

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Wednesday, 6 March 2013

8 \*(The hearing starts in closed session at 9.08 a.m.) Reclassified as Open session

9 THE COURT USHER: All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the

13 case.

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

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

16 ICC-01/05-01/08.

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

18 welcome the Prosecution team, legal representatives of victims, the Defence team,

19 Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, our court reporters.

20 Good morning, Mr Rojas.

21 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honour.

22 WITNESS: CAR-D04-PPPP-0019 (On former oath)

23 (Redacted)

24 (The witness gives evidence via video-link)

25 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

2 PRESIDING JUDGE STEINER: Mr Witness, welcome back. Are you ready to  
3 continue with your testimony?

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

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

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

8 PRESIDING JUDGE STEINER: Then I'll give back the floor to the Prosecution to  
9 continue with its questioning.

10 Before that, the Chamber and parties and participants received a request from the  
11 Prosecution for additional time to question the current witness. In its message, the  
12 Prosecution points out some of the reasoning for such a request.

13 The Chamber has not established a fixed time frame for the questioning. Usually the  
14 Chamber makes an estimation of one-and-a-half time hours the ones requested by  
15 Defence. Since considering the reasoning given by the Prosecution, in principle the  
16 Chamber has no objection to extending the time for questioning the current witness.  
17 Let's see how it goes. We have still evidence to be presented. Let's see how it goes.  
18 There's no need for the Chamber to issue a formal decision on the request, but in  
19 principle Prosecution is allowed to conclude its questioning in accordance with its  
20 needs.

21 So, let's proceed, Maître Badibanga, and see how it goes. You have the floor, Maître.

22 MR BADIBANGA: (Interpretation) Thank you, Madam President. We will do  
23 everything possible to conclude as quickly as we can, but we simply wanted to  
24 exercise caution because of the difficulties we are experiencing.

25 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

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1 Q. Good morning, Witness. Can you hear me well?

2 A. Good morning, Mr Badibanga. I can hear you loud and clear.

3 (Redacted)

4 (Redacted)

5 (Redacted) I would like to continue with that line of questioning.

6 Mr Witness, do you remember what the objectives of (Redacted) mission to the CAR

7 were? What were the objectives that were communicated (Redacted)?

8 A. Yes, I do remember.

9 Q. Can you detail those objectives for us?

10 A. We went to the Central African Republic to help President Patassé.

11 Q. Was there any other objective, that is other than to help President Patassé?

12 A. No. The objective was the one that I have just mentioned.

13 Q. Mr Witness, do you know whether the relations between the government in  
14 Kinshasa, which you were fighting against at that time, and Bozizé and his rebels  
15 were good? So do you know whether the relations between Kinshasa and Bozizé  
16 were good?

17 A. I was a member of the ALC, quite far removed from Kinshasa. I was not  
18 working with Mr Bozizé either, so I could not have been aware of what their  
19 relationship was.

20 Q. To your knowledge, regarding the conflict or the events in Congo itself, were  
21 Chadian soldiers involved at any one point in the conflict inside the Democratic  
22 Republic of Congo?

23 A. What point in time are you talking about? Can you repeat your question,  
24 please?

25 Q. Well before your deployment to the CAR in 2002/2003, did the ALC soldiers

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1 have to fight against soldiers from Chad at any one time during that period?

2 A. Yes, we fought against them.

3 Q. Can you very briefly explain to us why the Chadians came to fight against ALC  
4 soldiers? In which camp were they at that time?

5 A. We fought against Chadians in the Bunia area, on the road from Yakoma to  
6 another location. They had come to support, to reinforce the Kinshasa government.  
7 We do not know who invited them, but I know that we fought against them in the  
8 region that I have just mentioned.

9 Q. And was this information that you received, that the Chadians were supporting  
10 Bozizé when he attacked President Patassé's forces in October 2002?

11 A. We fought against them for quite some time because Bozizé was working with  
12 those soldiers.

13 THE INTERPRETER: And the witness had mentioned that they fought on the Buntu  
14 to Yakoma road. That's the interpreter.

15 MR BADIBANGA: (Interpretation)

16 Q. Maybe I should rephrase my question, Mr Witness. From the time when the  
17 Chadian army fought against the ALC in the DRC, and this Chadian army was  
18 supporting the Kinshasa authorities, was there not a risk that this Chadian army  
19 would once again fight in support of Bozizé against President Patassé's army?  
20 Didn't the ALC feel that this was a risk?

21 A. I didn't quite understand the question. Can you kindly repeat, please?

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Yes, indeed, Mr Witness, but you said it was the second mission in (Redacted),  
13 but the first mission was to fight against the government army which you thought  
14 would attack you from the rear. Do you confirm that?

15 A. It was not only Bangui that was behind us. Even in Zongo there were soldiers  
16 all along the border. From Congo-Brazzaville to the CAR there were soldiers there,  
17 and if anyone attacked us we would have fought against them, but the mission for  
18 which we were deployed in the CAR was to help President Patassé.

19 Q. During the period when you were in the Central African Republic, Mr Witness,  
20 were the Chadians suspected of having infiltrated General Bozizé's army?

21 A. The Chadians were with him. They had not infiltrated General Bozizé's army;  
22 they had come there together with him.

23 Q. When (Redacted) soldiers or (Redacted) officers saw Chadian citizens, did they  
24 suspect them of being General Bozizé's rebels?

25 A. We knew which side the Chadians were in the CAR. When we were fighting

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1 against General Bozizé, we knew that his allies were Chadians, but regarding the  
2 Chadian population itself, I did not see them there.

3 Q. Mr Witness, do you remember the series of messages that I read out to you from  
4 the log-book and which referred to an enemy that would come from the rear,  
5 counter-attack, and try to take Bangui? Do you remember that message?

6 A. Yes, I do remember.

7 Q. Do you remember the message in which it was stated that the strategy used by  
8 the enemy was to infiltrate themselves in small groups, using the movement of cattle?  
9 Do you remember that message?

10 A. Yes, I remember.

11 MR BADIBANGA: (Interpretation) For the reference, your Honour, this is from  
12 document 37 on the Defence list, the second log-book, CAR-D04-0002-1641, and this is  
13 a message that I read out to the witness, and it was page 1706.

14 Q. Witness, in that message, mention was made of the risk of the enemy  
15 infiltrating, using this trick of the herds of cattle being moving from north to south,  
16 using that as a bit of a cover, so to speak. Now, in light of the information that you  
17 had at that time, did you know that the cattlemen who were travelling with the cattle  
18 from north to the south were either Chadians or Muslim nationals? Did you have  
19 that information?

20 A. The enemy was different from the members of the local population. You told  
21 me that the Chadian population would come to the CAR, but that statement is  
22 different from the statement that the enemy wanted to use another trick. Within  
23 military strategy, such tricks are allowed, but these tricks have to be kept secret  
24 because if your trick is known, it will no longer be of any use. So they weren't  
25 members of the population. It was indeed the enemy, as you've just said.

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1 Q. Well, I'd like to read out an extract from the statement that you made, and this  
2 time it was in (Redacted), document 96 on the Prosecution list, your Honour, at  
3 page CAR-OTP-0026-0585, and this is at page 0599 at line -- this is what you said,  
4 Witness: "Any person coming from Chad, and who was moving towards the capital,  
5 was absolutely taken to be on Bozizé's side because we could not have an army  
6 moving behind us and ultimately being part of Bozizé's army."

7 Now here, Witness, when you said any person that came from Chad and who was  
8 moving towards the capital, you're not making any distinction any more between  
9 soldiers and civilians. You said any person coming from Chad moving towards the  
10 capital. Could you explain this apparent contradiction between this statement and  
11 what you said just a moment ago?

12 THE INTERPRETER: Interpreter correction: The line reference was line 444.

13 THE WITNESS: (Interpretation) It is possible that I didn't remember the context in  
14 which I'd given that reply, but I will tell you the truth. It's difficult to say all people.  
15 However, we did not have control over everyone who was coming and going, we  
16 were not monitoring everyone coming and going. The Central Africans had an  
17 office that was responsible for keeping track of that. Our role was to fight the enemy  
18 who was attacking us.

19 Mr Badibanga, you have to take what I'm telling you to be the truth. A person might  
20 be an enemy, but if the person comes in civilian clothing, you might think that the  
21 person was a civilian.

22 A uniform cannot necessarily allow you to make a distinction between a military man  
23 and a civilian. There are actions and signs, indications, that are unmistakable, that  
24 allow you to distinguish between a civilian and a soldier. For the time being, well at  
25 this particular moment, I'm wearing this suit. Are you going to take me to be a

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1 civilian because of that? You're asking me questions about military service, and I'm  
2 giving you proper answers, and thus you will consider me to be a military man. So  
3 that was the situation that was prevailing at the time.

4 MR BADIBANGA: (Interpretation)

5 Q. In the statement that I just read out to you a few moments ago, not only did you  
6 say that any and all people of Chad moving towards the capital from the north to the  
7 south, but you -- was absolutely taken to be someone on Bozizé's side, and you  
8 explained because you couldn't run the risk of an army getting behind you and  
9 attacking you from the rear. So my question isn't whether a military man can pass  
10 himself off as a civilian. You said that all people were taken, or assumed, to be on  
11 Bozizé's side.

12 A. When we got to the Central African Republic, some roadblocks had been set up.  
13 Some called them toll stations but they were roadblocks to do identity checks. If the  
14 Central Africans thought that the people who were at these roadblocks were civilians,  
15 they would be allowed to pass, but if it was thought that they were enemies, they  
16 were arrested.

