continuing)

5 Q. Good morning, Mr Witness.

6 A. Good morning, Madam President.

7 Q. Mr Witness, this morning I really would like to conclude my examination, and
8 as Madam President said, we really need your co-operation. Yesterday I went
9 through the transcripts of your examination and testimony so far, and I can assure
10 you that what you said and you repeated several times is already in the record of this
11 case. So I would strongly recommend you to be as concise as possible when you
12 answer my questions, and you don't need to repeat several times things that are
13 already -- as I said, are already in the record of the case.

14 Now, this morning I would like to resume talking about the investigation that you
15 explained were conducted. You said that the investigative commission was actually
16 organised and directed by the CAR authorities (Redacted). Can
17 you please just confirm that by saying "Yes" or "No"?

18 A. Yes.

19 MR SCALIOTTI: Can, please, the court officer display the document number 66 in
20 the updated Prosecution list of documents. It is CAR-DEF-0001-0152.

21 THE COURT OFFICER (via video link): (Interpretation) The document has been
22 displayed for the witness.

23 MR SCALIOTTI:

24 Q. This is a letter that Mr Bemba, on 20 February 2003, sent to Mr Kaba, the
25 President of the Fédération Internationale des Droits de l'Homme. And I will read

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 carefully some portion of this letter. Please listen carefully to this, Mr Witness. I
2 will read in French, like I did yesterday.

3 (Interpretation) "Following the recent telephone conversation which we had, I wish
4 to inform you of facts related to the accusations made to me by your organisation
5 after violations of human rights in the Central African Republic.

6 For your information, I wish to inform you that as soon as I was informed by
7 airwaves of the assumed involvement of some of the men from the Congo Liberation
8 Army, ALC, their involvement in violations of human rights, I immediately
9 commissioned a commission of inquiry to carry out a check on the authenticity of
10 these events, to identify the men the ALC involved in these violations and to hand
11 them over to military justice.

12 On 30 October 2002, under Lieutenant-Colonel Mondonga and Captain Augustin
13 Gbendo, a team of five ALC officers went to Bangui. On November 28, 2002, the
14 report of the inquiry stating involvement of a number of ALC men in acts of looting
15 was submitted to the Chief of General Staff of the ALC. The results of the
16 investigation led to charges being laid by the court-martial for eight men accused of
17 looting.

18 In accordance with the provisions of the Code of Conduct of the l'Armée de libération
19 du Congo, these men are currently serving sentences for criminal offences going from
20 three to 24 months."

21 (Speaks English) Now, if I have to summarise these paragraphs of the letter that I just
22 read, Mr Bemba was writing this letter because he was facing allegation -- allegations
23 of serious crimes committed by his troops in Central African Republic. While being
24 faced with these allegations, he mentioned a number of steps of measures that he took,
25 including the investigative team that he commissioned, including the prosecution of

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 soldiers and the trial that occurred in Gbadolite.

2 So, don't you agree that in this situation what Mr Bemba answered clearly indicated
3 that he had authority to deal with disciplinary matters concerning his troops in
4 Central African Republic?

5 Mr Witness, did you hear my question?

6 A. Madam President, for better understanding, could you please repeat the
7 question.

8 Q. Mr Witness, I hope you listened to me when I was reading, and my question
9 was: Based on the paragraphs that I read, isn't it true that Mr Bemba -- or isn't it true
10 that, from what Mr Bemba stated, it is clear that he had authority to deal with
11 disciplinary matters concerning his troops in Central African Republic?

12 A. I would also note that, Madam President.

13 Q. And it is also true that while being confronted with this allegation, he didn't
14 mention at all the Central African authorities. He didn't say that Central African
15 authorities were in responsible or in charge for disciplinary matters concerning his
16 troops; is this correct?

17 A. Mr Bemba did not have any disciplinary matters to deal with the ALC in Bangui.
18 The disciplinary matters were solely under the authority of the Central African
19 military authorities. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 (Redacted) Now, if (Redacted), as you said, and the president of

6 the commission was directing these investigations, now, despite the fact that

7 Mr Bemba said he had essentially authority to deal with these measures, this means

8 that, based on what you're saying, the investigation was run by the Central African

9 authorities and so in this case no measure whatsoever was taken by the MLC; is this

10 correct?

11 A. Exactly. No measure was taken by the Congo Liberation Army. When the

12 men mentioned Bomengo and consorts were arrested there, they were handed over to

13 the Central African authorities. I don't know what happened between them over

14 there. They decided that they should be sent back to the Congo because of their

15 misconduct for fear of them committing similar offences throughout the operations.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 As Damango was the officer in charge of the investigation, there must be files and
2 documents over there related to the commission, (Redacted).

3 (Redacted)

4 (Redacted)

5 Q. If you mean that (Redacted)

6 (Redacted), then once again Mr Bemba was wrong in his

7 letter, when he said that (Redacted)

8 (Redacted); am I right?

9 A. Well, here I'm going to clarify this matter.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 I'm telling you the truth, the truth just like I've always been telling you, Madam

18 President.

19 Q. You stated during your testimony that the ALC did not have the legal right to
20 conduct an independent investigation in Central African Republic. If you remember
21 stating this, I would appreciate if you could simply answer "Yes" or "No," if that was
22 your statement.

23 A. I reply with "Yes." I would say yes.

24 Q. Mr Witness, I would like to put to your attention the fact that FIDH, an NGO of
25 which we have already talked during your examination, produced a report in

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 February 2003 - and the reference is, without displaying the document, but the
2 reference is CAR-OTP-0001-0034 - and in this report there are serious allegations of
3 crimes committed by the ALC based on interviews that the members of this NGO
4 were able to conduct from statements that they took from interview from victims,
5 including visiting hospitals and talking to victims.

6 Now, isn't it right that ALC could have been the same, like the staff members of FIDH
7 did, so they could have -- the ALC could have interviewed victims in the Central
8 African Republic, in Bangui?

9 A. Madam President, FIDH interviewed the victims. So, at the end, you said it
10 was the commission, but the commission also interviewed the victims. I think that's
11 what you said. At the end -- well, I didn't really understand what you said at the
12 end.

13 Q. You said that the ALC didn't have the right to conduct an investigation, and I
14 said that, as part of an investigation, the ALC - not the commission run by the Central
15 African authorities - I mean the ALC could have interviewed or had the ability to
16 interview victims exactly like FIDH did. That was my question.

17 A. Thank you for the question, Madam President. FIDH -- if FIDH had
18 interviewed the victims, well, I wouldn't be aware of that. I wouldn't know that.
19 And to say that the ALC interviewed victims -- the ALC, well, (Redacted)
20 (Redacted). The person who asked questions to the people who were
21 contacted, that was Damango Guy-Bertrand, the person who was responsible within
22 the commission. He was the one who asked questions.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. I'm sorry to interrupt, but this is a clear example of what I was telling you
4 earlier. This is something that, if I'm not wrong, is already in the record, and it's not
5 really answering my question. So, please, if you don't mind, listen to me and I will
6 ask you the next question.

7 And my next question is: Again, based on what you said, that the ALC did not have
8 the right to conduct an independent investigation, now, as part of an investigation,
9 isn't it true that the ALC was certainly able and they had the legal right to interview
10 the soldiers, although they were in Central African Republic? Am I correct?

11 A. The MLC didn't have the competence to carry out an independent investigation.

12 Q. Now, I would like to put to you a number of observations from the evidence
13 that we have already seen. Now, we have seen Mr Bemba saying that he ordered the
14 arrest of the ALC soldiers. Mr Bemba stated, "I commissioned the investigative team
15 going to Bangui" and he said that, in that letter that -- in the letter that we saw, that
16 (Redacted)

17 (Redacted) it turns out that after this investigation, the Prosecution of the arrested
18 (Redacted).

19 I put to you this proposition: Is it true that this investigation and this commission
20 was led and directed by the MLC and it happened within the MLC justice system as a
21 measure taken by Mr Bemba?

22 A. As I said, having been accused, these people were expatriated toward Zongo,
23 where the Central African authorities didn't deal with them any more. Now, this is a
24 way in which they got rid of these people.

25 Having said that, in the territory of the MLC, there was also justice. You couldn't

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 leave that not happen because the Central African authorities didn't want to try these
2 people, (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. You stated that the findings of the investigation run by this commission were
6 that essentially no crimes were committed. Do you confirm this? Just, please, say
7 "Yes" or "No," if you don't mind.

8 A. Yes.

9 Q. You have been in Bangui for some time, at least you said the month of
10 November and until early December, if I'm not mistaken. During that time, were
11 you reading the press media articles?

12 A. Bangui was an operational area, an operational area. Even for simple photos of
13 goods that had been recovered, there was a whole procedure, with the journalists and
14 cameramen defined. So there was nothing such as activities, so how could you read
15 the newspapers?

16 MR SCALIOTTI: I would like the court officer to please display document number
17 41 in the Prosecution list of documents. It is CAR-OTP-0030-0274.

18 THE COURT OFFICER (via video link): (Interpretation) The document is being
19 shown to the witness.

20 MR SCALIOTTI:

21 Q. Mr Witness, this is a press article, a report from BBC News which was issued on
22 1 November 2002. The title from the top of the document is, "Chadians attacked
23 Bangui." And I will read the second paragraph from the bottom, where it says,
24 "There have been reports of serious violence and looting in the northern suburbs by
25 Congolese fighters supporting President Ange-Félix Patassé."

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 So this is information, allegation of crimes, serious violence and looting by the ALC,
2 that was on the press, available to everyone, on 1 November 2002; is this right?

3 A. Please, could you ask the question again, Madam President, so I can get a better
4 understanding of it?

5 Q. Yes, Mr Witness. I just read this short portion of the article that is in front of
6 you, which talks about serious violation and looting by the ALC troops, and I said,
7 isn't it true that this was information concerning the serious violence and the looting
8 committed by the ALC, information that was on the press, so available to the public?

9 A. Your Honour, I don't know where the BBC got this information from. I don't
10 know. In the commission, a journalist never came to the commission to ask us for
11 information or for the information that we had, no type of information whatsoever,
12 and no type of complaint came from such a person. For the journalist, they said,
13 well, this happened, that happened, in order to make it possible for us to carry out
14 investigations in the field. So I don't know where they got this information from.
15 From the Central African government soldiers? From militia? Bozizé's militias?
16 There was Bozizé himself, he was accompanied by other people, Chadians, for
17 example. So we have to be told this because I don't know where they received this
18 information from, but we also have to know that there was psychological warfare
19 exists in operations. This was a significant part of it. There's propaganda which is
20 carried out. They speak in such a way so that -- to generate hatred for
21 such-and-such an army. So, if you don't behave well, you will be finished, basically.

22 (Redacted)

23 (Redacted)

24 MR SCALIOTTI: I would like the court officer to now display document 11 in the
25 updated Prosecution list of documents, CAR-OTP-0008-0413.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 THE COURT OFFICER (via video link): (Interpretation) The document is being
2 shown to the witness.

3 MR SCALIOTTI:

4 Q. This is another press article issued by BBC. The original source is Radio France
5 Internationale, and the date is 4 November 2002.

6 I will read the second paragraph from the bottom: "In view of the acts of violence
7 meted out to civilians in Bangui and the trauma, these are no longer trustful.

8 According to many testimonies, the men of Congolese warlord Jean-Pierre Bemba,
9 who came to assist the CAR loyalist forces, are still committing acts of violence in

10 certain neighbourhoods. Thus, young girls were raped in Gobanga, PK-12,

11 Boue-Rabb [phonetic], Bangui neighbourhoods in which several houses were looted.

12 Christine Muratet recorded the testimony of a resident of one of the northern
13 neighbourhoods in Bangui who of course wanted to remain anonymous."

14 This press article refers to, again, to acts of violence and, in this case, also rapes
15 committed in areas of Bangui. This article is quite specific in indicating the specific
16 areas of Bangui where these crimes were allegedly committed. And please listen
17 carefully to my question, Mr Witness. Just tell me if you know whether this
18 particular list that are given in this article were followed up by the investigation
19 commission.

20 A. Very well. Here, I don't know. I don't know, but I know that at PK12, when
21 Bozizé's militia were moving towards the palais de l'Assemblée, 500 metres from the
22 residence of Patassé, the Bozizé's militia, they spent at least a week in PK12 and
23 around that area. They spent a week there. And the commission that was led by
24 Damango did not receive these complaints.

25 Perhaps Damango, perhaps he was aware, (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 Bozizé's troops who were at PK12 were composed of Chadian troops. There were
3 Central Africans, Chadians, Congolese from ex -- former Mobutu. After Mobutu left,
4 other soldiers fled towards the north and the Brazzaville Congolese. So Bozizé's
5 troops were composed of these different groups. They spent at least a week in PK12
6 and around that area.

7 MR SCALIOTTI: Now I kindly ask the court officer to display another document,
8 document number 72 in the Prosecution list of documents, CAR-OTP-0013-0012.