17 As for us, it was impossible for us to identify who was who. There were Central  
18 African people in charge of that. The day before yesterday you read out a letter  
19 signed by Mazi, and you saw how these tasks were allocated, how identifying a  
20 person during the war, that sort of thing does exist. When you travel about, you  
21 need an identity card that shows you to be Mr Badibanga, or a lawyer, or someone  
22 from the OTP.

23 Bozizé's soldiers, well, from where they were to the place where we were, they could  
24 not travel about in -- wearing a uniform with weapons on their -- bearing weapons.  
25 If you don't mind, I'll tell you this: During the war, various strategies are used by



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1 soldiers and various strategies are used to determine what strategies the enemy is  
2 using.

3 MR BADIBANGA: (Interpretation) Could the witness be shown document 37 on  
4 the Defence list, CAR-D04-0002-1641, at page 1749, and this is the message on the left  
5 side at the bottom of the page.

6 Q. Witness, I think we've already had a look at this message, but I'll read it out  
7 because it's applicable to the matter we're dealing with right now. "Extremely  
8 urgent. From: Colonel Moustapha. Reference number 15/OPS/Bangui/003. I  
9 have the honour to extend greetings and to inform you of the following: In  
10 accordance with the situation of 20 January 2003," it's written 003, but I suppose that  
11 means 2003, "regarding enemy presence in Bosatele (phon) to be true. Moving  
12 towards the locality of Yakole, 0.5 kilometres from Bossembélé. Intent to attack  
13 Bossembélé and regain the electricity supply in Bouar. They are being led by CAR  
14 civilian population infiltrated within. Other information ... " and then the message  
15 goes on, on the right-hand side of the page, "Two helicopters from Chad to Sibut with  
16 reinforcements to attack Damara. Other situation will be -- information regarding  
17 another situation will be conveyed to you."

18 Witness, now, my question isn't about your fighting soldiers within the group led by  
19 General Bozizé; my concern is the civilian population, and (Redacted)on  
20 29 January 2003, that's the date of this message, they are led by CAR civilian  
21 population for infiltration.

22 Now to solve this problem, (Redacted) soldiers have to attack the civilian population  
23 of the CAR? Did they attack civilians?

24 A. No. This is the reason: It would be difficult for you to understand how the  
25 operations were conducted. Now, in such operations, there are people who are

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1 known as guides. Bozizé and his rebels, in light of the fact that we had regained all  
2 the roads, they were able to take other roads or paths. This was information that we  
3 had received from the CCO authorities. They said be careful, such a thing will  
4 happen.

5 Now, this doesn't mean that a village of 500 people will help, 500 enemy troops.  
6 You, as a civilian, you might see things differently, but what I'm telling you is the  
7 truth. We never fought the civilian population. Don't you think that the MLC led  
8 operations without being right alongside the FACA troops? In short, I would give  
9 you this answer: No. My answer to your question is "no."

10 (Redacted)

11 (Redacted)a

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Witness, I'd like to quote you. I'd like to quote from a statement that you made  
18 in (Redacted) This is document 73 on our list, document 73, CAR-OTP-0020-0063, at  
19 page 277. Page 277.

20 MR HAYNES: Could we put it on the screen, please, for the witness and the  
21 accused's lawyers?

22 PRESIDING JUDGE STEINER: Yes, it is possible. Mr Rojas, please.

23 THE COURT OFFICER (Redacted): (Interpretation) This document is now being  
24 shown to the witness; namely, it is on the computer screen here.

25 MR BADIBANGA: (Interpretation)

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1 (Redacted)

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3 (Redacted)

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8 (Redacted)

9 (Redacted)

10 MR HAYNES: I'm pleased that your Honour has found it, but I don't think it is on  
11 the screen for us or the witness, the passage that Mr Badibanga is reading.

12 PRESIDING JUDGE STEINER: It was 'til now. Mr Rojas, is the document on the  
13 screen?

14 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, the document --

15 THE INTERPRETER: Inaudible.

16 THE COURT OFFICER (Redacted): (Interpretation) I've shown it to the witness,  
17 the witness has read it.

18 THE INTERPRETER: Inaudible.

19 MR BADIBANGA: (Interpretation) That's exactly right. Thank you very much,  
20 Mr Rojas.

21 Q. Witness, could you clear up any ambiguity about this point? (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Yes, Maître.

25 MR KILOLO: (Interpretation) I don't see any -- I don't see this question being put

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1 to the witness in his maternal tongue, (Redacted). What I see here is that the  
2 question was put to him in English and the translator put the same question to him in  
3 French, but I don't see the question being put to him in his language, (Redacted)  
4 (Redacted).

5 PRESIDING JUDGE STEINER: Maître Badibanga.

6 MR BADIBANGA: (Interpretation) If one reads this statement carefully, Mr Kilolo  
7 will see that the witness agreed to having questions put to him in French and him  
8 replying (Redacted). That is shown at the very beginning of the statement. And  
9 what we're talking about here is the answer of the witness.

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 Q. Witness, we still have the words right in front of us. Can you see this

25 statement up on the computer screen?

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1 A. Yes.

2 Q. Could you please read out (Redacted) -- could you please read out line 488 (Redacted)

3 (Redacted), and our interpreters will interpret it into French and into English for

4 everyone. Could you please read out line 488?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Thank you, Witness. Well, we thought we would clear this up for once and

9 forever. In the course of the day, we'll try to solve that, but I think now we'll move

10 on and we'll deal with this for once and for all.

11 This time, Witness, I'd like to read out a passage, and to save some time I'll just ask

12 you to confirm what you said, or not. Same document, this is document 73,

13 CAR-OTP-0020-0063, page 282, line -- line 636. Page 282, line 636. And just

14 perhaps for the English the -- we should start reading from one line earlier, line 635.

15 THE INTERPRETER: Message from the interpreters: Could Mr Badibanga be

16 reminded to read reference numbers slowly?

17 MR BADIBANGA: (Interpretation)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Witness, you've often reminded us that you are a soldier. You had knowledge  
21 in this area. I'm certainly ready to accept that. I have difficulties imagining that, as  
22 a soldier, you can confuse "order" with "briefing," because really, even for me, I'm not  
23 a soldier, but it would seem that these are two different things, aren't they?

24 A. Often, when you ask questions, you ask questions, but I would ask you to listen  
25 to the cassette again and to listen to it again, and you will see that sometimes you ask

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12 (Redacted)

13 MR BADIBANGA: Perhaps we'll find the answer with my next question. Your

14 Honour, I would like the document 74 be presented, and this is the reference;

15 CAR-OTP-0020-0263.

16 Q. Witness, I would like you to be shown 288, second part, lower part. We're

17 going to line 170. If the document appears on the screen, can you read line 170?

18 That's your answer (Redacted). Can you read it (Redacted)

19 A. Could you firstly read the question, the line (Redacted) says (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. That's correct.

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25 Perhaps the ERN reference wasn't there, perhaps I was too quick in that. The same



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- 1 document, so it's CAR-OTP-0020-0263, page 285, from line 54. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
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- 23 (Redacted)
- 24 MR BADIBANGA: (Interpretation) I would like to show the witness the
- 25 document -- still the same document 74, page 289, from line 171.

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted) "Go," but that's not an order.

24 When you inform somebody, you don't wait for their reaction. Information doesn't

25 mean an order, do this or don't do that.

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1 Q. So by way of conclusion, Witness, "Do what you are asked to do," is that an  
2 order or not?

3 A. You can't give two orders for one thing, because they've already said what  
4 needs to be done.

5 Q. Witness, where it concerns radio phonic communications, what frequencies  
6 (Redacted) contact with in -- with Gbadolite during operations in the Central African  
7 Republic? What frequencies (Redacted) to contact Gbadolite?

8 A. I don't remember the exact frequency.

9 Q. Yes, you're right; that's ten years ago. Could you say generally, on average,  
10 once a day, once a week, once a month? Just an average, to give the Judges an idea  
11 of the frequency of the contacts you had.

12 A. Well, you're speaking about frequency. Are you talking about frequencies or  
13 the number of times (Redacted) called? I thought you were talking about transmission  
14 frequencies. So there's a frequency, and there's a means of communication, so what  
15 do you want to know, if you would be so kind?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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24 A. Reports concerning the operations were sent to Gbadolite, but this was by way  
25 of information. It wasn't to receive any type of order.

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14 (Redacted)

15 (Redacted)

16 (Redacted) who is MONUSCO

17 answerable to? Under whose orders is MONUSCO at the present time?

18 A. I did not quite understand your question.

19 Q. In the example that you just gave, MONUSCO, which is currently in Congo,  
20 under whose orders are they?

21 A. I do not want you to cause me to say things and then later on accuse me of  
22 having said this or that about MONUSCO. I want you to simply accept the answer  
23 that I gave.

24 Q. Then I will propose that you simply answer my questions, Mr Witness, without  
25 talking about MONUSCO, because you are the one who mentioned MONUSCO.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 Now, regarding the battalion commanders who were (Redacted) in the CAR, were  
2 they authorised to communicate with Gbadolite?

3 A. If you have a telephone, you cannot be asked to use it to speak only with one  
4 person. We did not have any service controlling communication to determine  
5 whether they were communicating with Gbadolite or not.

6 Q. Do you know whether Jean-Pierre Bemba was sometimes in contact with some  
7 of the commanders who were present in the CAR with you?

8 A. That is possible. He might have been communicating with them or not. It is  
9 possible. I gave you an example. Someone told me that he had called him. I do  
10 not see any problem with that, that is if that person had called him, and I was not  
11 there to monitor or control the calls that they made.