9 THE COURT OFFICER (via video link): (Interpretation) The document is being
10 shown to the witness.

11 MR SCALIOTTI:

12 Q. This document relates to an open letter that was published by Le Confident, a
13 local newspaper in Central African Republic, in Bangui. The date is 7 November
14 2002. It's a document in French, so I will read it in French: (Interpretation)

15 "Central Africa without borders. An association of solidarity with Central African
16 women's and orphans to fight against AIDS. Open letter: Case of rapes and torture
17 of young girls, of women, by Bemba's men and AIDS problems. Open letter."

18 (Speaks English) And then the third paragraph: (Interpretation) "Attempted
19 coup d'état of 25 October made girls and women from Central African Republic the
20 innocent victims of the armed mercenaries of Jean-Pierre Bemba. Our association
21 cannot remain indifferent before the drama which has been experienced by girls of all
22 ages and the girls -- and the women of our country who are victims of individual and
23 collective rape and of murder."

24 (Speaks English) Mr Witness, a very simple question and, again, if you could simply
25 answer "Yes" or "No," if you don't mind, that will help us to expedite your

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 examination. I'm simply asking you, I read to you this article, or part of this open
2 letter containing some allegations of rape and killings allegedly perpetrated by the
3 ALC troops. Were you aware of this allegation of the content of this open letter?

4 A. No, Madam President.

5 MR SCALIOTTI: Can the court officer please display number -- document number
6 71 in the updated Prosecution list of documents, CAR-OTP-004-0874.

7 THE COURT OFFICER: (Interpretation) The document is being shown to the
8 witness.

9 MR SCALIOTTI:

10 Q. Starting from the top of this document, left-hand side, do you see this name
11 "Ngoupandé Jean-Paul, ancien Premier ministre, député à l'Assemblée nationale"?
12 So apparently this is the person who issued this communiqué de press in Paris
13 2 November 2002.

14 And I will read the title: (Interpretation) "No to killings, rape and pillaging
15 committed by Jean-Pierre Bemba's troops and the troops of Abdoulaye Miskine."
16 "They took hold on 30 October 2002 of the town of Bangui, the troops sent by
17 Jean-Pierre Bemba coming to support his associate in business, President Ange-Félix
18 Patassé, have carried out the worst abuses against the civilian population, in
19 particular in the northern areas of the Central African capital. According to
20 information that I have got in the last 24 hours, they are extremely alarming.
21 Massacres, pillaging and above all rape, particularly of young girls, give rise to great
22 emotion.

23 Among the crimes which have been pointed out by numerous witnesses, it is the rape
24 of minor girls in the Gobongo sector, PK12 and Boy-Rabé which are generating the
25 most indignation. Also, within the family of the former minister Zane-Fei, a young

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 girl and two girls of 8 and 11 years old were raped by seven Congolese soldiers.

2 In -- among them, Toima, for the late Toima, former ambassador of Libya, two other
3 girls were raped."

4 (Speaks English) And I stop here.

5 This is a communiqué de presse issued in Paris, which means that this information,
6 on 2 November, information of this allegation of crimes, was available to someone
7 even in Paris, and it's again very detailed, with specific incidents of crimes, with
8 locations where crimes were committed. There is reference to young girls and to
9 the -- to this former minister, and the report says that his house -- at his house rapes
10 were committed.

11 So my question once again is: (Redacted), were you
12 aware of these specific allegations that were known, even in Paris, while the events
13 took place on 2 November 2002?

14 A. No, I was not aware of this information. Even the president of the commission
15 never mentioned that (Redacted)

16 Q. So this means that nothing was done, nothing was investigated, no measures
17 were taken for all of these allegations that I mentioned to you; is this correct?

18 A. Measures taken? Well, but by whom? The commission was based in Bangui
19 (Redacted). Damango was the president
20 of the commission, and everywhere we went, he (Redacted) questioned people.

21 If he had been aware of this, he would have told (Redacted)

22 (Redacted). I do not know. I'm telling you what I heard, what I saw, (Redacted)

23 (Redacted). I was not aware of this particular information.

24 PRESIDING JUDGE STEINER: Mr Scaliotti, if you allow me.

25 Mr Witness, a clarification just for me to situate myself in terms of chronology. You

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 arrived in Bangui on 30 October; is that correct?

2 THE WITNESS: (Interpretation) I no longer remember the precise date, but I
3 arrived at the end of October, early November, Madam President.

4 PRESIDING JUDGE STEINER: Do you know when Mr Bomengo and consorts were
5 arrested, the date?

6 THE WITNESS: (Interpretation) Bomengo was arrested by his commander. I do
7 not remember the date. I arrived after they had already been arrested.

8 PRESIDING JUDGE STEINER: His commander was Colonel Moustapha; is that
9 correct?

10 THE WITNESS: (Interpretation) Yes, that is correct.

11 PRESIDING JUDGE STEINER: When Colonel Moustapha crossed over to Bangui,
12 which date?

13 THE WITNESS: (Interpretation) They crossed over on 30 October 2002.

14 PRESIDING JUDGE STEINER: In the procès-verbal, it is stated that Mr Bomengo
15 and consorts were arrested in this very same day. Were they arrested by their
16 commander? So Colonel Moustapha crossed over and arrested Bomengo; is that
17 what happened?

18 Mr Witness, can you hear me?

19 THE WITNESS: (Interpretation) Yes, Madam President, I can hear you.

20 PRESIDING JUDGE STEINER: Mr Witness, we have information - and just for the
21 parties' knowledge, it's CAR-D04-0002-1637 - that Colonel Moustapha arrived in
22 Bangui at 9 o'clock on 30 October.

23 In the procès-verbal (Redacted) it is stated that

24 Bomengo was arrested on 30 October at 11 o'clock in the morning. Is that correct
25 that Colonel Moustapha crossed over to Bangui and arrested Bomengo two hours

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 later?

2 THE WITNESS: (Interpretation) Madam President, let me make some clarification
3 here. Colonel Moustapha was the brigade commander. On the 29th, a battalion
4 crossed over to Bangui after having received a briefing, and they went over there for a
5 mission. The briefing was conducted by the brigade commander. The battalion
6 crossed over.

7 The following day, the brigade commander crossed over with the rest of the men.

8 That is what happened. But I do not know when Bomengo was arrested. I know
9 he was arrested on that particular day, but I'm not aware of the time at which he was
10 arrested.

11 PRESIDING JUDGE STEINER: Have you ever seen Captain Bomengo?

12 THE WITNESS: (Interpretation) I did not hear that question, your Honour.

13 PRESIDING JUDGE STEINER: Did you see Captain Bomengo when he was already
14 detained? (Redacted)

15 THE WITNESS: (Interpretation) Bomengo was already in the hands of the Central
16 African Republic authorities. When I crossed over, I was informed that Bomengo
17 had been arrested as a result of the problems that we have heard about.

18 After some time, Bomengo was repatriated to Congo. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Thank you. Sorry for the interruption, Mr Scaliotti.

25 MR SCALIOTTI: Thank you, Madam President.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Q. Mr Witness, I would like to put to you the last press article, or document,
2 concerning allegations of crimes related to the period of November 2002.

3 And I would like the court officer to display document number 32 in the updated
4 Prosecution list of documents, CAR-OTP-0013-0320.

5 THE COURT OFFICER (via video link): (Interpretation) The document is being
6 shown to the witness.

7 MR SCALIOTTI:

8 Q. This is a press article, specifically, Le Citoyen, local newspaper of Bangui. This
9 is the newspaper issued on -- published on 8 November 2002.

10 Can we please go to page 0328.

11 I will read once again this French text, and from the top of the document, the title is

12 (Interpretation) "Protest march against the Banyamulenge by the youth of PK12."

13 "It is no longer acceptable that these abuses should continue. It is for this reason that
14 the young inhabitants of the various neighbourhoods of PK12 and Bangui town
15 express their exasperation towards the rebels of the Congo Liberation Movement of
16 Jean-Pierre Bemba."

17 (Speaks English) And I continue from the first paragraph from the top on the right
18 column:

19 (Interpretation) "Worse still, according to these young people who decided to
20 demonstrate, these Banyamulenges, with the endorsement of -- of another -- under
21 the leadership of another Congolese known in PK12 as 'maison mère,' looted the
22 houses of all the dignitaries and locked up, in a house behind Réveil bar in PK12,
23 eight girls, including two daughters belonging to Mr Z, as well as 46 people which
24 they abused sexually, and especially without using condoms, and this raised the risk
25 of contamination with sexually transmitted diseases and HIV."

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Speaks English) We have here another press article containing these allegations,
2 specific allegations, and details. It is reported the pillaging of houses of all the
3 dignitaries at PK12 and it also refers to the sexual violence, the rapes, committed
4 against eight girls at a very specific location, which is given here by this article, a
5 house behind the bar Réveil, at PK12. Also, the initials of the father of some of these
6 raped girls is given.

7 So my question, once again, is: Mr Witness, were you aware of these specific
8 allegations contained in this press article that was published in Bangui and therefore
9 available to the public, to everyone in Bangui, at the time of the events?

10 A. I was not aware of this article.

11 Q. Mr Witness, you said during your testimony, if I'm not mistaken, (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). Do you confirm this?

16 A. Madam President, please kindly repeat the question.

17 Q. We have seen extensively (Redacted)

18 (Redacted) Do you confirm

19 what you said during your testimony, that (Redacted), as I understand, (Redacted)

20 (Redacted) Is it true that (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Q. Just to be very clear, (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 Q. Is it true, Mr Witness, that (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Mr Witness, I would like to tell you that, in the evidence of this case, there is no
15 evidence whatsoever of a (Redacted) that you are mentioning now. So don't you
16 think that if (Redacted)?

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) However, the property recovered by the

7 soldiers taking part in the operation; that is the FACA and ALC troops, the civilians,

8 did not recover any goods. This property was recovered and stored in the police

9 camp and a radio television announcement was broadcast, inviting the members of

10 the public to come and recover their goods. And there were images of this."

11 (Redacted)

12 (Redacted)

13 Q. Mr Witness, I'm sorry to interrupt you, but I think once again you said this, and

14 I'm sure this is already in the record of the case, and my question was not that you

15 should repeat whatever, according to you, was done in terms of investigations. I

16 simply asked you -- and actually, I told you that in the evidence of this case there is

17 no (Redacted) like you are saying, and I said, "Isn't it true that if (Redacted)

18 (Redacted) That was my simple

19 question, so please don't re-state again whatever in your view was done in terms of

20 investigation.

21 So, again, is it true that if (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. Are you (Redacted) mentioning the report, according to you, drafted by the
4 central -- by the president of the commission and sent to the Central African
5 authorities?

6 A. Madam President, yes, I confirm that. That is what happened.

7 Q. And just to finish with this topic, Mr Witness, I will ask you again the same
8 question: Isn't it true that if such a report on an investigation conducted by the
9 Central African authorities existed, it would have been produced in the record of this
10 case?

11 PRESIDING JUDGE STEINER: Mr Witness, wait, please.

12 Maître Kilolo.

13 MR KILOLO: (Interpretation) Madam President, I would like to object to that
14 repetitive question which can be considered as harassment of the witness. I do not
15 know how the witness can be expected to answer a question relating to an initiative
16 that might have been taken either by the government of the CAR or by the Defence,
17 which would have been the one to decide whether to tender or not to tender a report
18 from the Bangui commission of inquiry into evidence. I believe that the way this
19 question has been formulated is not acceptable. Thank you.

20 PRESIDING JUDGE STEINER: Maître Kilolo, I fully agree with you. I was
21 avoiding to intervene again and again, but asking the witness if the witness would
22 have thought that would have been important to have this document in a case file, it's
23 not a question for the witness to answer.

24 My point is a different one. Now I don't know which report we are talking about
25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 So, could you clarify, Mr Witness, (Redacted)

5 (Redacted)

6 THE WITNESS: (Interpretation) Yes, Madam President. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Thank you for the clarification.

11 Judge Aluoch.

12 JUDGE ALUOCH: Mr Witness, apart from that (Redacted)

13 (Redacted), are you aware of any

14 other (Redacted)? Are you aware of any

15 other (Redacted)?

16 THE WITNESS: (Interpretation) Aside from (Redacted)

17 (Redacted)

18 (Redacted) As I have just said, (Redacted)

19 (Redacted)

20 (Redacted) That's obvious. (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Thank you. Mr Scaliotti.

24 MR SCALIOTTI: Thank you, Madam President. And I can certainly move on. I

25 think the point is quite clear.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Q. Mr Witness, I would like to address with you now the investigations that,
2 according to you, were conducted (Redacted), if I'm not mistaken, in
3 December 2002. So can you please clarify, (Redacted), how
4 do you know what this commission investigated, what allegations they investigated (Redacted)
5 (Redacted)

6 A. (Redacted) the investigations continued because the president of the
7 commission was there with the others, and he (Redacted) was with the investigating police
8 and they had men in the field, and the rest happened over there, and I wasn't there so
9 I couldn't be aware of what happened (Redacted).

10 Q. Am I correct if I say that (Redacted), you cannot know what
11 happened, what this commission did?

12 Mr Witness, did you hear my question?

13 A. Could you please repeat it, Madam President?

14 Q. You explained that (Redacted)
15 (Redacted), the commission continued its investigation.

16 So I told you -- or I asked you, is it true that you cannot know what -- (Redacted)
17 (Redacted) was investigated and
18 what was done by the investigative commission.

19 A. Yes, (Redacted).

20 PRESIDING JUDGE STEINER: Mr Scaliotti, sorry to intervene. Page 30, lines 12
21 and 13: (Interpretation) (Redacted)

22 (Redacted)

23 (Speaks English) So I think the witness has already answered to the question. Maybe
24 it's a problem of the delay on the transcript.

25 MR SCALIOTTI: Yes, I apologise, Madam President, but as a matter of fact, this is

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 one of the consequences of not having the English transcript, and I missed that
2 portion. I'm sorry.

3 Can, please, the court officer display document number 18 in the updated Prosecution
4 list of evidence, CAR-OTP-0013-0051.

5 THE COURT OFFICER (via video link): (Interpretation) The document has been
6 displayed for the witness.

7 MR SCALIOTTI:

8 Q. Mr Witness, this is once again - and it's actually the last one that I will show you,
9 so also for the Chamber's benefit we can try to expedite this portion of my
10 examination, this is once again an article, a media article from a newspaper, Le
11 Citoyen, and it was issued on 14 December 2002, and I will read: (Interpretation)
12 "The citizens of Bangui have had enough of Jean-Pierre Bemba's men being in the
13 town. In fact, President Patassé has found a concealed way of keeping Central
14 Africans under control by putting Jean-Pierre Bemba's men on them, the men who
15 have come to help Patassé. A disguised declaration of war on all Central Africans
16 has been made. Patassé no longer trusts his defence and security forces which he
17 himself calls worthless. However, from Begoua to Boy-Rabé, from Gobongo to Fough, the
18 wake of these bandits on the roads is dreadful: Theft, rape and murder."
19 (Speaks English) So, for the last time, we have here again a media article reporting
20 crimes committed by the -- allegedly committed by the ALC: Pillaging and rape, et
21 cetera. So just for the record, and then we'll move on, you confirm, Mr Witness, that
22 you cannot know whether allegations like this were taken into account or not by the
23 investigating commission (Redacted)

24 (Redacted)

25 A. (Redacted) It was the president of the commission who

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 was there and he's the only one who could give an answer to that.

2 Q. Thank you, Mr Witness. Now we can move to another topic, and I would like
3 to ask you: Are you familiar with the so-called DDR process, meaning disarmament,
4 demobilisation and reintegration process?

5 A. In which country?

6 Q. (Redacted), in the DRC.

7 A. Okay, I know that, Madam President.

8 Q. Is it true that this process involves a number of phases, including, for instance,
9 disarmament, a phase at the orientation centre, and so finally it takes some time to go
10 through this process called DDR?

11 A. Could you please repeat the question, Madam President?

12 Q. I asked you if you know this process, is it true that it involves a number of
13 phases so that for someone to go through the process called DDR, it takes some time?

14 A. Yes.

15 Q. Do you have an idea approximately how long the DDR process can take, or
16 could take at the time of events, I mean in 2003?

17 A. Thank you, Madam President, for the question.

18 Here this answer could be given by the Ministry for National Defence, not even from
19 the Chief of General Staff. National Defence is policy. It's the organised policy for
20 the army, for the operation of the army. It's Defence which organises these stories.

21 I don't know. (Redacted)

22 (Redacted)

23 (Redacted) This comes under the National Ministry for

24 Defence of the Democratic Republic of Congo, and there you have specialists. Often
25 it's the SEC and police, European Union, Europol, and people from the National

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Ministry of Defence, so I'm not in a position to answer this question.

2 Q. Mr Witness, it's just to clarify again. I was talking about the DDR process in
3 DRC in 2003/2004. That's the period I was referring to. However, is it true that
4 every soldier at the time had to go through this process to enter the army, the
5 FARDC?

6 A. Yes, Madam President.

7 Q. And is it also true that, to enter the FARDC, a soldier needed a clean criminal
8 record, meaning that if someone had a criminal record, could not enter the FARDC?

9 A. No, these are details which the Ministry of Defence can give you. As I have
10 just stated, in 2003, as you have said, there was reunification. The Democratic
11 Republic of Congo had a president and four vice-presidents. That was the beginning.
12 Then you'll see that the four vice-presidents here, there were two vice-presidents from
13 the MLC and another one from the RCD/DRC, and the others were civilians who
14 I don't know, but there were four of them.

15 Now, let's talk about the others, the MLC and the RCD. All the files related to
16 administration were made available to the Ministry of National Defence and they had
17 to organise what was going to be done with the soldiers, and all the cases, all the
18 administrative files, lists, the administrative files, disciplinary matters, even criminal
19 cases, all of that was for the National Ministry of Defence which then had to assess the
20 situation and see what could be done.

21 So, as of 2003, no president or leader of a political or military movement was, in my
22 opinion, in a position to give orders to the soldiers they commanded. All the
23 soldiers were handed over to the government for the country. So here you have the
24 problem which comes under the Ministry of Defence .

25 Q. Just for your information, Mr Witness, another Defence witness - and I'm

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 referring to transcript 296, confidential, English, edited, page 7, lines 5 to 8, and the
2 French is transcript 296, confidential, edited, page 7, lines 15 to 18 - told the Chamber
3 that nobody with a criminal record could enter the FARDC. (Redacted)
4 (Redacted); am I right?
5 A. Thank you for the question, Madam President. Now, the question of DDR, as
6 you see, it was organised by the National Ministry of Defence of the Democratic
7 Republic of Congo required all members of the military forces, whether the
8 government, the MLC or the RCD, to go to the centres according to the programmes
9 set up by the ministers and by the Chief of General Staff.
10 For example, Gemena, I'm giving a typical example. (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 They went through training until the end and set up units and began to work.

3 And there all the cases, whether they were legal cases, administrative cases, were

4 given to the Ministry of Defence for whatever needed to be done, (Redacted)

5 (Redacted)

6 (Redacted) This is what happened

7 with the operation you've just mentioned, the DDR. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) it was up to the Ministry of Defence to assess the situation. And there were

16 also co-operation people from Belgium and France and also from the US in the

17 commission, but then that would be questions for them. They could give further

18 details.

19 Q. Mr Witness, you gave a very long and detailed explanation. So just now, very,

20 very shortly, in answer to my next question, based on what you said, is it true that to

21 go through this process it would take weeks, if not months?

22 Did you hear my question, Mr Witness, the last question?

23 A. I didn't hear the last question, Madam President.

24 Q. My question was, based on the detailed explanation that you gave, if you can

25 answer very shortly this time, because your answer was quite exhaustive, is it true

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 that to go through this DDR process, it took weeks, or even months maybe?

2 A. No, the DDR department was set up just after reunification. That's the first
3 point.

4 Second point: The time for identification. Now, DDR, if you like, the soldiers kept
5 on going with the army and they said, "Okay, I'll agree to go on." And if they didn't
6 want to stay there, if they said they wanted to be demobilised, then they were given a
7 kit and a bit -- a few articles and money. They could go off and do a job, work
8 somewhere. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) They were identified. And if the soldiers agreed to remain with the forces,
15 they continued, and otherwise they went back to civilian life and they were given a
16 document to show what they'd done.

17 MR SCALIOTTI: Madam President, I would suggest we break here because I would
18 like to now show a document, and maybe it's better to do it after the break.

19 PRESIDING JUDGE STEINER: Thank you, Mr Scaliotti.

20 Mr Witness, we will suspend now for half-an-hour, to give you an opportunity to take
21 some rest, a cup of coffee or tea. It's 11 o'clock. We'll be back at 11.30. The
22 hearing is suspended.

23 THE COURT USHER: All rise.

24 (Recess taken at 10.58 a.m.)

25 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 THE COURT USHER: All rise.

2 Please be seated.

3 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

5 PRESIDING JUDGE STEINER: Can we continue, Mr Witness?

6 THE WITNESS: (Interpretation) We can continue, your Honour.

7 PRESIDING JUDGE STEINER: Mr Scaliotti.

8 MR SCALIOTTI: Thank you, Madam President.

9 Q. Mr Witness, I think, with your co-operation, at least I hope I can quickly come to
10 the end of my examination. Before the break we were discussing the DDR process
11 and its duration.

12 Now I would like the court officer to please display document number 63 in the
13 updated Prosecution list of evidence, CAR-D04-0003-0281.

14 THE COURT OFFICER (via video link): (Interpretation) The document is being
15 shown to the witness.

16 MR SCALIOTTI:

17 Q. Mr Witness, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: Mr Scaliotti, you said (Redacted)

8 (Redacted)?

9 MR SCALIOTTI: Yes, Madam President, because what, according to my reading, the
10 document said, (Interpretation) (Redacted) (speaks English) (Redacted)

11 (Redacted)

12 (Redacted). So I take it that (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: I'm sorry, I need to check. Maybe I'm on the wrong
15 document. It's document 64, you said?

16 MR SCALIOTTI: I apologise. 63, Madam President.

17 PRESIDING JUDGE STEINER: Sorry, I was on 64, in which it is stated another date.
18 So maybe you take the opportunity to check that.

19 MR SCALIOTTI: Sure, Madam President, and thank you for the verification or for
20 putting that to my attention.

21 Q. So we have seen that (Redacted)

22 (Redacted) Mr Witness.

23 Now I would like to have another document on the screen, so I ask, please, the court
24 officer to display document number 75 in the updated Prosecution list of documents,
25 CAR-OTP-0070-0128.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 THE COURT OFFICER (via video link): (Interpretation) The document is being
2 shown to the witness.

3 MR SCALIOTTI:

4 Q. The document in front of you, Mr Witness, was issued by (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) So do you agree that these two documents are quite

6 conflicting to each other?

7 PRESIDING JUDGE STEINER: Yes, Maître Kilolo.

8 MR KILOLO: (Interpretation) Subject to the explanations which might be given to

9 us by the opposing party, what I do find is that there's a problem with the use of this

10 document, to the extent that it would jeopardise the private life of a person. You can

11 see when you read this document, there are -- there's personal data here, and I think

12 in the legislation throughout the entire world you cannot use personal data of a

13 person, including that person's address, with regard to third parties. There are laws

14 about that; they protect the private and family life of individuals. And that would

15 also violate Article 8 of the European Convention on Human Rights.

16 I leave it to your assessment, but I do not understand how, on the one hand, the

17 Prosecution has such a document with personal data but, above all, that it authorises

18 itself to use it in regard to third parties. And here I'm referring to the witness. This

19 really does cause a problem. We can't enter into anarchic and arbitrary practices

20 before this Court. Thank you.

21 PRESIDING JUDGE STEINER: Maître Kilolo, quite a strong statement, "les

22 pratiques anarchiques, arbitraires."

23 Mr Scaliotti, would you like to respond?

24 MR SCALIOTTI: Thank you, Madam President. I think these objections are quite

25 groundless, especially considering that, first of all, we are in closed session so the

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 privacy of the individual in question is completely protected, and furthermore, as I
2 think the Chamber realised, this is a document which is -- it's a piece of evidence
3 important to the determination -- for the determination of the truth and also for the
4 credibility of the evidence and, therefore, in order to establish the truth, I think it's of
5 crucial importance to proceed with the discussion of this document that, among other
6 things, was disclosed to the Defence on 26 September 2003, and no objection or
7 complaints were raised by the Defence. So I think we can, in the Prosecution's view,
8 we can certainly proceed with the examination of the witness based on this document
9 on the screen.

10 PRESIDING JUDGE STEINER: Maître Kilolo.

11 MR KILOLO: (Interpretation) Well, I think that the problem is a problem of
12 principle. With regards to the people who are in this courtroom and who are subject
13 to confidentiality, it's not about that, it's about third persons, third parties, the witness.
14 The witness. You cannot disclose personal data, (Redacted)
15 (Redacted) to third parties. I'm speaking about the witness himself. That really
16 does give rise to serious problems with violation of private life.

17 PRESIDING JUDGE STEINER: Well, it is on the record, the objection to the use of
18 document. The Chamber regrets that such objection has come at this point in time,
19 since the document was, according to the Prosecution, disclosed to Defence a long
20 time ago. And I can confirm, was it in the list of documents to be used by the
21 Prosecution? So given to the Defence well in advance.
22 Furthermore, before deciding on whether the use of this document would be in
23 violation of fundamental rights and therefore infringe upon Article 69 of the Statute, I
24 would be interested in seeing how the document was obtained since, at the bottom of
25 the page, it appears that it was obtained from a website.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 In any case, only for the reason that in the document appears to have the address of
2 the person at that time, I ask, please, the court officer to take away from the screen but
3 the document can continue to be discussed by the Prosecution with the witness.