12 Q. Which communications means were available to those commanders?

13 A. They had Thurayas and phonies.

14 Q. From the CAR, Mr Witness, could you use a Thuraya to call someone in  
15 Gbadolite?

16 A. Yes.

17 Q. And by radio communication also, using the phonie, it was possible to contact  
18 Gbadolite?

19 A. Yes, indeed.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

ICC-01/05-01/08

- 1 (Redacted)
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- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)

20 MR BADIBANGA: (Interpretation) Court officer, I would like document  
21 CAR-OTP-0055-0893 to be presented to the witness. And on the Prosecution list,  
22 Madam President, it is document number 6.

23 THE COURT OFFICER (Redacted): (Interpretation) Document  
24 CAR-OTP-0055-0893 is currently being shown to the witness.

25 MR BADIBANGA: (Interpretation)

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 Q. This is a document that you are not yet familiar with and it is a record of the  
2 phone calls made from the Thuraya belonging to Mr Bemba during the relevant  
3 period. (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted) I will give you the transcript  
7 reference shortly.

8 Court officer, please, can you show the witness page 0895.

9 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

10 MR HAYNES: Just a small point: I wonder if Mr Badibanga could give us a  
11 reference in the evidence as to where it has been established that these are records of  
12 calls made by -- by a telephone owned by Mr Bemba.

13 PRESIDING JUDGE STEINER: Maître Badibanga.

14 MR BADIBANGA: (Interpretation) Madam President, this document has already  
15 been discussed here in the courtroom and it was admitted after being produced by  
16 the OTP. We disclosed that document and I'll give you the background, and I can  
17 provide that precise information to Mr Haynes with all the relevant dates.

18 MR HAYNES: I'm sorry, that doesn't answer the question. We know that this  
19 document was produced under a Bar table motion, but as far as we're aware, there is  
20 no evidence in this case that these are the records of calls made by Mr Bemba's phone,  
21 and thus the questions put to the witness are completely misleading.

22 PRESIDING JUDGE STEINER: Maître Badibanga, rephrase your question, please.

23 MR BADIBANGA: (Interpretation)

24 Q. Very well, Mr Witness, I will rephrase my question.

25 Mr Witness, this is a log of phone calls in which (Redacted)



Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 (Redacted)

2 subject to further cross-checking.

3 Regarding the transcript reference, it is CAR-OTP-0058-0566. And if I am not

4 mistaken, that would be document 132 on the Defence list.

5 Mr Witness, (Redacted) and I want page 895 to be shown to

6 you, on lines 119, 120, 121 and 122. These are calls that were made on

7 8 February 2003. There are four calls at 10.26.30, 10.27.56, 10.29.02, and lastly

8 10.41.46 seconds. (Redacted)

9 (Redacted) I don't know whether this

10 means that person was not able to reach (Redacted), but this is at least what appears

11 on the log.

12 If we go now to the next page, 0896, we can see that (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 I would like the next page to be shown to you, that is page 897 in

17 CAR-OTP-0055-0897. On that page there is a series of calls that were made on

18 11 February. There were eight calls on that day, that is 11 February. The first is on

19 line 198, and it took place at 12.34.06. Then there is another call, line 199, and then

20 line 200. Also on line 205, line 210 and then 211. There are two other calls for

21 11 February, line 220 and lastly line 221.

22 Some of those calls are very brief, a few seconds, zero seconds, 02 seconds, three

23 seconds, four seconds, but on line 205, from 13.26.28 last for 3 minutes 44, and the last

24 one line 210, 19.57, that call lasts for seven minutes, and then the next line, 20.06, that

25 call lasts for 3 minutes 44 seconds.

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

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- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)

24 PRESIDING JUDGE STEINER: Mr Witness, take care with your -- the objection  
25 you're going to raise, because I don't want any subtle information to be passed on to

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

ICC-01/05-01/08

1 the witness.

2 MR KILOLO: (Interpretation) (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: Maître Badibanga.

9 MR BADIBANGA: (Interpretation) Madam President, I propose that we should  
10 allow the witness to reflect on this question during the break, because I cannot clarify  
11 that point within the two minutes left to me.

12 PRESIDING JUDGE STEINER: I agree.

13 Mr Witness, it's 11 o'clock. We'll have now our half-an-hour break in order to allow  
14 you to take some rest. We'll be back at 11.30.

15 The hearing is suspended.

16 THE COURT USHER: All rise.

17 (Recess taken at 10.59 a.m.)

18 \*(Upon resuming in closed session at 11.43 a.m.) Reclassified as Open session

19 THE COURT USHER: All rise.

20 Please be seated.

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

22 Mr Witness.

23 THE WITNESS: (Interpretation) Thank you very much, your Honour.

24 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony,

25 Mr Witness?

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

ICC-01/05-01/08

- 1 THE WITNESS: (Interpretation) Yes, I'm ready, your Honour.
- 2 PRESIDING JUDGE STEINER: Maître Badibanga, would you like to respond to the  
3 objection raised by Defence, or you just -- you'll just continue with your questioning?  
4 You have the floor, in any case.
- 5 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'd like to continue,  
6 insofar as I had begun and I had said to the witness – (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)
- 10 Now, secondly, I did make reference to a transcript here, (Redacted)  
11 (Redacted) and that was an item of information that corroborated  
12 what the witness said. So we have two entirely different sources (Redacted)  
13 (Redacted) So I would suggest that we continue with the  
14 witness on this particular issue.  
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-0019

(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) Before we went our separate way -- correction, before the

13 break, you were asking me about (Redacted) I am telling you the truth

14 here. I'd like to ask -- I am not the only person telling the truth. You should tell the

15 truth, too. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: I would like to seek clarification, but in order to

24 avoid confusing or influencing the witness, I would like to ask whether it would be

25 possible from the court officer, just while I raise my doubt, to cut the sound that is

Trial Hearing

(Closed Session)

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Witness: CAR-D04-PPPP-0019

1 transmitted to the video-link place?

2 THE COURT OFFICER: Madam President, we can try, but we haven't tested it yet,  
3 so I would like to respectfully ask if we could do it maybe after the break?

4 PRESIDING JUDGE STEINER: We can do it after the break, no problem.

5 THE COURT OFFICER (Redacted): (Interpretation) Madam President?

6 PRESIDING JUDGE STEINER: Yes, Mr Rojas?

7 THE COURT OFFICER (Redacted): (Interpretation) The only thing I can do here is  
8 lower the volume of the transmission equipment. Nothing would be heard. Only  
9 I would listen to the translation with my headset and I can confirm that the witness  
10 will not be able to hear anything if I lower the volume.

11 PRESIDING JUDGE STEINER: Thank you, Mr Rojas. For the time being, it's not  
12 really necessary. I will try to put things in a way that are more neutral as possible.  
13 Maître Badibanga, there are some parts of the transcript of the hearing that

14 apparently mention (Redacted)

15 (Redacted)

16 (Redacted) Maybe it would be

17 better for you to clarify in the questioning of the witness this point (Redacted)

18 (Redacted)

19 MR BADIBANGA: (Interpretation) Thank you, your Honour. That was exactly  
20 the point I was trying to make. And I would like to ask if we could have document  
21 131 on the Defence list of documents. This is the transcript CAR-OTP-0058-0535.

22 I would -- could we please see page 553 and if we could focus on line 23.

23 (Pause in proceedings)

24 MR BADIBANGA: (Interpretation) Witness, at the previous page -- and, your  
25 Honour, if we could resume as of the previous page, line 595. Just to avoid any

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 ambiguity, I'll give you the exact reference.

2 (Pause in proceedings)

3 MR BADIBANGA: (Interpretation) I beg your pardon. I'd like to start at page  
4 551, at line 567.

5 Q. Witness, you were asked this: "Can you tell us how Bemba organised the  
6 reporting system to keep himself informed of what was happening on the ground in  
7 the Central African Republic in 2002/2003? How did he organise this system for  
8 receiving information from there?" And your answer was this: "Such information  
9 about a team of people, I didn't see any information about that. He created a team of  
10 people, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) I think that was the only channel, but I don't think

16 there was anything that he had organised, like a team of journalists to report to him."

17 And then the OTP representative asked you this: "So if I've understood properly,

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) And we are talking here about the

20 period of the operations in the Central African Republic, of course.

21 A. According to this document, some information would require for you to

22 investigate further, because there are some things that I did not say, mocom (phon)

23 SDB, what you referred to as the intelligence officer. Never did I make mention of

24 SDB and, nevertheless, this does feature in the document, but SDB is something that

25 you have made up. I never uttered this. I never said this. "S" means service, or



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ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 stands for service; "D" stands for 2 -- it's not the letter "D," I don't know where you  
2 got the "D" from, because I didn't say that, and this is why those following us -- well, I  
3 don't believe that I was the person who said this at all.

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 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE STEINER: Maître Badibanga, if you allow me.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 These declarations you gave in (Redacted) If we go back to the declarations

24 you gave in (Redacted) and I'm talking about CAR-OTP-0020-0273, 274,

25 275, you said exactly the same thing, that sometimes (Redacted)

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

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1 (Redacted)

2 So could you confirm whether you said that or not?

3 THE WITNESS: (Interpretation) I thank you, Madam President. I'd like to say  
4 that some of the information contained in this document, well, some of this  
5 information does not come from me. I met many interpreters.

6 PRESIDING JUDGE STEINER: Sorry to interrupt you. My question is very simple.  
7 I don't want you to talk again and again and again about the problem with the  
8 interpretation. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Did you tell this to the Prosecution or not? This is what I want you to testify now.

13 Or this is a problem with interpretation because you never, never said that? This is  
14 what I want you to testify under oath.

15 (Redacted)

16 (Redacted)

17 (Redacted) Please understand me, you told me that I needed to tell the truth,  
18 and this is the truth. The truth is what I am telling you; it's not because I've been  
19 told not what to say.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 What other answer could I furnish you with?

24 PRESIDING JUDGE STEINER: Mr Witness -- court officer, please, put again on the  
25 screen page 0053.

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

- 1 THE COURT OFFICER (Redacted): (Interpretation) Yes, Madam President, it is done.
- 2 PRESIDING JUDGE STEINER: Mr Witness, can you please read line 621 and 622.
- 3 THE WITNESS: (Interpretation) (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 I do not know whether I have read as Madam President wanted me to?
- 12 PRESIDING JUDGE STEINER: Yes, you did, Mr Witness.
- 13 Maître Badibanga.
- 14 MR BADIBANGA: (Interpretation) Madam President, I had in fact intended to put
- 15 this question to him at a far later stage, but I think that it might be timely now for us
- 16 to request the viewing of a video excerpt. This is a document, this is the third
- 17 document on the list of videos that we have selected, and this is in fact the excerpt
- 18 that we have just made mention of, reference being CAR-OTP-0056-0429, and this is
- 19 document 62 on the list of OTP documents. We shall request therefore that it be
- 20 shown from minute 29.44 to the minute 36.14. Madam President, we have prepared
- 21 a number of excerpts from the transcripts that we wanted to reference to the videos
- 22 that we wanted to have played, and there are enough hard copies here for those
- 23 present in the courtroom. (Redacted) they shall also
- 24 have access to a copy, as this is mentioned in the transcript that you have just --
- 25 THE INTERPRETER: Overlapping speakers (Redacted). The interpreter cannot

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 hear both people speaking at the same time.

2 PRESIDING JUDGE STEINER: I would like to check with the court officer if  
3 these -- because the Chamber was informed that some of the excerpts were not yet  
4 downloaded in Mr Rojas' computer. So, could please, Ms Toumaj, confirm that this  
5 one is already with Mr Rojas?

6 MR BADIBANGA: (Interpretation) I might be of assistance to the Chamber, with  
7 your leave. Documents 1 to 4 are indeed in Mr Rojas' possession, because we had  
8 intended to show just the four first excerpts.

9 Now, in the light of the discussions by Madam President and the Defence, we  
10 had -- there are some video excerpts that are not yet in his possession in (Redacted),  
11 but the excerpt that I'm referring to now is indeed in his possession. If we need a  
12 reference to the transcript, it's document 131 of the Defence list of documents,  
13 CAR-OTP-0058-0535, and this is the document that you have just submitted to the  
14 witness, and we will be reading from line 567, that is page 551, and we shall be  
15 reading until line 679 to be found on page 554.

16 And I might have spoken somewhat rapidly, because I was providing references, and  
17 I'm being told from the interpretation booth that everything's dandy, so I believe that  
18 if the cassette can be shown from minute 29.44.

19 Now, Madam President, there are selections of the transcripts that we have here, if  
20 this might facilitate the reading for the Chamber.

21 Now, the small, or the smaller of the files just given to you, there is an inventory at  
22 the first page, and we shall be playing the third excerpt from this, and on each  
23 occasion the various transcripts are stapled together, and you would need to go to  
24 number 3 written on the Post-it, that would be what referring to or what we intend to  
25 show. So this is the excerpt that we saw a few minutes ago and this is on the

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 transcript document 131 on the list of Defence documents.

2 And in order to be entirely complete, in order to help the Defence, there is a French  
3 version attached. We have given here reference to the French version and to the  
4 transcript itself. And the French version, the translation is number 136 in the list of  
5 Defence documents. All of these reference come with the inventory.

6 I believe that with all of these explanations, we can now view the cassette, if Madam  
7 President is ready and if your Honours are ready?

8 THE COURT OFFICER: Before we proceed, I wish to inform the Chamber and the  
9 parties and participants that you can view this video on pressing "PC1".

10 THE COURT OFFICER (Redacted): (Interpretation) Madam President, as soon as  
11 you instruct me to do so, I shall show the video to the witness, but I shall cut the  
12 microphone off here. There won't be any overlapping whilst the video is being  
13 shown, unless you decide to proceed otherwise?

14 PRESIDING JUDGE STEINER: Mr Rojas, could you please speak closer to the  
15 microphone, because we could not understand exactly what you said.

16 THE COURT OFFICER (Redacted): (Interpretation) Madam President, as soon as  
17 you give me the instruction, I shall show the video to the witness and I shall cut the  
18 video off at this end so that there is no overlapping between the two videos that are to  
19 be shown.

20 PRESIDING JUDGE STEINER: It is fine, Mr Rojas.

21 THE COURT OFFICER: Your Honours, it seems that we have a little problem with  
22 the display. I'm just going to try something and will come back.

23 (Pause in proceedings)

24 (Trial Chamber confers)

25 (Viewing of the video excerpt CIV-OTP-0056-0429)

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 MR BADIBANGA: (Interpretation)

2 Q. Mr Witness, you have just heard your very own statement in the (Redacted)  
3 language. Now, is there anything that you would like to correct, that might be  
4 down to an interpretation problem, for example?

5 A. Well, I don't really see the difference between this and what I said to you.

6 Q. Mr Witness, a short while ago the Presiding Judge asked you whether what  
7 appeared on the transcript which you had been reading was correct, and you said  
8 that there were some words on that document that were not your words. Now you  
9 have listened to the same segment on video. Now, please, could you point out to the  
10 Judges which words were not your words, which words were added to the text  
11 which was just read out to you?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: If you allow me, Maître Badibanga.

17 Mr Witness, you were saying that you, as you said on page 40, lines 23 to 25, and 41,  
18 line 1, that you never make any mention to SDB, and nevertheless this does feature in  
19 the document. So you never mentioned? We could hear you mentioning it in the  
20 tape, Mr Witness. Would you like to hear the tape again?

21 THE WITNESS: (Interpretation) Madam President, I would not want you to do  
22 what I want you to do; it is for you to decide what you want to do.

23 PRESIDING JUDGE STEINER: I just want you to confirm something that you said  
24 before, that you never mentioned SDB. And in listening to the tape and the video,  
25 we could see that you did mention the SDB. Could you clarify that for the Chamber,

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Witness: CAR-D04-PPPP-0019

1 please?

2 THE WITNESS: (Interpretation) Madam President, "S" stands for service; "D," or  
3 two, is what was intended, not "D" as in Delta. So it is not SD, it is not the letter "D,"  
4 it is actually 2, the figure 2, "S2," not "SD."

5 PRESIDING JUDGE STEINER: You may continue, Maître Badibanga.

6 MR BADIBANGA: (Interpretation)

7 Q. Witness, I want to provide you with some information. Those who transcribe  
8 take down what they hear, they do not have your knowledge. When we listen to  
9 your statement, we hear "SDB," but maybe you meant "S2B," so it is incorrect to say  
10 that you never said so and that these are words that were added to your statement.  
11 For this reason, I want to ask you the question again: You stated that there are a  
12 number of things that were added to your statement. Now, from the excerpt that we  
13 have just heard, can you tell the Court what was added to your statement or would  
14 you agree with us that nothing was added to your statement?

15 A. Maître Badibanga, you have your way of reasoning, and you may be right.  
16 There are a number of things that you asked me to spell out and maybe if you asked  
17 me to spell out a number of words I would gladly do so. Now, if you don't ask me  
18 to spell out something, and you write down what you heard, now, that is different  
19 from what I said. Now, who's to blame for that?

20 Q. Witness, apart from the SDB that you were not asked to spell out, is there  
21 anything else in the excerpt we have just listened to that has been added to your  
22 statement by the OTP?

23 A. I have read the document carefully. Now, if I had read each document  
24 carefully, I might be able to tell you what you added and what you may have taken  
25 out. I read several documents before coming to testify, but if I had the opportunity

Trial Hearing  
Witness: CAR-D04-PPPP-0019

(Closed Session)

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1 to read more carefully I would be able to tell you what you may have added or taken  
2 out.

3 MR BADIBANGA: (Interpretation) So far, we haven't had the five-second problem.  
4 I'll try to avoid getting to that.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Witness, last Wednesday I was standing before you, and I have all the time to  
16 stand before you, but we are craving the Court's indulgence and patience to extreme.  
17 Now, when you don't answer, you will not tire me out, so let me put the question to  
18 you again: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Mr Witness, let us take it all over again. Would it be correct to say that from



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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. No, that is not my recollection.

9 Q. Witness, you have seen that we have a log-book, or register, of the ALC radio  
10 transmissions or communications in two volumes which were disclosed by the  
11 Defence. Excerpts of this document have been read to you by Mr Kilolo and by  
12 myself; you do remember that, don't you?

13 A. Regarding the messages, yes, I do remember.

14 Q. You do not object to the messages that were placed before you and their content,  
15 meaning that we can rely on the content of this log-book; isn't it?

16 A. It is up to you to either accept it or to reject it. It all depends on you.

17 Q. When I refer to "frequency" here, I'm talking about the number of times. So  
18 my question is: At what frequency; at what frequency (Redacted)  
19 (Redacted)

20 A. I don't remember the frequency, but the document is in your hands so you can  
21 cross-check and find the answer to that question.

22 Q. Yes, indeed, we can cross-check, but it is always better to start with your  
23 recollection of the events. In any event, let me give you a few figures, to see what  
24 you may remember. Would you say that over the five-month period (Redacted)  
25 (Redacted) Is that

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1 too small, or does it reflect reality, as far as you recall?