4 MR SCALIOTTI: Thank you, Madam President.

5 Q. Mr Witness --

6 THE COURT OFFICER (via video link): (Interpretation) The document can no
7 longer be seen by the witness.

8 MR SCALIOTTI:

9 Q. Mr Witness, before these objections raised by the Defence, we were discussing
10 and we were saying that these two documents are in conflict to each other because,
11 according to the two documents, we have the same date, (Redacted), and according to
12 one document, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Do you agree with that, Mr Witness?

19 A. As you've shown me this document, this is a document which is (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) But before 2003, there were lists of the belligerents, the troops,

25 the soldiers, who were provided to the Ministry of Defence and the Chief of General

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Staff and provided to him for examination. These were lists.
2 And with regard to the staff, it was the staff HQ that organised these DRR -- DDR lists,
3 reinsertion lists, and what you can see here is something I don't have any clarification
4 about. (Redacted)
5 (Redacted) I'm not able to give you any details.
6 However, what I would like to tell you, your Honour, is that, (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 You mustn't forget that there was an amnesty that was signed by the current
11 President of the Republic.
12 I'm not a lawyer. I don't know how things happened but, to the best of my
13 knowledge, what I do know is that there was an amnesty signed by (Redacted) president,
14 Joseph Kabila.
15 This amnesty, what was it composed of? What problems did it bring about? Well, I
16 don't have the text here. But if the Minister of Defence considers that it's useful to do
17 what he did there, (Redacted)
18 (Redacted)
19 (Redacted). And you will see that it took a lot of time, a lot of time. It's purely
20 administrative, an administrative matter. You have to look at a lot of administrative
21 details and parameters in order to understand this.
22 I'm not able to give you any details in this regard or precise details on this. (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted) I can't answer this question,

4 your Honour.

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) So if you can contact the ministry in the DRC

5 for details, Madam President.

6 Q. Mr. Witness, we are now moving to the last topic. And just before we move,
7 we have seen these two conflicted documents, so it will be for the Chamber to assess
8 which one of the two is truthful and a genuine document.

9 Now, to conclude your examination I would like to discuss with you your meetings
10 with the Defence team of Mr. Bemba. So I'm asking you, when did you first have a
11 contact with Defence?

12 A. It was quite some time ago. The first time was in 2011. I received a phone call
13 from Maître Kwebe. He called me and he said he wanted to meet with me. I did
14 not know that he was a lawyer. (Redacted)

15 (Redacted) I went there. I introduced myself. He
16 received me in his office, in a meeting room. He was with another gentleman that I
17 did not know and he introduced himself, "I am Maître Kwebe. I'm the one who
18 called you. I am a lawyer for Mr. Jean-Pierre Bemba." That is when I understood
19 that he was a lawyer. I started wondering, and I was -- and I asked him
20 whether -- he asked me whether I would answer some questions. And I said, "About
21 what?" And he said, "About what happened. (Redacted)

22 (Redacted) So I listened to him. He asked me questions, and I started explaining to
23 him.

24 The other person who was there, a young man, this was the first time I was seeing
25 him. It was also the first time I was seeing Mr Kwebe. So they started asking me

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 questions and I explained to them.

2 The other person who was present was taking notes. At the end he told me that they
3 would be needing me. It was at a time of Prosecutor Moreno. In fact, I did not
4 know. If I knew, I would not even have gone to see him. But since this had already
5 been done, I returned. Then he called me again later, and then he told me the Office
6 of the Prosecutor would call me. But I told him, "Look, you know that (Redacted)
7 (Redacted)

8 He called me again, and I told him, (Redacted)

9 (Redacted). A few days later I was informed that he had died. I

10 was not even informed. In fact, I was (Redacted)

11 (Redacted). I returned home in the evening, and on the television I saw his photograph
12 on the television, and I asked my wife, "What is happening here?" And then she
13 told me, "Look, they started showing the picture of this person the day before
14 yesterday, and that person is dead." And I told her, "Look, I know him. He was the
15 lawyer of Jean-Pierre Bemba, and I saw him." That is what happened.

16 A few days later the office of Mr Moreno called me also. I no longer remember the
17 person's name. He started asking me questions, "Would you like to meet with us?
18 We want to discuss with you the events that took place in Bangui." (Redacted)

19 (Redacted) That is

20 what happened.

21 Q. Mr Witness, I have for you a number of questions on this, so I would be grateful
22 if you could just answer focusing strictly on my question. So this would help me to
23 finish quickly with your examination.

24 So, and on top of that, I apologise, but my computer is not working at the moment, so
25 I don't have the transcripts, and sometimes it may be that I miss something from your

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 answers.

2 So am I correct that so far you mentioned three meetings with the Defence team?

3 A. Madam President, I didn't understand the question.

4 Q. I am asking you, Mr Witness, if my understanding is correct that so far you
5 mentioned three meetings with the Defence team of Mr Bemba?

6 A. No. I did not say that.

7 Q. For sure you mentioned one, at least one first meeting with the Defence, and
8 you said it was in 2011. Can you be a bit more specific about that, about that
9 meeting, 2011, and what month, in case what day?

10 A. Madam President, I did not mention a meeting. I did not have any meeting
11 with Jean-Pierre Bemba's lawyer. He contacted me for the first time. He called me
12 and introduced himself. I thought maybe it was a friend. When you are in a town
13 you have contact with people, and so I went and he introduced himself as the lawyer
14 of Jean-Pierre Bemba, and he would like to ask me some questions.
15 He asked me what had happened in Bangui, given that I was there, and I told him,
16 "Look, if I knew that you were Bemba's lawyer, I would not even have come, because
17 (Redacted) That was my
18 answer. It was already a risk, a danger for me.

19 Q. Mr Witness, I'm sorry to interrupt you, but this way we are not going to finish
20 even before the -- the end of this session. My question was simply whether you gave
21 a year. You said 2011. So was that for a meeting or just a contact via telephone?

22 A. It was a contact. He called me. I was not aware that he was a lawyer to begin
23 with. If I knew that, I would not even have gone there, (Redacted)
24 (Redacted).

25 PRESIDING JUDGE STEINER: Mr Witness. Mr Witness, when you say it was a

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 contact, was it personal contact or just a contact by telephone? This is the question.

2 THE WITNESS: (Interpretation) Yes, it was personal.

3 PRESIDING JUDGE STEINER: Thank you. Okay, now we understood.

4 You can proceed, Mr. Scaliotti.

5 MR. SCALIOTTI: Thank you, Madam President.

6 Q. So when I asked you if you had the meeting, the answer was yes, you had the
7 meeting, a face-to-face meeting with the Defence then?

8 PRESIDING JUDGE STEINER: Mr. Scaliotti, he just said that he met him. Maybe
9 "meeting" is not the same as having contact, and we'll be here discussing. So the
10 contact was personal. So let's go now further.

11 MR. SCALIOTTI: Sure, Madam President. I just want to highlight that maybe the
12 answer was not really accurate. But anyway, I will move on.

13 Q. So this happened in, you said in 2011. Can you provide me with a more
14 specific date for that personal contact?

15 A. Yes. It was around May, June, I believe. I no longer remember the precise
16 date.

17 Q. After that personal contact, as you call it, how many times you met personally
18 with members of the Defence team?

19 A. Yes. After that he called me again and told me, "You'll be contacted by Victims
20 or Witnesses." Well, I really do not know. My answer to him was (Redacted)
21 (Redacted). And I also tried to avoid contacts. I
22 avoided answering numbers that I did not recognize.

23 Q. Mr. Witness, I did not hear the answer to my question, which was whether or
24 not, after this first personal contact, you had personal face-to-face meetings with the
25 Defence afterwards, after the first personal contact?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 A. No. After that personal contact, I no longer had any contact with anyone else.
2 It was the first personal contact, and that was it. When I understood that he was a
3 lawyer, I just avoided him.

4 Q. So just to sum up, when was the last contact that you had with the Defence,
5 even personal or either -- or by telephone? When was your last contact with the
6 Defence?

7 A. You are talking about the entire Defence team, all the lawyers? Please clarify.

8 Q. Yes, Mr. Witness. Your understanding is correct, I mean any member of the
9 Defence team.

10 A. Yes. The very last contact was one-and-a-half to two months ago. Maître
11 Kilolo called me to ask where I was. He was looking for me. I asked him where he
12 was, but he did not tell me. He told me that he was Bemba's lawyer. I did not cut
13 the line immediately, but I was concerned about continuing the conversation with
14 him. He called me two, three times. Sometimes I would avoid him and shut down
15 my phone. Shortly afterwards, the Office of the Prosecutor called me to ask whether
16 I would accept to come and testify for Mr. Bemba, (Redacted)

17 (Redacted).

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) And that is why I accepted.

23 Q. That's not part of my question. Please focus on the question that I am asking
24 you. I'm trying to complete your examination.

25 My next question is the following. So you mentioned this contact. You said you

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 were called by Mr. Kilolo about two months ago. So was that the first time that you
2 were contacted by Mr. Kilolo?

3 A. Yes, Madam President. It was the first time.

4 Q. And after --

5 A. In fact, I do not even know him. I have never seen him since I was born.

6 Q. And after that phone call, did you have any personal face-to-face meeting with
7 Maître Kilolo?

8 A. No. I've never seen him and I do not even know him, Madam President.

9 Q. Did you have any -- after that phone call that you received, did you have any
10 other contact with Maître Kilolo or other members of the Defence, over the telephone
11 for instance?

12 A. Not at all.

13 Q. Mr. Witness, are you aware that the Prosecution office requested to meet with
14 you before your testimony?

15 A. Well, there were people who called me, but I could not identify them. People
16 called me to ask me (Redacted)
17 (Redacted). But I did not know these people, whether they were from the OTP or
18 from which office. (Redacted)

19 Q. Mr. Witness, were you paid any money by anybody in exchange for your
20 testimony in this trial?

21 A. Money? Well, on the day that I was going to (Redacted), the representatives of
22 the office in (Redacted) sent me \$471 for the hotel and for the transport to the airport.
23 I even signed this money out.

24 Q. Did you receive any promise of whatever benefit in exchange for your
25 testimony?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 A. No, no. There was no promise.

2 Q. You mentioned this amount of \$471 US that were paid to you as -- for hotel
3 expenses. Did you receive any reimbursement of expenses such as travelling or
4 transportation from the Defence?

5 A. No, not from the Defence. It was the ICC office based (Redacted) that sent me
6 the money for the hotel.

7 Q. Mr Witness, were you instructed by anyone as to what you should state during
8 your testimony here before the Chamber?

9 A. I received no instruction. No instruction.

10 MR SCALIOTTI: Mr Witness, thank you for answering my questions. I
11 have -- Madam President, I have no further questions for this witness.

12 PRESIDING JUDGE STEINER: Thank you very much, Mr. Scaliotti.

13 Mr. Witness, as must have been explained to you, the Chamber authorised legal
14 representatives of victims who participate in this trial to put some questions to you as
15 well. So now the Prosecution is finished. I will give the floor to Maître Zarambaud,
16 who is going to put some questions authorised by the Chamber, and if needed, some
17 follow-up questions.

18 Maître Zarambaud, you have the floor. And please remain seated if you so prefer.

19 MR ZARAMBAUD: (Interpretation) Much obliged, Madam President. Thank
20 you, Your Honours. With your leave, Madam President, I will remain seated.

21 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

22 Q. Good afternoon, Mr Witness.

23 A. Good afternoon, sir.

24 Q. Mr. Witness, my name is Maître Zarambaud Assingambi, lawyer of the CAR
25 Bar and here I am the legal representative of victims. The Chamber authorised me to

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 ask you certain questions, and a great number of those questions have already been
2 answered by you, either during the direct examination or during the questioning by
3 the OTP.

4 To begin with, Mr Witness, I would like you to confirm the period during which you
5 stayed in Bangui during the events, because you gave us many answers before. So
6 do you confirm that you stayed in Bangui (Redacted)
7 (Redacted), is that correct?

8 A. Yes, I believe that is what I said.

9 Q. You also said, and this is a real-time transcript of yesterday, page 15, lines 5 and
10 6, you said that you stayed only in Bangui, you did not go into the provinces?

11 A. No. I was in Bangui (Redacted).

12 PRESIDING JUDGE STEINER: Sorry if I interrupt you. Mr. Witness, now Maître
13 Zarambaud is questioning you in French. So maybe because it's your language, you
14 forgot the instruction to wait a little bit, five seconds, before you give your answer, in
15 order to allow the interpreters to conclude the translation of the question. So please
16 pay attention to that. Thank you.

17 Maître Zarambaud.

18 MR ZARAMBAUD: (Interpretation)

19 Q. Mr. Witness, we can then say that you do not have direct personal knowledge of
20 what happened in the field (Redacted)
21 (Redacted)

22 A. No.

23 Q. Well, at the time when it was decided to send ALC troops to the Central African
24 Republic, what was the military situation between the ALC troops and the Congolese
25 government forces?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 A. You know very well that at that time it was a ceasefire period. It was a
2 ceasefire, and all the politicians were in South Africa talking as brothers, and in Sun
3 City.