2 A. I do not remember.

3 Q. Could it be about 100 messages (Redacted) in March 2003 or  
4 during that period?

5 A. I do not remember.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. I do not remember.

11 Q. We will proceed on this point. Mr Witness, the Defence provided us with an  
12 incomplete log-book. In the part that we received, there were 36 messages that we  
13 found between Bangui and Gbadolite from 25 October 2002. Does that jog your  
14 memory somewhat, Mr Witness?

15 A. I do not remember anything. No, I do not.

16 Q. Well, Witness, since you do not remember, let me try to remind you of a  
17 number of things. Document number 97 of the Defence list, CAR-OTP-0027-0607,  
18 page 610.

19 PRESIDING JUDGE STEINER: Maître, would you please repeat the reference.

20 MR BADIBANGA: (Interpretation) Document 97, OTP list of documents, reference  
21 CAR-OTP-0027-0607.

22 PRESIDING JUDGE STEINER: Thank you. It was for a correction on the record.

23 MR BADIBANGA: (Interpretation) It is on the Defence list.

24 Q. This is (Redacted) that document, Mr Witness: "The written messages  
25 were transmitted by the phonie system. That is how he got a copy of the messages.

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)

22 A. No, I do not recall that messages were sent on a daily basis.

23 Q. According to your recollection, how frequently were messages sent?

24 A. From the very beginning I have told you that when there was need to send a  
25 message, a message was sent. Now, regarding frequency, I have told you that I no

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1 longer remember how many times (Redacted) sent messages.

2 MR BADIBANGA: (Interpretation) Madam President, I will read an excerpt of  
3 document number 100 on Defence list, CAR-OTP-0027-0681, and I'll be looking at  
4 page 695.

5 Q. Witness, as I have already told you, if you have any difficulties remembering  
6 anything in this area, I will attempt to jog your memory by quoting back to you what  
7 you said.

8 Now, this is what you said: (Redacted)

9 (Redacted) And then Madam Petra Kneuer asked you:

10 "Was this information transmitted verbally or in writing? Or was it in writing?"

11 Your answer: "It was in writing." Question from Ms Kneuer: "Did Bemba receive  
12 any copies of those messages?" Your answer: "He would receive a copy if he is  
13 copied, but his Chief of General Staff was under an absolute duty to inform him."

14 Then the question which I just put to you was put to you, Mr Witness: Question:

15 (Redacted)

16 (Redacted)

17 Mr Witness, it would seem that you had a clearer recollection on (Redacted) than  
18 you do today. (Redacted)

19 (Redacted)

20 (Redacted) Can we agree on

21 that point, Mr Witness?

22 A. Well, it all depends on you. Whether you like it or you don't like it, it is up to  
23 you to make a choice. You see, you are confusing Mr Bemba and Mr Amuli as if  
24 they were one and the same person. You see, what I've told you is (Redacted)

25 (Redacted) and he was free to contact Mr Bemba or not, which is

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. Please repeat the question, if you could?

19 (Redacted) when

20 visitors from Gbadolite would come to the Central African Republic? I'm speaking

21 about members of the MLC. When I speak of visitors, I mean people from the MLC.

22 (Redacted)

23 A. No. (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. When Mr Romain Mondonga came from the CAR, (Redacted) that he  
2 had arrived?

3 A. He came with a group of Central African Republic people, and he introduced  
4 himself (Redacted). They went on with their various activities and I continued my  
5 own activities. Mondonga did not come from Gbadolite; he came from Gemena, in  
6 actual fact.

7 Q. What other MLC leading figures came to the CAR when you were there  
8 between October 2002 and March 2003?

9 A. I don't remember.

10 THE INTERPRETER: Interpreter correction: The person mentioned in the  
11 previous reply was Romain Mondonga.

12 MR BADIBANGA: (Interpretation)

13 Q. Would you like me to give you a few names, and you can just tell us "yes" or  
14 "no" whether or not they came, if you know whether they came or not?

15 A. Go ahead, give me those names.

16 Q. General Amuli, did he come to the Central African Republic when you were  
17 there between October 2002 and March 2003?

18 A. Yes.

19 Q. Did Mr Thomas Luhaka come to the Central African Republic when you were  
20 there between October 2002 and March 2003?

21 A. I don't remember seeing him.

22 Q. Did Colonel Samba come to the Central African Republic when you were there  
23 between October 2002 and March 2003?

24 A. I did not see him. I don't remember.

25 Q. Did Jean-Pierre Bemba travel to the Central African Republic when you were

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1 there between October 2002 and March 2003?

2 A. Yes.

3 Q. Did Colonel Lolo travel to the Central African Republic when you were there  
4 between October 2002 and March 2003?

5 A. No, I do not remember seeing him.

6 Q. Did Colonel Mongapa travel to the CAR between October 2002 and March 2003  
7 when you were there?

8 A. I just said that I don't remember seeing him.

9 Q. Could you please confirm that Colonel Mongapa and Colonel Lolo are actually  
10 the one in the same person -- one and the same person?

11 A. I know that it is the same person. Mongapa, that's him, he's the one who also  
12 was called Lolo.

13 Q. Are you aware of Mr Thomas Luhaka's visit to Sibut when you were in the  
14 Central African Republic, in an alleged visit of that person to Sibut, Mr Luhaka?

15 A. No, I didn't see him, and I don't remember.

16 Q. Thus, in light of the various names I've given to you, the only person that you  
17 remember visiting are General Amuli and Jean-Pierre Bemba, is that correct, of all the  
18 various people whose names are on this list of mine?

19 A. General Amuli and Jean-Pierre Bemba are two separate people, and I reiterate  
20 they came to the Central African Republic.

21 Q. How many times did Jean-Pierre Bemba come to the Central African Republic  
22 during that time when you were there in that country?

23 A. Well, you asked me to answer by saying "yes" or "no," so I don't really know  
24 how to answer now. Some of them may have gone to Bangui without my seeing  
25 them, because I was not based in Bangui, but all I know is that Mr Jean-Pierre Bemba

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1 came to Bangui twice.

2 Q. Well, we will revisit that issue a bit later, but a few questions about Colonel  
3 Samba. You just said, and I'll provide the specific line reference, page 60 in the  
4 French version, line 19, I asked you: "Did Colonel Samba travel to the Central  
5 African Republic?" And you answered: "I didn't see him. I don't remember."  
6 And if I stress that word, that name rather, "Samba," would you care to change your  
7 testimony or do you maintain that you did not see him?

8 A. I don't remember seeing him.

9 MR BADIBANGA: (Interpretation) Your Honour, I'd like to use  
10 number -- document 96 on the Defence list, and this is CAR-OTP-0026-0585.  
11 Document 96, reference 0027-0585.

12 PRESIDING JUDGE STEINER: At what page, Maître?

13 MR BADIBANGA: (Interpretation) Page 588, line 92. Page 588, line 92. In  
14 actual fact, I could start by reading from the top of the page as of line 73. I think that  
15 will be clearer.

16 Q. This is what you said, Witness. (Redacted) you were asked this: "At  
17 the beginning you mentioned four names; Amuli, Égide, Samba and Munanga. In  
18 (Redacted) you already explained to us who Mr Amuli and who Mr Munanga are.  
19 Can you please first spell the name of Colonel Égide and Samba and then explain  
20 their function? Who are they? What did they do?" And then from line 81 to 91,  
21 you spelled out the name "Égide." Then, as of line 93, you spelled out the name  
22 "Samba."

23 Then as of line 105, you gave the following explanations: "He worked for  
24 Mr Jean-Pierre Bemba's security detail, the chairman." And you were asked this:  
25 "Do you know the immediate supervisor of Égide and Samba, the person that they



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1 reported to?" You said this: "I think that Samba reported to the chairman because  
2 he was the one who was in charge of his security. Égide worked with General  
3 Kibonge and he was the head of the intelligence unit or service. He was also  
4 Secretary of Defence .

5 Then you were asked this: "Do you know whether Égide and Samba had visited the  
6 Central African Republic? In addition to the visit that they made, did they visit  
7 more than once?" And you answered this: "Samba came once, but as for Égide, I  
8 did not see him after that. I did not see him again." Question: "Do you know  
9 why Mr Bemba had brought those two people with him to Bangui?" And you said:  
10 "I think he did that himself. They were people who were in charge of his  
11 intelligence service, and I think that's why he brought them with him, but I don't  
12 know whether they had any other specialty."

13 So I'll leave it at that for right now, Witness, before going on. I would like to ask you  
14 this: Do you now remember a visit from Colonel Samba?

15 A. No, I do not recall. If you don't mind, I'll tell you this: It is possible -- it might  
16 have been a mistake on my part. However, the truth is that I don't remember seeing  
17 Samba. All I know is that he was in charge of Mr Jean-Pierre Bemba's security. But,  
18 you know, when you try to remember events that occurred 11 -- more than ten years  
19 ago, it's not an easy task. It's hard to remember if those events were not recorded  
20 anywhere, so I don't remember either Samba, nor Égide, nor Munanga in the CAR.  
21 I'm sorry. It might have been a mistake on my part.