4 They were all the soldiers in standby waiting for the results of that.

5 Q. To be more accurate, there was no more fighting between the Congolese, and as
6 you say, the Congolese were in Sun City trying to solve the conflict in a peaceful way
7 through discussions and not through fighting in the field?

8 A. Yes.

9 Q. I too shall respect the five-second rule, Mr. Witness.
10 Before sending ALC troops into the Central African Republic, to your knowledge, did
11 Central African official delegations go to Gbadolite to request the intervention?

12 A. No. There was no one.

13 Q. My fourth question was what authority decided to send the troops to Central
14 African Republic, but you've already answered that question. And you were not
15 informed. I don't know if the other questions are necessary, if there was an
16 agreement between the two parties, i.e., the ALC and the Central African authorities.
17 Similarly, the question of crossing over to Zongo, if Mr. Bemba was present. You
18 said that Mr. Bemba was not present. And so I shall ask you, when you saw the
19 Congolese troops of the ALC crossing over, because you said in the course of your
20 testimony that you were in Zongo, what was the -- what were the troops wearing?
21 What was their headgear, and what was their footgear?

22 A. The ALC troops?

23 Q. Yes, the ALC soldiers.

24 A. Yes. Thank you. Now, the soldiers were dressed in military uniform - in
25 military uniform - and they had shoes on their feet. So they were in uniform. So

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 they were wearing shoes. Well, boots.

2 Q. When you talk about shoes, "godasse" in French, do you mean military shoes?

3 A. Yes, military; indeed, military shoes.

4 Q. We need to respect the five-second rule, Mr. Witness.

5 Now, for the supplies, you said they had light weapons. I shan't dwell on this, but
6 did they have any transmission equipment?

7 A. There was a radio device, a transmission receiver, but the radio didn't work.

8 When they crossed over, they had to be repaired. (Redacted)

9 (Redacted) Whether they'd been given to them or supplies or bought them there, I
10 don't know, but the detection equipment had broken down.

11 Q. During all the time you were there, wasn't their transmission equipment
12 repaired?

13 A. Repaired? Well, I didn't see any radio that worked other than the ones they
14 used. I don't know if they were being repaired or if they'd repaired them. I don't
15 know. They had been supplied with radios, with transmitters and receivers.

16 Q. With this radio, or radios, that were transmitters and receivers in which they
17 had been given in the Central African Republic, could they communicate with
18 Gbadolite?

19 A. Well, even when I came back from Gemena, the operations was still going on.
20 If they communicated with Gbadolite, in my humble opinion (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) And over there they even had

24 Motorolas they had been given there. And they were -- it was the same frequency

25 for everybody. That means the Motorola frequency communicated directly with the

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 chief of operations and with all the units. That's the Motorola radio. And for the
2 radios supplied, they were frequencies they used to give their reports to the chief of
3 staff of operations in Bangui.

4 Q. Thank you, Witness. I think that earlier during the Prosecutor's questions
5 there was reference made to a message sent by the commander of operations in
6 Central Africa sent to the Chief of General Staff in Gbadolite requesting weapons and
7 munitions and so on. How was that message sent?
8 Have you heard my question, Mr. Witness?

9 A. Could I have the message, please? I haven't seen it yet.

10 Q. It was the question which we -- the message we saw earlier from the cordon in
11 Bangui to the Chief of General Staff of the Army with information for chairman, page
12 10, lines 3 to 6. It was a message dated 1 January 2003, which was displayed earlier.
13 And so I was asking how the chief of operations in Bangui sent this message to the
14 Chief of General Staff in Gbadolite.

15 A. Thank you very much for the question. I think I saw the message yesterday.
16 It was the cordon. It was operations and it explained what Kolingba's militiamen
17 were doing. They were planning an incursion to Mongoumba and Bangui. I think
18 that was the message. If that's the message, then Moustapha, who was the
19 commander, was informed too.

20 Now, from a purely administrative point of view, he had to report on a situation to
21 Gbadolite, for example. So that could be done. In a purely administrative way,
22 that could be done. But I think I answered by saying that (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Please excuse me for interrupting.

5 A. You asked for an explanation earlier about the phonic equipment that was given
6 to the troops in Central Africa. Now, this was a message which was sent from the
7 ALC commander to Bangui, to the Chief of ALC General Staff in Gbadolite. And I'm
8 just -- and I'm just asking -- and I'm just asking how it was sent.

9 THE INTERPRETER: Five seconds, please.

10 THE WITNESS: (Interpretation) Now, Madam Prosecutor, I don't know how it
11 was sent. I don't know.

12 MR ZARAMBAUD: (Interpretation)

13 Q. That means that the ALC troops in Central African Republic were in a position
14 to send messages to the command, to the Chief of ALC General Staff in Gbadolite?

15 A. Able to send? Well, you know, communications everywhere around the world.
16 When you talk about communication, communication is able to send messages. You
17 have cell telephones, for example. Now you're there in the Hague, and we can send
18 you reports, for example. Communication can send messages. But specifically for
19 this case of the message you're talking about, I don't know how the message reached
20 Gbadolite. That's the answer to the question.

21 Q. Thank you, Mr. Witness. To your knowledge, were the ALC troops in Central
22 Africa speaking mainly which language?

23 A. The language they spoke, well, you see, Madam President, that the war in the
24 Congo started in the east. The war in the Congo started in the east of the Democratic
25 Republic of Congo. And you can see that Moustapha -- and I saw in one of the

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 newspapers here that they had written about the Banyamulenge and all that. But the
2 Banyamulenge is a tribe, it's one of the tribes of the Democratic Republic of Congo.
3 And the Banyamulenge are mainly in the east. And when you look at Moustapha's
4 units, most of them spoke Swahili - most of them - because it was a unit that came
5 from the east; I can tell you that quite honestly in all truth. And you noted that
6 throughout their movements there were other men, for example, men recruited in
7 Buta and trained. And they talk about what -- Buta is a town north of Kisangani,
8 which is the capital of the Oriental province and it's to the northwest -- no, to the
9 northeast, the Democratic Republic of Congo. And there they spoke a mixture of
10 Lingala and Swahili. And when you go towards Équateur, it's Lingala.
11 So most spoke Swahili and the others also spoke Ngwandi, Ngwandi in Équateur,
12 near Gbadolite. Near Gbadolite, people speak Ngwandi. People didn't
13 speak Lingala there.
14 Then you go down to Binga and Lisala and you'll find Ngombe. People speak
15 Ngombe. That's where they speak a lot of Lingala. So, in Colonel
16 Moustapha's unit, most of them spoke Swahili and also Lingala and Ngwandi.
17 That's what you heard in Moustapha's unit. And he was from the east
18 himself.

19 Q. Thank you, Mr Witness. We have spoken of crossing over to establish contact
20 with authorities. We've talked about the first unit of 151 men, and you've said that
21 unit of 151 men only spent one day in the Central African Republic. Do you know if
22 that unit of 151 men went to the frontline, or did they remain in the town centre?

23 A. Could you please repeat the question? I didn't understand it properly.

24 Q. I said that you'd talked about the unit, if I have this correctly, Captain René's
25 unit, with 151 men who went to Bangui on the 26th and who went back on the same

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 day.

2 Now, those 151 men who went to the Central African Republic, where did they go
3 before they went back to Zongo, as you said they did?

4 A. Well, here it was meant to be -- to establish contact. You can't have war if you
5 don't know the terrain, otherwise you're going to sacrifice the men. I don't know
6 what others do, but you have to know the terrain. And the men (Redacted)
7 (Redacted) crossed over. You have to establish contact. You have to establish contact
8 with the military authorities and perhaps have a briefing session, and the briefing is
9 for instructions and that's why the commander comes along. And the commander
10 with the brigade is there and these soldiers have to be informed about the situation
11 before crossing over.

12 So, they left and, in the evening, they crossed. And the next day there was a meeting,
13 a briefing, and everybody was on parade, and the commander of the brigade came
14 and started doing the briefing just at the back near the aerodrome. It was the
15 aerodrome where they the briefing with the soldiers before the crossing, and that's
16 where I saw it at the beginning. I saw the motorboats which came from the other
17 side to pick them up and take them to Bangui.

18 Q. What I wanted to know is you'd said, Mr Witness, that you have to know the
19 terrain to fight and I want to know what happened when they arrived. The leader
20 went off to an office. And did you get an explanation or did they go out in the field,
21 the 151 men, go out in the field to see the frontline, to get concrete information on the
22 state of the conflict? Five seconds.

23 A. Well, if they arrived, well, I wasn't there. I don't know what happened over
24 there. I don't know what instructions General Mazi gave (Redacted)
25 (Redacted). So the

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 instructions given by General Mazi, well, I don't know about them.

2 Now, as you've just said, how did things happen? Well, the men are there. You've

3 got contacts, instructions, and if you come, you're going to do this, this, this and this.

4 If you arrive, here you are. How are you going to deploy the soldiers? You've got

5 sectors here. That, in my humble opinion is that -- it's what's in the briefing and

6 that's what made it possible for the commander to come down and the brigade

7 commander, who had to turn up soon after so that he could get an explanation of

8 what happened. And you know very well that at that time the enemy was behind

9 the Palace of the Assembly and just 500 metres -- you could see just 500 metres from

10 the residence of the President of the Republic. The enemy was already there in

11 Bangui, and the FACA were there and the government and the whole army was there.

12 It's not just somebody who turns up with a few men and they start killing the enemy.

13 No, no, no, you don't do it like that. You need orders from a certain point. There

14 are decisions received which are forwarded to the brigade commander to do

15 reconnaissance of the situation, to sketch it out. You just can't turn up and say you

16 don't know what's happening and you start fighting. You don't do it that way.

17 Q. Thank you. You have given us the principles, but to sum up, you don't know

18 where the 151 men went in the course of the day that they spent in Central African

19 Republic? You don't know where they went concretely; you don't know?

20 A. Well, everyone had come back. There was no one in Bangui.

21 I think in my statements I've said that they went over there for the security of their

22 commander and the officers and for intelligence because there was already war in

23 Bangui. They couldn't just turn up with two bodyguards and to be shot down on the

24 road. These were the precautions which the commander had taken for his security

25 and for the security of his men. (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. In yesterday's transcript you said that (Redacted), page 41,
3 lines 16 to 21. But, to your knowledge, was there a representative of the ALC with
4 the CCOP?

5 A. CCOP? But I was in Bangui. (Redacted)

6 (Redacted) But

7 there were no ALC men that were members of the CCOP. This was a unit of the
8 operational staff that got intelligence on operations. They were the operator and
9 officers, a few officers of General Staff that made up that unit and it was Lengbe
10 himself who ran it.

11 Q. I have understood, Witness, because in your statement you pointed out that (Redacted)

12 (Redacted), transcript 438, page 7,

13 lines 27 and 28. (Redacted), you said however

14 that (Redacted). This is page 41, lines 16 to 21.

15 Now, if I can sum that up, you said (Redacted)

16 (Redacted).

17 Now, I asked you a question which is simple: Was there an ALC representative in
18 the CCOP? (Redacted)

19 (Redacted)

20 A. No.

21 Q. So, according to you, there was no ALC representative with the CCOP, (Redacted)

22 (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Q. And yet you say that (Redacted)

2 (Redacted)

3 (Redacted), and that's page 43 of the same transcript, line 20.

4 Could you please explain why, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) How do you explain that?

10 A. Thank you for the question. Now you are asking me to explain this in a few

11 words, to cast light on this. CCOP, that's the Centre for Co-ordination of Operations.

12 It's not a permanent unit. In every army around the world - you can even see what

13 happens in France or in Algeria or in South Africa - you'll see that this unit is set up if

14 there is a war or hostilities, hostilities in the country, as is the case in the Congo.

15 And I'm talking about the Congo. (Redacted)

16 (Redacted)

17 The membership of the co-ordination centre was one director of operations. Now, if

18 you look at the staff headquarters there, you've got the director of operations. That's

19 the "G." If it's General Staff, it's "G." You had G3, for example, Golf 3; G3. So that

20 means the person in charge of operations is the first member of this unit -- of this

21 centre.

22 Then you have GD -- G2, Golf 2. That's the director who is in charge of intelligence.

23 And you can see that at the level of staff headquarters. And you'll see there's also

24 the unit commander, the organic unit commander. I don't know how it's organised

25 there. It's the commander who is on the site in charge of the large units who is there

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 in Bangui and is also a member.

2 And then you have the person in charge of transmission for staff headquarters who
3 has to be there too, and some of the officers.

4 Q. Excuse me for interrupting, Mr Witness, but as Madam President has explained
5 a number of times, we would all like to conclude as quickly as possible, conclude
6 your questioning and let you go. I did not ask for a general theory of the
7 organisation of the CCOP. I asked you (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) That was my question.

12 A. I've just stressed, Madam President, and I've just highlighted that -- in my
13 words and in my statement, testimony, (Redacted)

14 (Redacted).

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 That's a body that takes decisions, decisions on an operational basis. So this centre
19 gets information on the enemy. It gathers that intelligence together and it proposes
20 to the commanders operations for a decision. Now, a liaison officer gets given an
21 enclosed envelope to take it somewhere. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) I mean,

25 there are intelligence officers that are there. (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 I'm telling you what the reality was. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) Damango carried out investigations on the

12 allegations, human rights allegations, crimes, et cetera.

13 So, with regard to Mr Damango, if we look at the transcript 182, page 39 and page 40,

14 lines 1 to 7; page 39, 24 onwards; 40, 1 to 7, it was indicated that there was an

15 intelligence officer who disappeared. His clothes were found somewhere, but

16 searches were carried out to find his body. And that's how the MLC arrived. And

17 they chased Mr Damango and Lengbe, who was the chief of the CCOP or the leader

18 of the CCOP, saying, "It's already dark. This is our sector, get out." They drove

19 them out.

20 So my first question is: Were you aware of this incident? And secondly, can a

21 soldier who is subject to the orders of the CCOP head, can he drive this head of the

22 CCOP out, in practice? And who has real command? Who has real authority

23 there?

24 A. I understood the question, but by way of clarification: Where and on what

25 date?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Witness, just wait a moment. Is it possible just
2 to switch off the audio one second?

3 THE COURT OFFICER (via video link): (Interpretation) The transmission has been
4 cut, your Honour.

5 PRESIDING JUDGE STEINER: Maître Zarambaud, can you inform the Chamber
6 whether the testimony (Redacted)
7 (Redacted)

8 THE WITNESS: (Interpretation) Your Honour, what I quoted (Redacted)
9 (Redacted). It was the testimony of Thierry Lengbe, which he made in public
10 sitting, and it is in that testimony that Thierry Lengbe had stated that he had been at
11 the place in the company of Damango. (Redacted)

12 PRESIDING JUDGE STEINER: Thank you for the clarification. Because, according
13 to the transcript, it is on line 20, (Redacted)
14 (Redacted) So thank you for the
15 clarification.

16 We can restore the sound, please.

17 THE COURT OFFICER (via video link): (Interpretation) Audio transmission is
18 being re-established, your Honour.

19 PRESIDING JUDGE STEINER: Thank you.

20 Mr Witness, Maître Zarambaud will repeat the question, but please try again to be
21 direct and objective in your answer, because otherwise, this is a non-ending
22 testimony.

23 Maître Zarambaud.

24 MR ZARAMBAUD: Thank you, your Honour.

25 Q. Witness, I'm going to be very brief. I'll ask you also to reply briefly to my

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 question. I was therefore saying Colonel Thierry Lengbe pointed out that they were
2 carrying out searches in order to find the body of a Central African officer who had
3 disappeared. This was the support regiment, and so he was in the company of the
4 gendarme Damango, but they were driven away by MLC troops.

5 Were you aware of this event?

6 A. I say no.

7 Q. The second part of the question that I was going to ask, I'm no longer going to
8 ask you that because you say that were you not informed of that, (Redacted)
9 (Redacted).

10 Now, Colonel Lengbe also stated - and this is in the same transcript - he spoke about
11 two events, about two individuals, two Central Africans soldiers, who were stripped,
12 molested, and you already answered the question where it concerned what happened
13 to the support regiment and you said you weren't informed of that. But also with
14 regards to what happened in PK12, this is on transcript 182, now PK12, he spoke
15 about two Central African soldiers who had been tied up and they'd been stripped
16 and that this person was the Chief of General Staff -- or the Chief of General Staff
17 went to Moustapha himself in order to ask that these two soldiers be freed, soldiers
18 who, according to them, had had accusations made against them, and they had long
19 discussions with him in order to convince Mr Moustapha thereof.

20 My question is as follows: Can a Chief of General Staff who has full powers really
21 negotiate with a soldier who is subject to his orders, in order to obtain what he wants
22 to obtain from the soldier who is under his orders?

23 A. I don't know about this incident. I don't know about the context. I know
24 about life and the survival of ALC troops in Bangui, or at least with regards to all the
25 logistical aspects. This came under the Bangui authorities, the orders, as I've said.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 They even gave money.

2 You see, they even arrested ALC troops. That's something that was demonstrated
3 yesterday. Somebody was arrested, held in custody, a Central African officer. So,
4 as you've just said, the commander of operations, was he aware of that? If he had
5 been, what would his reaction have been? He's the commander of operations. So,
6 when it comes to military soldier conduct, as you can see, of the ALC, that's not how
7 they behaved when they were in the Congo before crossing over. So, really, in the
8 case of discipline, if people are arrested and they're told to strip, leave somebody
9 naked, what you're currently saying, you were in the government but you're not
10 presenting any evidence to say this is a photo, tangible evidence.

11 PRESIDING JUDGE STEINER: Mr Witness, if you don't know how to answer the
12 question or if you don't want to answer the question, don't start telling stories, please.
13 I'm insisting, you have to testify and give answers to the question asked of you. And
14 you are going back and forth, back and forth, back and forth, and not answering.
15 Could you please be more objective?

16 THE WITNESS: (Interpretation) Yes, your Honour. I'll answer the question.
17 I wasn't aware of that. If it was on the date, well, I didn't know. I wasn't aware of
18 that when it came to the ALC troop behaviour, that couldn't be like that so that's why
19 one would have asked Colonel Moustapha for precision or detail in that regard.

20 PRESIDING JUDGE STEINER: Thank you. This is an answer.

21 Maître Zarambaud.

22 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I think I've only
23 got two more questions, so that we can stay within the time-frame.

24 Q. On several occasions, Witness, you stated that Mr Bemba was a civilian. This
25 is on page 77 of yesterday's transcript, lines 4 to 6, and also page 86, and you stated

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 that -- you were saying that sometimes he was wearing military uniform but that was
2 for reasons of camouflage. But did he have a rank in the army, in the ALC?

3 A. The ALC didn't have ranks. That's what I've just said a moment ago. You
4 had different insignia that made it possible for soldiers or officers to know whether
5 somebody was a superior or not: Different insignia; a title that's given to different
6 soldiers in order to categorise them. (Redacted)

7 (Redacted) Because when you talk about ranks, well, that happened by a
8 presidential decree. Ranks are ascribed by presidential decree. But this was just
9 titles. So, as such, he's a civilian.

10 Even with regards to Kinshasa and unification, he was always a civilian. Yes, it's
11 true that he did occasionally wear uniforms, yes, I confirm that, but I confirm that he's
12 a civilian and still is today.

13 Q. Thank you. Isn't there an official ceremony in Gbadolite where ranks were
14 given to people who had been appointed to those ranks and where Mr Bemba himself
15 received the rank of general?

16 A. In this ceremony, (Redacted) These are titles that are given
17 to people. Titles, not grades or ranks, no. It was at the end that it was proposed to
18 the government, that these titles or grades were proposed to the government. They
19 signed, the president, current president of the Democratic Republic of Congo, and
20 that's how the proposed ranks were accepted. But he didn't have the power to give
21 that. It was title that was given to him to impose discipline. When you see the
22 insignia, you know somebody is a superior and you salute him. It was in a purely
23 administrative framework in order to impose discipline on different units within the
24 MLC.

25 Q. To your knowledge, neither when he was in Gbadolite nor when there was

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 reunification did Mr Bemba receive the rank of general?

2 A. On the basis of what reference? On the basis of what reference? What order?

3 What decree? What presidential decree? These are just insignia. You can see,

4 even if you -- well, elsewhere it happens like this too.

5 Q. Thank you. Now, where it concerns pillaging, rapes, you've already given

6 your point of view so I'm not going to dwell on that.

7 I'd just like to ask a last question. Did you know, starting with Colonel Moustapha

8 himself, a lot of ALC troops in PK12 occupied the houses of individuals without the

9 agreement of those said individuals?

10 A. No. And if you have to know -- you're a lawyer, you should know that private

11 property was always respected. That's really important to know. If you have an

12 officer -- (Redacted)

13 (Redacted) This house had been

14 requisitioned by their commander. It was requisitioned. It's not during the war.

15 Well, I don't know what happened, no. (Redacted)

16 (Redacted), so how you can say today that it had been occupied illegally? It

17 was requisitioned. The military authorities, Central African military authorities

18 requisitioned it. You can talk about that a lot.

19 MR ZARAMBAUD: (Interpretation) Thank you, Witness. I have no further

20 questions to put to you.

21 Your Honour, Honourable Judges, I would like to thank you for having given me the

22 floor.

23 PRESIDING JUDGE STEINER: Thank you very much, Mr Zarambaud.

24 Mr Witness, it's almost 1.30. We will suspend for the lunch-break, give you the

25 opportunity to have your lunch, to take some rest. We will be back at 3 o'clock,

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 when Maître Douzima Lawson, representative of victims as well, is going to continue
2 with your questioning.

3 The hearing is suspended.

4 (Luncheon recess taken at 1.27 p.m.)

5 *(Upon resuming in closed session at 3.05 p.m.) Reclassified as Open session

6 THE COURT USHER: All rise.

7 Please be seated.

8 PRESIDING JUDGE STEINER: Welcome back, everyone. Welcome back,

9 Mr Witness.

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

11 PRESIDING JUDGE STEINER: Did you have lunch and took some rest during the
12 break?

13 THE WITNESS: (Interpretation) Yes, I had a good lunch and I also rested. I'm
14 fine.

15 PRESIDING JUDGE STEINER: Good to hear that, Mr Witness. And the good news
16 is that now it's very likely that we are going to conclude with your testimony this
17 afternoon. So you will be released from your obligations as a witness.

18 In order to achieve that, Mr Witness, please remember, give short, objective, direct
19 questions -- answers to the questions put to you.

20 I will now give the floor to Maître Douzima Lawson, legal representative of victims,
21 who is as well authorised to put some questions to you.

22 Maître Douzima.

23 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I think I
24 will do like everyone else, I will remain seated while asking my questions to the
25 witness. Thank you.

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

2 Q. Good afternoon, Mr Witness.

3 A. Good afternoon, Madam Prosecutor.

4 Q. Mr Witness, I already introduced myself to you the day before yesterday, so I
5 will not go back to that again. I am legal representative of victims in these
6 proceedings.

7 To begin with, Mr Witness, I would like to ask you whether the members of the MLC
8 received monthly salaries.

9 A. Thank you for that question. The MLC soldiers were not paid as such, but
10 there was a special fund known as the household fund which was intended for the
11 soldiers of the MLC to provide food for them, according to international standards for
12 soldiers.

13 There was a fund to be used to solve the various problems of the unit. In cases of
14 sickness and so on, the commander could intervene. There were medicines that
15 were also sent to the front, where they were operating.

16 Q. Since you did not receive salaries, how did you meet the needs of your families?

17 A. As I have just described to you, there was what I have called the household
18 fund which was allocated to the unit commanders for them to purchase the food
19 rations of the soldiers.

20 The second fund was the unit's operational fund. That fund was available for the
21 unit for various purposes.

22 Q. Was it with that fund that you were able to take care of your family's needs
23 also?

24 A. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted) Both on the left and
2 right banks, that is where the soldiers were deployed. So you didn't have the
3 general public there because people were evacuated so that they should not be
4 involved in the hostilities. The markets were far away (Redacted).
5 So there was money sent to the logistics unit which was responsible for purchasing
6 foodstuffs for the soldiers, and there was also an operational fund that was used for
7 the needs of the soldiers at the front.
8 Then there were items that was brought to the front. You had outboard boats that
9 were available to evacuate those who were ill. So there was a whole organisation.
10 The minute the soldiers were responsible for -- there were soldiers there responsible
11 for others, including for their food and even their clothing.

12 Q. Mr Witness, I really do not want to dwell on this but my question is clear. You
13 are talking about soldiers at the front. Well, now, if you have a wife, you have
14 children and other members of your family. They are not at the front with you.
15 Now, since you do not have salaries, what do you do to meet the needs of your
16 families? That was my question.

17 A. Yes, it was the General Staff that was responsible for the families, since the
18 families were not with the soldiers. So the General Staff was responsible for meeting
19 the needs, every need of all the families of the soldiers who were at the front. The
20 families remained in the towns (Redacted)
21 (Redacted).

22 Q. Very well. Mr Witness, during the hearing of 30 October, transcript 347, page
23 42, as from page 5, you stated as follows: (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Do you remember that statement?

2 A. Yes, I remember that, Madam Prosecutor.

3 Q. Then on page 44 of the same transcript, lines 25 to 26, you stated that the ALC
4 soldiers received orders from General André Mazi, who, according to you, was the
5 Deputy Chief of General Staff who was also responsible for operations, and that is
6 page 53, lines 23 to 25.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Since General Mazi was the Deputy Chief of Staff, was there a Chief of General
17 Staff of the Army?