22 Q. I'll continue reading out from this document, and perhaps that will refresh your  
23 memory and you will remember the conversation. Let me continue from the spot  
24 where I left off. You said that you knew that Colonel Samba had been to Bangui  
25 once. Are you talking about that visit or are you talking about another visit in

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1 addition to the first visit? And you said -- you said, "After that." Question: "Do  
2 you remember when this second visit occurred?" Answer: "No date springs to  
3 mind." Question: "Was it some -- a short while after the first visit, or much later?"  
4 Answer: "A bit later." Question: "Do you know the reason for this second visit  
5 that Colonel Samba made?" And you answered: "Yes. First of all, the army (Redacted)  
6 in Kinshasa had plans to go and attack the MLC going by way of Bangui, and there  
7 was an officer (Redacted) in Kinshasa who had already got to Bangui, and we had that -- we  
8 received that information. He came (Redacted). He said (Redacted) that we were not  
9 going to fight only against the Central African Republic people; we would also be  
10 fighting the Congolese army. They would be part of the fighting too. After  
11 receiving this message and after checking the accuracy thereof, and where the people  
12 were, the delegation was supposed to be there because (Redacted)  
13 (Redacted) He went back after  
14 carrying out all his activities, all the ones he was supposed to carry out."  
15 Does this ring a bell? Do you now remember Colonel Samba's visit, Witness?  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)  
25 (Redacted)

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1 planning an attack about the MLC.

2 Do you now remember the second mission (Redacted) when you

3 went to the CAR?

4 A. Remember, when you came and interviewed me the first time in

5 (Redacted) I said some things to you, and do you remember that I called

6 you when you were here in The Hague, and I hadn't lost your telephone number at

7 that time. I called you and I told you that I just remembered some other events.

8 That was to -- was that to clear up something? It was to clear some things up or to

9 provide more information, to clarify, so I repeat: Perhaps I made a mistake or two,

10 and if I made some mistakes it wasn't on purpose. I can confirm that I did not

11 receive two missions, and I reiterate, I did not see Samba.

12 MR BADIBANGA: (Interpretation) Your Honour, if you look at this statement

13 from the witness, and also the reference to document 71, CAR-OTP-0020-0015, and I

14 also made reference to another document, and if you look at these various statements

15 and what the witness is now saying, you will see that we have three different

16 versions in front of the Chamber.

17 PRESIDING JUDGE STEINER: Maître Badibanga, Mr Witness, we are going now

18 into our lunch-break. It's 1.30. We'll be back at 3 o'clock. We hope you find some

19 time to take some rest before we resume at 3 o'clock.

20 The hearing is suspended.

21 THE COURT USHER: All rise.

22 (Recess taken at 1.28 p.m.)

23 \*(Upon resuming in closed session at 3.07 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Welcome back, everyone. And welcome back,

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1 Mr Witness.

2 MR WITNESS: (Interpretation) Thank you very much, Madam President.

3 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

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

5 PRESIDING JUDGE STEINER: So I give back the floor to Maître Badibanga.

6 MR BADIBANGA: (Interpretation) Thank you, Madam President. And hello  
7 again, Madam President, your Honours.

8 Q. And good afternoon, Mr Witness.

9 A. Yes, hello again. Good afternoon, Maître Badibanga.

10 Q. I do apologise, Mr Witness. I just wanted to make sure that we were  
11 continuing in the same vein, i.e., the exchanges that we had this morning, and there's  
12 an additional matter that I would like to put to you. I would like us to move  
13 forward now so that, with luck, we will be able to finish with this testimony.  
14 Now, on Monday when I started putting questions to you with regard to the subject  
15 that I'm just about to broach, I had to come to a stop because you had not yet had the  
16 opportunity to read your previous statement. I believe that this has now been done  
17 and that you have read through all of your statements, including that of (Redacted)  
18 (Redacted) Am I correct in so saying?

19 A. Yes, I have read what I was given.

20 Q. Now, the -- what I wanted to know, Mr Witness, was whether (Redacted) talked to  
21 Mr Jean-Pierre Bemba about the information (Redacted) over the radio, notably,  
22 with regard to violent acts committed by the MLC troops. Whilst you were in the  
23 CAR, did (Redacted) talk to Mr Bemba about this?

24 A. I believe that it was at that moment in time that he sent Romain Mondonga in  
25 order to lead an investigation, so he was in the know as to what was going on.

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1 Q. Romain Mondonga came at the end of October 2002; is that correct?

2 A. I no longer recall the precise date.

3 Q. Did Mr Mondonga come during the period when the seven soldiers were  
4 arrested, these seven soldiers who were accused of looting?

5 A. I do believe so.

6 Q. Now, in keeping with your own statements, Mr Witness, the seven individuals  
7 were arrested I believe, if I'm not mistaken, two days after you arrived. So we can  
8 therefore suppose that Mr Mondonga came during approximately the same period,  
9 that is two days after you arrived in the CAR; is that correct?

10 A. That is not my opinion.

11 Q. So please tell us your opinion.

12 A. I do not know how many days went past after what Willy did, but he did not  
13 arrive before Willy. He arrived after Willy, but I would not be in a position to tell  
14 you how many days had gone by between and in fact before his arrival.

15 Q. Now with the exception of Mr Mondonga, who else did Mr Bemba send to the  
16 CAR in order to conduct investigations into the acts of violence? Did any other  
17 individuals come with that objective in mind?

18 A. I no longer recall, but I do not believe that he sent anybody else, unless I am  
19 mistaken. I did not see anybody else on mission, on an investigation mission, in fact.

20 Q. And in the following months, the months following Mr Mondonga's visit, did  
21 (Redacted) have any discussions with Mr Jean-Pierre Bemba with regard to the information  
22 that was being broadcast over the radio?

23 A. You will remember that I told you that he himself was following what was  
24 going on on the radio. He asked questions, yes, and (Redacted) answered him, and  
25 then subsequently a commission was set up, if my memory serves me correctly.

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1 Q. This is for the record, when you say that subsequently a commission was set up,  
2 are you talking about the commission that Mr Romain Mondonga led up?

3 A. I no longer recall whether Mr Romain Mondonga led the commission, or  
4 headed it, but he worked together with other Central Africans and I do remember  
5 that I told you that Mondonga was a member of that commission. I do not believe  
6 that I said that he headed it up.

7 Q. Indeed, that is what you said, you are right. Now, one point of clarification,  
8 Mr Witness. Apart from Romain Mondonga and other Central Africans, were there  
9 or was there another Congolese individual or any other Congolese members of that  
10 commission?

11 A. I only remember Romain Mondonga, only him.

12 Q. Now, I suggest that we put this commission that Mr Romain Mondonga was a  
13 member of to one side. I would like to now talk about what happened subsequently  
14 in the months after this commission. At that moment in time did (Redacted) have any  
15 further discussions with Mr Bemba on what was being broadcast over the radio, and  
16 was there another commission or were there any other individuals who came?

17 A. I do not remember if any other commission existed, apart from the one that I've  
18 already mentioned. I no longer recall whether he put any questions to me on the  
19 subject or whether I volunteered information.

20 MR BADIBANGA: (Interpretation) Madam President, with your permission I  
21 would request that we view a video excerpt. That would be number 7 on the  
22 inventory that has been handed to you. We know that there have been some  
23 difficulties to download the video in (Redacted) so we would like to play it here, on  
24 an experimental basis, and then the court officer in (Redacted) will tell us whether it is  
25 audible for them or not, and if so we will be able to continue with the questioning. If

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1 not, we'll have to change the way we proceed.

2 Now, this seventh document on the inventory that I gave you bears the reference

3 CAR-OTP-0056-0429, and this is document 62 on the list of OTP documents. It will

4 be viewed from time-stamp 17.29 until 24 minutes. This will be the seventh, and the

5 reference is CAR-OTP-0058-0535. This is document 131 on the Defence list. This

6 will be from page 545, line 335 to 546, line 373.

7 (Viewing of video excerpt)

8 MR BADIBANGA: (Interpretation)

9 Q. Witness, when talking about the group of seven individuals who were arrested  
10 around the time when Mr Romain Mondonga came to visit subsequently, they were  
11 being accused of looting, I believe, only, and not rape. Am I mistaken?

12 A. As I said to you before, at that moment in time and today, before the Court,  
13 when (Redacted) nothing came to light. (Redacted) Willy  
14 and his group members had some booty. As for rape and looting, well, the inquiry  
15 didn't turn anything up in this regard.

16 Q. And in this excerpt, Mr Witness, are the words that you heard (Redacted)  
17 (Redacted)

18 A. I heard what you said and, yes, that is indeed what I said.

19 Q. So therefore you said that Mr Bemba heard what he heard on the radio (Redacted)  
20 (Redacted)  
21 (Redacted)

22 A. Even the Chief of General Staff said that he had heard from the chairman that  
23 something had happened, and then the chairman asked him to go and check.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. Mr Witness, is it true to say that when Mr Kilolo was questioning you on  
3 26 February, you said that Mr Mondonga, or at least the commission of which  
4 Mr Mondonga was part, the commission also put questions to you? Do you  
5 remember having said that?

6 A. Yes, I do, and yes, the commission did put questions to me.

7 Q. Now, I shall come back to the communication log-book, Mr Witness. This is  
8 document 37 on the Defence list of documents, CAR-D04-0002-1641, and I'd like us to  
9 consult page 1658, please.

10 So I'm going to be reading three messages to you, Mr Witness, and what I'm asking  
11 you to do is to really pay attention to the date of these messages. On page 1658, to  
12 the top right-hand corner, this is what the message says: "Extremely urgent. From:  
13 Colonel Moustapha. To: General Chief of Staff of the ALC for information or CC  
14 to the chairman. I have the honour to salute you," and I believe that that is followed  
15 by VR, "and to inform you, notably, that by urgent operation we request two phonic  
16 radios and a Kenwood microphone in order to facilitate the co-ordination between  
17 the various units. We hope that at the first opportunity your intervention will  
18 relieve us. In 25 December 2002."

19 And the second message begins on page 1676, 1-6-7-6, still within the same log-book.  
20 This is to the bottom right-hand side of the page and it will continue on to the  
21 following page, on page 1677, and this is what the message says: "Extremely urgent.  
22 From: ALC Chief of General Staff. To: SNFB in Zongo," I believe that that means  
23 the National Secretary for Finance And budget, "Sud Équateur section commander" is  
24 copied into this and there are figures over what is written "Chairman," and I continue  
25 on to the next page, "Tomorrow the helicopter will be travelling from Zongo to



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1 Bangui in order to transport salt from the Sud Équateur operational secteur. Upon  
2 the orders of the Chairman, you are to buy 20 pre-prepared litres of acid for the Sud  
3 Équateur operational secteur. As it's their last flight in that direction, they are in the  
4 need. Thank for your collaboration." This is dated 7 January 2003.

5 So, still in the same document, I'd like you to look at page 1726, 1-7-2-6. The  
6 message starts at the bottom on the left and it finishes on the right of the page. This  
7 is a message which has already been read to you by Counsel Kilolo in transcript 285,  
8 26 February, and I think that I also read it with you. The message says the following:  
9 "Extremely urgent. From: Colonel Moustapha/RCA. To: Chief of General Staff  
10 ALC. Copy to Chairman." And at the top on the right, "Referring to my message  
11 number 009 of 11 January 2003. Refer to a request for matériels. We would ask  
12 again for the following," and then there's a list of everything they're asking for, "SMG,  
13 munitions, LMG," and we'll save reading all the items that are listed.

14 At the end, "In addition to weapons, we are sending a microphone for the  
15 transmission. We await for a higher superior level." And it's dated  
16 20 January 2003.

17 Witness, I know that you answered this question. I just wanted to be sure that your  
18 answer was well written into the transcript. Did (Redacted) receive the things that (Redacted)  
19 asked for in this message, or not?

20 A. No. No, (Redacted) receive them.

21 MR BADIBANGA: (Interpretation) Your Honour, I would like the witness to be  
22 presented with document CAR-OTP-0045-0002. This is a document on the  
23 Prosecution list, number 7. If possible, could the witness be shown the second page,  
24 that's to say CAR-OTP-0045-0003.

25 Q. Witness, I asked that you be presented with this page so you may understand

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1 what it is about. We were able to take possession of the airport log-book during the  
2 period of the events and so, on this page, you can see how the document is presented.  
3 There's always a page for departures and a page for arrivals, and there is a whole  
4 series of information with regards to the planes that landed, or their landing or  
5 take-off rather, the type of plane there was, the registration number of the plane, the  
6 operator of the plane, and in the column for observations there's a date which is put  
7 for the flights.

8 This is an extremely large document. All the flights are contained therein. I'll just  
9 present one or two pages corresponding to the period which is of concern to us such  
10 that, in order to be fair with you, you will have the opportunity to see the documents  
11 yourself. So I would ask that you be presented with page CAR-OTP-0045-0076.

12 So if you can see on this page, Witness, 25 October 2002, there are certain landings or  
13 certain departures. 25 October 2002. And then there's nothing to -- until Sunday,  
14 3 November 2002. And you told us that the airport was for a while in the hands of  
15 the Bozizé rebels at the time of the conflict; is that correct?

16 A. When I arrived in Bangui, yes, the airport was still occupied by Bozizé's troops.  
17 Yes, I remember having said that.

18 Q. That's correct, Witness. And reading this document, we have the feeling that  
19 the airport was closed, or at least that there was no movement between 25 October  
20 and 3 November.

21 On the next page, CAR-OTP-0045-0077, that shows the same information concerning  
22 arrivals. Between 25 October 2002 and 3 November 2002, there are no arrivals, no  
23 movements at the airport.

24 After this, on the next page, CAR-OTP-0045-0078, we have the movements for  
25 Monday, 4 November, and Tuesday, 5 November. In terms of departures, you will

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Witness: CAR-D04-PPPP-0019

1 see that the second flight that is indicated, which has 8.51 as the time of departure,  
2 this is an Antonov 26 plane which has the registration 9TALC. 9T, Tango Alpha  
3 Lima Charlie. And you will see in the column "Operator," it's marked "MLC." If  
4 we look at the lower part, 5 November, 9.35, you see Antonov 12, 9 Tango Alpha  
5 Lima Charlie, and the operator is the MLC/DRC. I think there's a "C," but it's  
6 difficult to read.  
7 If we focus on flight of 4 November, we can see that it left the airport at 8.51, but on  
8 the next page, we know when it arrived. The next page is 0045-0079. This is the  
9 page of arrivals for Monday, 4 November; Tuesday, 5 November; and you will see on  
10 the second line 7.41, Antonov 26, 9 Tango Alpha Lima Charlie, Operator MLC.  
11 As I told you, Witness, this is a very large document. We were lucky enough that an  
12 officer could give us a summary version, which is certainly easier to read. And the  
13 summary version is the eighth document, your Honour, of the Prosecution list, which  
14 has the reference CAR-OTP-0045-0228.  
15 Witness, you see that the person who worked made five columns indicating the date,  
16 the registration number, type of plane, the provenance, using the international  
17 designated codes, and then the departure. It starts on 2 January 2002. We're going  
18 to leave that period. We can go to page 0049-0238.  
19 On this page, Witness, if you look at the second column, registration numbers, and  
20 you look at the first column with the dates, you'll see that for example the flight that I  
21 just mentioned to you on 4 November and 5 November, well, it's the fifth and the  
22 sixth reference.  
23 You have 9 Tango Alpha Lima Charlie, one from 4 November, one from 11 November.  
24 There are a lot of MLC flights that appear on this document. I'm not going to  
25 mention all of them. I'm just simply going to go to the next page,

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1 CAR-OTP-0045-0239.

2 You see on this page, the first line 27 November 2002, they're talking about a different  
3 type of machine. This one has the registration 9 Tango Bravo Mike India 90BMI, and  
4 next to it, type, it says, "MI8." Witness, do you know what type of plane that is?

5 A. No, I have no answer to give you with regards to this aero neuf. I don't know.

6 I can't make a difference -- I can't differentiate between different types of aero neuf.

7 What I can see are abbreviations here. I'm not an expert in aviation.

8 Q. Thank you. This is a helicopter. I just want you to look at the very last line

9 on the page, 25 December, and you can see that the MI8 did stop in Bangui. It's

10 written 25 December 08, but it seems to be a mistake in the writing because the

11 previous dates are all '02, '02 and on the next page it continues with 02.

12 So, Witness, you remember that the first message that I read to you, on page 1658 of

13 the log-book, was a request (Redacted) for two radio phonies and a microphone

14 from 25 December. I note, looking at this log-book of the airport, that there was

15 movement of a helicopter on 25 December. On the next page, CAR-OTP-0045-0240,

16 there's a movement of a helicopter, the second line, 29 December 2002.

17 I read a message from the Chief of Staff, the ALC, addressed to the Zongo. That's on

18 the page 1676, and he was saying in this message, "Tomorrow the helicopter will go

19 to Bangui for the transport of salt, et cetera." Dated 7 January 2003. If you look at

20 the page where we are at the moment in the airport log-book, then you see CAR-OTP

21 0045 to 0240, you can see that on 8 January, on two occasions the MI8 is indicated.

22 So two movements of the helicopter on 8 January 2003. It comes back on the 9th and

23 on the 11th as well, there are these two movements there. And there's the third

24 message, (Redacted) ask for a whole series of munitions, (Redacted)

25 (Redacted) microphone (Redacted) in order to carry out

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1 transmissions, and that is dated from January 2003. If we take the page where we  
2 are at the moment in the airport log-book, page 240, you can see that the next day, or  
3 21 January, the helicopter made two movements and then, on 23 January it also made  
4 another movement. No, it's the Antonov 26 -- no, it's an Antonov that does that on  
5 23 January. We weren't there, Witness, but you were there. That's why I'm asking  
6 the question again: The goods that (Redacted) asked for, were they delivered by  
7 helicopter from Gbadolite to Bangui?

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) With regards to the movement of the aircraft, I

24 wasn't working at the airport so it was difficult for me to supervise their movements

25 or watch their movements when they carried out such movements.

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1 If you would allow me, I can tell you that I remember that when I was in (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted). What do I mean by that? It's not

5 only during the hostilities that there were aircraft movements; that's to say there were

6 these aircraft that went to Bangui to get fuel. It was before the war as well. Thank

7 you.

8 PRESIDING JUDGE STEINER: Maître Kilolo, is it a procedural matter or you're

9 going to mention anything about the merits of the question? Because if you are, we

10 are going to mute the sound in the room of the video link.

11 MR KILOLO: (Interpretation) If you so wish, you can mute the sound.

12 PRESIDING JUDGE STEINER: Mr Rojas, could you please mute the sound.

13 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, the sound has

14 been muted. We can no longer hear you, but you can hear us.

15 PRESIDING JUDGE STEINER: You can proceed, Maître Kilolo.

16 MR KILOLO: (Interpretation) Yes, your Honour. Furthermore, I didn't want to

17 raise an objection before the witness had provided an answer to the question that was

18 put, but I would like to point out that rather than asking direct questions and open

19 questions to the witness, Mr Badibanga is carrying out an exercise which, in principle,

20 is reserved for the final submissions. That's to say that he goes into very long

21 pleadings. You only have to look at the last question that was last put. That took

22 around a quarter of an hour to go through a document which manifestly the witness

23 does not know. I'm just giving an example when in this document, and here I'm

24 talking about the document CAR-OTP-0045-0240, on page 022 -- sorry, no, 0240,

25 CAR-OTP-0045-0228, page 0240.

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1 He asked the question to the witness if he knew what "MI8" referred to. The witness  
2 answers, says clearly he doesn't know. So he says, "It's a helicopter."