18 A. Yes. This is what I observed. The Chief of General Staff was also present, but
19 when it came to operational command, the Deputy Chief of General Staff had been
20 designated as the commander of operations. So, apart from being the Deputy Chief
21 of Staff, he also had that role to play of commander of operations. That is something
22 that is usually done, and that is the person that I referred to, General André Mazi,
23 who was the commander of operations in the CAR.

24 Q. You have just stated that the Chief of General Staff was also present. Who was
25 this person?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 A. With regard to the Chief of General Staff, well, he was there but I no longer
2 remember his name. This was a long time ago. It was more than ten years ago that
3 I left that location, but the Chief of General Staff was also present in Bangui.

4 Q. Did you ever meet him?

5 A. I did not meet him. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Very well. Still on page 44 of transcript 347, you stated, Mr Witness, that the
12 co-ordination centre is a logistics unit and it was General Bombayake who was
13 responsible for that unit. He was responsible for the logistics of the operations.
14 Mr Witness, do you know the position held by General Bombayake at that time?

15 A. Madam Prosecutor, General Bombayake was the commander of the presidential
16 unit, but within the framework of operations, he had been appointed as the officer in
17 charge of logistics. (Redacted)

18 (Redacted) So he was in charge of logistics as part of the operations.

19 Q. Who appointed him as officer in charge of logistics?

20 A. I do not know, Madam President. It is something that I simply observed. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) That is how come I understood that he was responsible for logistics

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 related to the operations.

2 (Redacted)

3 (Redacted)

4 Q. Mr Witness, I'm still referring to transcript 347, page 58. You testified that the
5 population was cheering (Redacted); they said that they were very happy
6 with the ALC. Do you remember that statement?

7 A. Yes, I do remember, Madam Prosecutor.

8 MS DOUZIMA LAWSON: (Interpretation) Madam President, with your leave, I
9 would like the court officer to display on the screen document number 4,
10 CAR-0001-0153.

11 THE COURT OFFICER (via video link): (Interpretation) The document has been
12 shown to the witness.

13 MS DOUZIMA LAWSON: (Interpretation) Can you display page 155 of that
14 document, please?

15 THE COURT OFFICER (via video link): (Interpretation) There is no ERN
16 document -- or, rather, number on this page, but I think it is page 155.

17 MS DOUZIMA LAWSON: (Interpretation)

18 Q. Mr Witness, can you see that document? It is a newspaper article.

19 PRESIDING JUDGE STEINER: Maître Douzima, I recommend that you read the
20 excerpt you want because otherwise the witness will read the whole document and it
21 will take long.

22 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.

23 Q. Mr Witness, you can see that document on the screen, and it is written as
24 follows: "Who said that the Nyamulenges were cheered by the Central African
25 Republic population in the areas liberated by them? In any case, it is not by

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 wreaking havoc with the property of a population suffering with misery that that
2 population will offer such a spectacle in the eyes of the world."

3 So this article says exactly the contrary of your prior testimony?

4 A. Thank you, Madam Prosecutor. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 So it was the members of the population who were cheering and saying that, "Look,
12 we are really happy with the reinforcements of the ALC who came to support the
13 CAR soldiers who succeeded in kicking out the enemy."

14 So I'm really telling you the truth. This is what I personally witnessed. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) There were two journalists there, two technicians, and they were saying
19 that in any case the population is happy with the support of the ALC and because of
20 them the rebels have been chased out of Bangui. But here it is written

21 "Mongoumba." I never went as far as Mongoumba.

22 Q. You didn't go to Mongoumba, so you cannot know what the population of
23 Mongoumba said about the ALC. And I will tell you about another town. I will
24 quote the statement of a witness/victim who testified before this Chamber. That
25 witness is from Sibut, and I'm referring here to document number 15, transcript 325,

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 page 51, lines 12 to 24, and the victim said the following. That victim was asked,
2 "You have talked about the Bozizé's rebels after their departure, one week after the
3 arrival of the Banyamulenge troops. After the Banyamulenge, you had the FACAs,
4 and after the FACA, Bozizé's troops once again came and kicked them out when they
5 took over power."

6 The question was as follows: "Apart from those armed groups, are you aware of any
7 other troops that arrived or who passed by Sibut at that time?" And the victim
8 answered, "The only troops that took over each other in the town were the three
9 armed groups. First of all, there were the rebels, then the Banyamulenge who came
10 and committed various abuses. After their retreat, the FACA arrived. A few days
11 later, Bozizé's men came and chased them out and took power in Bangui."

12 And the victim concluded as follows: "The criminals are the Banyamulenges only."

13 That is what was being said in Sibut town. You're not aware of what happened in
14 Mongoumba because you had already left, but what about Sibut? What do you have
15 to say?

16 THE INTERPRETER: From the interpreters: If counsel can read slowly next time
17 and observe the five-second rule.

18 THE WITNESS: (Interpretation) Thank you, Madam Prosecutor. I did not know
19 when this event took place. (Redacted)

20 (Redacted)

21 (Redacted) I do not know what happened in Sibut, but Colonel Moustapha would be in
22 a better position to explain the situation.

23 MS DOUZIMA LAWSON: (Interpretation)

24 Q. Mr Witness, yesterday's hearing, transcript 348, page 59 to 60, the Prosecutor
25 mentioned an incident which occurred in Bangui. It was between FACA and the

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 ALC, because an ALC soldier was killed in Bangui, and in response the ALC
2 disarmed and stripped 30 FACA soldiers, and you told the Prosecutor that you had
3 heard about this and you pointed out that the beginning of everything is always
4 difficult, (Redacted)
5 (Redacted).
6 Mr Witness, Colonel Lengbe, who related the incident, (Redacted). I'm
7 going to refer to document 11, 182, page 36. Now, Colonel Lengbe pointed out that
8 the 30 soldiers were just left in their underwear. You said you'd heard about the
9 incident, that the people - in other words, the soldiers - were humiliated, that there
10 was no trust there because of the humiliation. And on page 37 he said, "This really
11 lowered the morale of the troops and I didn't want to do anything else."
12 Now, Mr Witness, do you really think that this is an insignificant event?
13 A. Madam Prosecutor, (Redacted).
14 This was the president of the commission who talked about this. It happened before.
15 And he said that -- he was the one who spoke. He was the one who said that all
16 beginnings are difficult and that these are insignificant events that should not be
17 taken into consideration, even if you see that (Redacted)
18 (Redacted)
19 (Redacted) immediately after this incident, everybody worked
20 together and was coordinated. (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 So if the commission had thought that these events could be relevant, then they
25 would have been followed through to arrest the offender. The commission would

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 have had to do it. But he was the president of the commission and he had the power
2 to decide that he would have to do this to produce these results. But as he had not
3 given consideration to this, he minimised the importance. But as I wasn't there, I
4 think it must have been as I've described today, Madam Prosecutor.

5 Q. So then it was not you who said that these events were insignificant?

6 A. No, I was not the one. It was the president of the commission.

7 Q. Mr Witness, today, page 78, line 5, Maître Zarambaud asked you a question to
8 find out whether you knew when Jean-Pierre Bemba was in Gbadolite, or at the time
9 of the reunification, was Mr Bemba ever given the rank of general? And your
10 answer was: "What reference would be the basis for that?"

11 Now, Mr Witness, I would like to know if this reference here is meaningful. It's
12 CAR-OTP-0032-0167, page 168. This is decree number 017/PRES/MLC/07/02 of 14
13 July 2002 on the appointment of the general officers of the ALC. Does this recall
14 anything for you, Mr Witness?

15 A. I'm listening, Madam Prosecutor. Here I would like to clarify or stipulate for
16 the Court that to have rank in a country, you need a presidential decree, or order.
17 And what you have here is the warring party, and each one had its side. And the
18 MLC was towards Équateur. RCD was in the east, Goma, Bukavu, near Katanga.
19 These were forces that were moving in a preparatory stage, preparing for the
20 reunification as was being discussed at Sun City. In any case, each movement was a
21 preparation for proposal for these men to be given ranks and as I know it, this could
22 be signed, but it was not an officially recognised rank. This has been taken into
23 account. They made proposals such as we are here, they made proposals, and they
24 submitted them to the government.

25 Of course, he'd signed a memo or a decision there, but that memo or appointment

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 was considered to be a title that was given to people, a title that was given to have
2 discipline within the Congolese Liberation Army. Otherwise, there would be no
3 distinguishing signs between the different ones.

4 (Redacted)

5 (Redacted) And

6 so to have some discipline, these were titles that were given. There were signs given
7 to the soldiers to give them a category of order in the army, but it wasn't legally
8 recognised rank. It wasn't recognised by the government. And you can see that
9 everybody who was on the list signed by Mr Bemba didn't have the same rank.

10 Some had general, but had that been confirmed by the President of the Republic?

11 Had the president signed a decree to say that Mr Bemba was general? This was the
12 purely legal concept that I have tried to explain to clarify to the Court, for the rank of
13 General Jean-Pierre Bemba.

14 PRESIDING JUDGE STEINER: Maître Douzima, if you allow me a follow-up
15 question.

16 Mr Witness, (Redacted)

17 (Redacted)

18 THE WITNESS: (Interpretation) (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) And that is only valid when the decree has been

23 signed by the President of the Republic. That's the context I've been trying to explain
24 to you, Madam Prosecutor.

25 PRESIDING JUDGE STEINER: And this decree signed by Mr Bemba, (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)?

2 THE WITNESS: (Interpretation) (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) And so at

13 the level of the government, there is a commission, which was organised by the Chief

14 of General Staff, to see how proposals could be made for people given certain

15 positions to have certain ranks. You had the brigade commander, the sector

16 commander, the division commander, the battalion commander, and so on. And it

17 was on the basis of those positions that proposals were made to people for the

18 equivalent rank in relation to the position they held at the time. (Redacted)

19 (Redacted) And there are other

20 examples, but perhaps I would stop there, Madam Prosecutor.

21 PRESIDING JUDGE STEINER: Thank you. Madam Douzima.

22 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.

23 Q. Mr Witness, after your explanations, Jean-Pierre Bemba's rank was not

24 recognised by the government but was recognized by the MLC, is that what you are

25 saying?

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 A. Yes, Madam Prosecutor.

2 Q. And to conclude now, did all those people who get rank with the MLC, did they
3 lose it with reunification?

4 A. Well, there I would say yes. Yes, some lost their rank and others, with the
5 commission which was organised by the Chief of General Staff when everyone was in
6 Kinshasa, no consideration was even given to the rank of Mr Bemba. It was a
7 question, what rank do you hold.

8 There were documents there. You could be battalion commander, for example, and
9 you would be given, say, captain. He would say, "Okay, you're captain," but for the
10 moment he -- or battalion commander. But for the government, the commission had
11 to look at it, because for the government a battalion commander has to be a
12 lieutenant-colonel. The second battalion commander has to be a major, and you've
13 got the rank of captain, and then you're brought back directly as battalion commander.
14 You're brought back to the level of lieutenant-colonel. That's the rank you get. And
15 the second battalion commander gets the rank of major. But if you're a
16 lieutenant-colonel or a full colonel for the MLC and you had the position of second
17 battalion commander, then you're brought from colonel to the rank of major.
18 That's what happened with reunification, Madam Prosecutor.

19 Q. Mr Witness, I've understood what you've said. Jean-Pierre Bemba's rank was
20 recognized in the MLC but not at the level of the government. At this point,
21 Mr Witness, I have no further questions. I would like to thank you for your
22 cooperation.

23 MS DOUZIMA LAWSON: (Interpretation) I have finished, Your Honour.

24 PRESIDING JUDGE STEINER: Thank you very much, Madam Douzima.

25 Mr Witness, I have a follow-up, follow-up question here or more -- not follow-up,

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

- 1 more specifically a clarification.
- 2 On transcript 347, page 25, lines 4 and 5; in the French version is page 21, lines 2 to 5,
- 3 you mentioned in your testimony, you said exactly that (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 And then you mentioned, (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 My question is, how do you know that (Redacted)
- 10 (Redacted)
- 11 THE WITNESS: (Interpretation) Thank you, Madam President.
- 12 I confirm my statement, and I shall explain. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: Thank you for that clarification. One more.

17 When answering to a question now a few minutes ago to Madam Douzima Lawson,

18 your words were - and I will read for you - when Madam Douzima was mentioning

19 the report on what happened in Sibut, in your answer you said, and this is on page 88,

20 line 25, 26, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 THE WITNESS: (Interpretation) Well, Madam President, this may be a problem of

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 terminology. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) That was the way I used the term which you have just used,

12 Madam President.

13 PRESIDING JUDGE STEINER: So if I well understood, from 30 October, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted); is

17 that correct?

18 THE WITNESS: (Interpretation) To my knowledge, that is what I observed,

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) And for looting, it wasn't just the property which had to be
10 recovered from Bomengo. There were also FACA soldiers who had looted. And
11 there was other property, and they were together. And that property was recovered
12 by Damango.

13 I saw that there was a vehicle which they took, a jeep, which had property which had
14 been recovered which had been taken from the FACA soldiers, and all of it was taken
15 to the one place, (Redacted).

16 We saw that the property stolen, looted, was around the houses at PK12.

17 PRESIDING JUDGE STEINER: Okay, Mr Witness. My last question, and this one
18 is just to confirm. On -- it was today on page 3, it was shown to you a document,
19 which is document 67 on the list of Prosecution, CAR-DEF-0001-0152, which is
20 allegedly a letter sent by Mr Bemba, and it is signed by Mr Bemba, in which
21 Mr Bemba says that on 13 October, with a commission or (Interpretation) " ... a team
22 composed of five ALC officers went to Bangui under the conduct of Captain Augustin
23 Gbendo."

24 (Speaks English) (Redacted)

25 (Redacted) Is

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 Mr Bemba telling the truth, the real composition of this commission of inquiry?

2 THE WITNESS: (Interpretation) Thank you. Well, I've just said that, I think.

3 Yesterday I think I stated that as well. (Redacted)

4 (Redacted)

5 PRESIDING JUDGE STEINER: Don't tell, don't tell the whole story again, please.

6 I'm just checking with you the composition of this commission.

7 (Redacted) Is

8 that correct or not?

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Thank you for that clarification.

24 Judge Aluoch also wants to put a question for clarification.

25 JUDGE ALUOCH: Mr Witness, I know it's been a long day, but I just have two

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 follow-up questions from the testimony you gave on 30 October. I think that's

2 Wednesday. Real-time transcript 347.

3 Mr Kilolo asked you a question, and I will not repeat his question, but I will quote

4 your answer. Your answer was,

5 "Mr Bemba arrived one day in Bangui. (Redacted)

6 (Redacted)

7 Now I want to ask you two or three follow-up questions from that, from those

8 answers. Since you were there when Mr Bemba arrived, can you tell us what means

9 of transport did he use? You say you were there when he arrived. Do you

10 remember?

11 THE WITNESS: (Interpretation) I no longer know exactly whether it was a jeep,

12 the car. And having finished, it had just gone past, President Patassé, he was taken

13 going towards PK12 with --

14 JUDGE ALUOCH: I just asked you one question. If you have answered that, then

15 I'll go to the second one, just follow-up questions.

16 From your answers you say (Redacted)

17 (Redacted)

18 (Redacted)

19 THE WITNESS: (Interpretation) Prosecutor, so that I can hear you better, please,

20 could you repeat the question?

21 JUDGE ALUOCH: My first follow-up question I think you have answered, when I

22 asked you "What means of transport did Mr Bemba use in arriving," I think you

23 answered that.

24 Then, according to your testimony, (Redacted). So my

25 question is: Who went to Mr Patassé's house? Are you able to count for me the

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 people who went in? (Redacted)

2 THE WITNESS: (Interpretation) (Redacted) Mr Bemba

3 went there. And then they left there with an escort, going towards PK12. (Redacted)

4 (Redacted)

5 JUDGE ALUOCH: Thank you. So this part of your evidence is not right, because

6 you are recorded as having said (Redacted). So, but you saw Mr Bemba

7 leave, going to PK12. Did you see him leave, going to PK12, on that day? Did you

8 see him leave Mr Patassé's house, going to PK12? Did you see him?

9 THE WITNESS: (Interpretation) Madam Prosecutor --

10 JUDGE ALUOCH: I'm just trying to put your evidence into perspective. That's

11 why I'm asking you. So who was he with when he left? Who was with him?

12 THE WITNESS: (Interpretation) I saw him with my own eyes, with the escort of

13 President Patassé, security of President Patassé.

14 JUDGE ALUOCH: (Redacted)

15 (Redacted) Mr Bemba left and went to

16 PK12. (Redacted)

17 (Redacted)

18 THE INTERPRETER: The interpreter notes that the picture has frozen.

19 JUDGE ALUOCH: Mr Witness, I will not pursue my question. I will leave it at that.

20 Thank you.

21 PRESIDING JUDGE STEINER: Now I ask whether Defence intends to re-direct.

22 Mr Kilolo, we have time, if you so wish.

23 MR. KILOLO: (Interpretation) The Defence does not have additional questions,

24 other than to say in the transcript that we had a very poor quality sound throughout

25 the examination of this witness, and particularly at the end when Judge Aluoch was

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 questioning the witness. During the second question, I think even before he had the
2 opportunity to provide the answer, we had a break of the link. Thank you.

3 PRESIDING JUDGE STEINER: Thank you, Mr Kilolo. I think it's true that we
4 faced two or three times during the three days an interruption on the transmission.

5 Apart of that, I don't think that any of the parties or participants should have any
6 complaints in relation to the quality of the sound. In the first day there was really

7 some problem that was solved after the second day, as I was informed by the
8 technicians. And the witness all the time appeared to be listening properly and

9 giving his answers. So it's on the record, your comment, but as well I would like to
10 put on the record that I cannot agree with such a general statement about the quality

11 of the transmission as a whole.

12 In any case, Mr Witness, that concludes your testimony, believe it or not. Before you
13 leave the Court, Mr Witness, I want, as with all other witnesses in this case, to express
14 the thanks of the Judges for the time that you have taken to give evidence in this trial.

15 In order for us, the Judges, to find the truth, it's critical that witnesses such as yourself
16 are prepared to give evidence to assist the Judges in the relevant issues. We are

17 aware that this may have been inconvenient for you. You had to travel. You had to
18 leave your activities. You were far away from the place where you are testifying.

19 So we are aware that you have suffered inconvenience in order to appear before the
20 Chamber and, therefore, you leave us with the thanks of the Court for the time and
21 efforts you took in order to come and give testimony.

22 Before you leave, Mr Witness, I would like to ask whether there is anything that you
23 would like to address to the Chamber. If you have anything, please.

24 THE WITNESS: (Interpretation) Thank you. Thank you. Thank you very much,
25 Madam Prosecutor. Thank you, Madam President. Thank you also to the Court as

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 a whole for having received me. I was very well received (Redacted). I've
2 just finished my work, as you say, and I think that we are going to cooperate well and
3 continue to cooperate well.
4 My concern was that, as I was in Bangui, I explained things, I shed light on things for
5 the Court where the Court had certain degrees of doubt. (Redacted)
6 (Redacted), it wasn't easy. But thank you very much. (Redacted)
7 (Redacted) I would like to thank you most sincerely and I would
8 ask God to bless you and to continue well with your activities. Thank you.

9 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. We thank you
10 very much and we wish a safe journey back to your home or to the place in which
11 you have been working. And as soon as we finish, the VWU will be assisting you in
12 whatever you need in order to have this safe journey back to your home. Thank you,
13 Mr Witness.

14 I ask, please, Ms. Bossette to accompany the witness outside the transmission room.
15 (The witness is excused)

16 PRESIDING JUDGE STEINER:

17 Before we adjourn, I asked the patience of my colleagues, because there is one small
18 issue that I would like to address, and it's more specifically to Maître Kilolo.

19 Maître Kilolo, when the prosecution was inquiring of the witness in relation to the
20 procès verbal, specifically about Mr Willy Bomengo - and this is on transcript 348,
21 page 24 - you asked for the floor, to make an objection.

22 This objection is as from line 6, and you said that you needed to object to the question
23 that was -- in the manner the question has been put to the witness. And here I quote
24 you, "This is likely to mislead him concerning the real statement of Mr Bomengo. A
25 document is being used, but further on in the same document Mr Bomengo says

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 something contrary in which he states that he does not accept the content of this
2 statement of 17 December 2002. It is the duty of the OTP to be transparent. I would
3 even say they have to be fair and sincere. So, in order to ask a witness a question on
4 a particular point regarding statements that are contrary, the witness should be
5 informed that on page CAR-DEF-0002-0026 a question is put to Mr Bomengo whether
6 he stands by the statement that he made on 17 November, and he clearly states that
7 he does not stand by that statement, particularly since he did not sign the statement.
8 So I believe it's not correct to provide only partial information to the witness, because
9 this could be misleading him."

10 And then you left it to my wisdom. And because you left it to my wisdom, I took
11 the care to examine your allegation in relation to the fact that Mr Bomengo had, and
12 here I use your words, "He clearly states that he does not stand by that statement,
13 particularly since he did not sign it."

14 When a very simple reading of document CAR-DEF-0002-20026 just states that, and I
15 will read in French in order to not -- not to take the risk of mistranslating,

16 (Interpretation) "I do not recognise -- I only recognise the procès verbal of
17 the hearing which was signed by myself. The other I do not recognise."

18 (Speaks English) Following, there is a note:

19 (Interpretation) "The PV of the hearing on number 12," (speaks English) which is the
20 transcript of his statement. So for the document we see that Mr Bomengo was not
21 denying his statement. That is even the note of the instructeur. He did not accept
22 the transcript.

23 If we go to the manuscript of the document, the handwritten document, which
24 reflects exactly the same wording of the transcript, the same information is given by
25 Mr Bomengo:

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 (Interpretation) "What do you say about the starting date of the operations in
2 Bangui? It's 25 October 2002, so one day before my arrival in Bangui. Do you
3 recognise having been arrested by your commander of battalion on 30 October 2002
4 for having," et cetera, et cetera.
5 (Speaks English) So I wanted to have this in the transcript because unless there was
6 a problem with the transcript, it appears it was not the Prosecution trying to mislead
7 the witness, but rather Maître Kilolo and his objection. So I wanted to very openly
8 state to the Defence that I was not happy with the terms, the language used in the
9 objection given to the witness, the impression that the Prosecution was trying to
10 mislead the witness reading a document that later on was denied by Mr Bomengo,
11 when this was not the case.
12 Will you have something to say about that, Maître Kilolo?
13 MR. KILOLO: (Interpretation) Not at the moment, because I wasn't expecting us to
14 reopen the debate, a debate which you already closed, and the witness is no longer
15 there. Now, the intention was not at all to mislead the witness and here I would say
16 that's false, and I'm even surprised that you would state that.
17 Furthermore, because I left the witness answer fully to the question that was put and
18 thereafter I made an objection. I addressed myself to the Office of the Prosecutor
19 and I stated -- well, I said that a document was being shown to the witness, the
20 document of 27 November 2002, where the witness says that he only recognised this
21 document that he had signed. So the document that was being shown to the witness
22 was not signed by Mr Bomengo.
23 Therefore, that's where my objection came from, to say, but ten days after 27 October
24 2002, he is questioned in Gbadolite at the G2 office of the ALC staff HQ. And he's
25 asked the question if he recognises the statement that was given during his

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

1 questioning in Zongo on 17 November 2002, and in French he says, "I only recognise
2 the statement that I signed." But is it still the version that the Office of the Prosecutor
3 gave to the witness? That one was not signed by the witness and that's precisely -- it
4 is precisely this statement which he says that he doesn't recognise.

5 So now you read a version, a handwritten version, and you're asking me to answer.

6 But it's very difficult to do so to the extent that perhaps I could have answered if it
7 had also been put on the screen such that I would have had the opportunity to read it
8 and possibly to reply. But I think that also isn't the spirit in which your intervention

9 is made. But just to reassure you, I would reassure you that the intention was not at
10 all to mislead the witness, because I was -- I waited for him to reply. And whatever

11 the case, what you've just raised now was not raised by the Office of the Prosecutor.

12 And why not? Because they didn't notice it before the questioning. Thank you.

13 PRESIDING JUDGE STEINER: Maître Kilolo, my intention on giving you the floor
14 is in order to have what -- the procedure that I consider as correct towards the parties
15 and participants. It was not to open a debate. That's why I waited for the witness
16 to be taken outside the transmission room. His testimony is finished.

17 My comment was just on the language used in your objection, and I state with my
18 comments that saying that Willy Bomengo "ne reconnaît pas que" he signed, and as
19 my French is really bad, appears to be different than saying that he clearly states he
20 does not stand by that statement.

21 In any case, for me, this comment is closed.

22 The parties and participants will be informed as soon as possible about the following
23 steps in the present procedure. For the time being I just wanted to thank very much
24 the Prosecution team, legal representatives of victims, the Defence team,

25 Mr Jean-Pierre Bemba Gomba, to thank very much our interpreters, our court

Trial Hearing
Witness: CAR-D04-PPPP-0054

(Closed Session)

ICC-01/05-01/08

- 1 reporters, to thank very much for those that agreed in continuing today with the
- 2 hearing of this witness even without the English real-time transcript, which made
- 3 things much more difficult for those that are not Francophones.
- 4 I thank very much Ms Bossette, and declare that this hearing is adjourned.
- 5 THE COURT USHER: All rise.
- 6 *(The hearing ends in closed session at 4.33 p.m.) Reclassified as Open session
- 7 RECLASSIFICATION REPORT
- 8 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 9 ICC-01/05-01/08-3038, the version of the transcript with its redactions
- 10 becomes Public.