3 The second example on the same page -- or rather on a previous page, there are flight  
4 movements from 2002 to 2008. That already raises problems with regards to the  
5 authenticity and reliability of this document, but he says to the witness that this is an  
6 error.

7 So that is an exercise through which he testified himself, leading the witness into  
8 error, and ultimately he asked a question which necessarily is already leading by  
9 certain prior matters which he presents as established facts.

10 And I think from this point of view it would be appropriate to ask him to respect the  
11 rules of examination that you set, and you've already -- well, you have reminded us,  
12 reminded the Defence of on several occasions. Thank you very much.

13 PRESIDING JUDGE STEINER: Maître Badibanga, would you like to say something?

14 MR BADIBANGA: (Interpretation) Your Honour, I simply want to say, Madam  
15 President, that depending on the circumstances Defence would blame me for  
16 explaining the content of a document to a witness and in other circumstances I'm told  
17 that I haven't provided enough information on the documents. I don't know what  
18 the Defence principle on this matter is.

19 I have a recollection of a number of times when we have just put questions directly to  
20 the witness and Defence has said, "In order to be fair, you must explain to the witness  
21 what is happening or what you're talking about." And then now I make the effort to  
22 explain to the witness, without any bias to the extent possible, I am being blamed for  
23 providing that explanation.

24 I want to say that I am not making any final submissions. I simply wanted to lay a  
25 foundation before putting the question to the witness. That is exactly what I did.

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1 PRESIDING JUDGE STEINER: Maître Kilolo, your observations are on the record.

2 Let's see if we can proceed. If need be, Maître Badibanga will rephrase the questions  
3 in a manner that does not appear to be leading.

4 Mr Rojas, could you please put the sound back.

5 THE COURT OFFICER (Redacted): (Interpretation) Madam President, we can  
6 now listen to you again.

7 MR BADIBANGA: (Interpretation)

8 Q. Witness, I would like us to move forward and to talk about collaboration on the  
9 ground with the FACA. Would it be correct -- or would it be a correct summary of  
10 your statement if I put it to you that you said that you had a good collaboration with  
11 the FACA on the field and that you were working under the orders of the Central  
12 Africans? Would that be a fair reflection of what you said?

13 A. Yes, that is correct.

14 Q. Witness, what was the name of Mr Tutu Kuese's unit? Major Tutu Kuese's unit,  
15 what was the name of that battalion?

16 A. Tutu Kuese's battalion, well, I don't know the name of that battalion, as a matter  
17 of fact. All the forces were pooled together. All the forces and units were pooled  
18 together. We had the FACA, the USB. That was a special unit for the presidential  
19 protection. Then you had Miskine's troops, which had no name. Ours was the 28th.  
20 Theirs had no name. They sent us people who were merged. So my conclusion is  
21 that I do not know the name of that unit.

22 Q. When did you come to know that they included soldiers of the USB of Miskine  
23 and of the FACA? When did you become aware of this information?

24 A. I was aware of this information from the very day I started (Redacted)  
25 (Redacted)



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1 Q. That group of forces, what was the strength of that group? How many soldiers  
2 were in that unit that were placed under Major Tutu Kuese?

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 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Witness, let me read out to you excerpts of your statement of (Redacted)

21 Madam President, it would be Defence document number 98, CAR-OTP-0027-0629,

22 page 646, line 555.

23 Witness, this is your statement regarding Major Tutu Kuese and the Central African

24 troops (Redacted) "Tutu Kuese was with the battalion, the

25 battalion that was at the battle-front with us. In that battalion they had soldiers of

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1 the land forces, their soldiers of the land forces, Miskine's soldiers and soldiers from  
2 the Presidential Guard. After their conflict and following some failure in the  
3 operations, we discovered at that time that their battalion was made up of three  
4 groups. Initially, when Tutu Kuese was given to us, we thought that it was a single  
5 battalion. We didn't know that it was made up of several parts."

6 Witness, you have just told this Court under oath a few minutes ago that you became  
7 aware of the composition of Tutu Kuese's troops (Redacted) start the  
8 operations, but in your statement here you say that initially you thought that it was a  
9 single battalion, that you didn't know that it was made up of different parts. Which  
10 of these versions is the right one, Mr Witness?

11 A. They had failed in their operation and called upon us to help them. If they had  
12 been victorious, they wouldn't have called for our help. In fact, I don't see any  
13 difference between my statement and my testimony, that is between the document  
14 and what I have said. You see, on the first day, when we got there, they had already  
15 failed.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 And you may want to know that in the army, in our army, we have a unit that works  
6 at the presidency. That unit could report to the Chief of Staff or could also report to  
7 the chief of the maison militaire, at the presidency, or they could even report directly  
8 to the president himself.

9 You see, the presidential units of the army are not conventional-type units of the  
10 army. Maybe it's difficult for you to understand that, but please take what I'm  
11 saying as the truth. That is the manner in which the army is organised.

12 Q. Still in the same document at page 647, line 616, still document number 98 of the  
13 Defence list of documents. Witness, this is what you say regarding your  
14 collaboration or working with the Tutu Kuese group. The following question was  
15 put to you: "The various companies of that Central African battalion which you said  
16 were on various roads, is that the case?" Answer: "Yes." Question: "Were they  
17 together with (Redacted) soldiers; is that correct?" Answer: "We were with them but  
18 we did not constitute one unit or a single unit." Question. (Redacted)

19 (Redacted)

20 (Redacted) Answer: "Yes."

21 Now, Mr Witness, is this what you would refer to as perfect collaboration: One, you  
22 do not know the composition of Tutu Kuese's troops, you only find out later on; two,  
23 (Redacted)

24 he reported directly to the Central African authorities? Do you stand by your  
25 testimony that collaboration with the FACA troops was perfect and that you worked

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1 together as a single, coherent unit?

2 A. Yes, I stand by my testimony. Let me paint a picture for you of the manner in  
3 which we were one unit although we were different. I have just drawn a circle.

4 Maybe you will be able to see it, if it can be shown to you. There is a red part.

5 Now, where you have the red line, that will be the defensive line that we had in place.

6 I can show you how we set up our defence line in order to point out to you that we

7 were part of the same group. I don't know whether you're able to see what I am

8 drawing here. The red line is our defence line, the defence line of the Central

9 Africans. Then the blue part is the defensive line of the Congolese.

10 Now, if the enemy were to come from the red side, we would all fight together

11 against that enemy. They would fight, and when they are tired, we will take over.

12 But if the enemy were to come from the Congolese side, they will be on stand-by and

13 we would engage in combat. That is the manner in which things unfolded.

14 Let me reassure you that we had good relations with the FACA and it is in this

15 manner that we deployed our defensive lines, and in doing so it was possible for us

16 to control movements in front of us, to the right, to the left, and behind, and on all the

17 roads, all the axes, we were set up according to that organisation. So I will give this

18 paper to the person who is here with you so that he may show it to you, to help you

19 to understand the explanations that I have just provided. Thank you.

20 Q. At this level of my examination, Witness, I did not need such a diagram, but if

21 you feel that it is necessary to produce it, all I can ask is whether you have signed it

22 and appended a date to that document?

23 A. Well, if you want me to date and sign the document, I can do so.

24 Q. I don't want to raise any polemics, Witness, but if you are to give any document

25 to the court officer, it would be necessary to date and sign it to dispel any fears as to

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1 whether you may or may not be the author of the document.

2 A. Very well.

3 THE COURT OFFICER (Redacted): (Interpretation) Madam President, would you  
4 like a copy of this to be displayed, or do you want me to scan the original and have it  
5 on Ringtail?

6 PRESIDING JUDGE STEINER: Unless Mr Badibanga wants to use the document  
7 right now?

8 MR BADIBANGA: (Interpretation) Not at all. I had already moved on to the next  
9 line of questioning. This will not be necessary. I believe that the court officer could  
10 keep the document.

11 PRESIDING JUDGE STEINER: An ERN number is to be assigned to the document.

12 THE COURT OFFICER: Thank you, Madam President. This document will bear  
13 the following ERN number: CAR-ICC-0001-0088.

14 MR BADIBANGA: (Interpretation)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (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) Now, as a military man,

22 can these people subsequent to that have any authority whatsoever? I'd like you to

23 tell me how this all works. Could they then subsequent to that have any authority

24 (Redacted)

25 A. I didn't really understand your question, Counsel. Could you please repeat it?

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1 Q. I suggest that we move on, Mr Witness. Was food provided to you from you  
2 the DRC, that is the food for the soldiers? Was it supplied from the DRC whilst you  
3 were in the CAR?

4 A. On occasion things such as oil and beans would come from the DRC, but the  
5 money came from the CAR.

6 Q. I thank you for providing us with that shade of meaning, Mr Witness. I do not  
7 believe that I heard that when Maître Kilolo put the same question to you. So I  
8 would like us to now finish up with one last point. What was the position of  
9 Mr Jean-Pierre Bemba with reference to the ALC? What was his rank, what was his  
10 grade, and what was his title?

11 A. Would you like me to answer that question for you?

12 Q. Yes, I would, Mr Witness, please.

13 A. He was the Supreme Commander of the ALC.

14 Q. Does that mean that he was number 1 within the ALC?

15 A. Not only within the ALC, he was also within the MLC. The Supreme  
16 Commander of the army is the person in charge or the chief of that army.

17 Q. Mr Witness, I'm just casting an eye over my notes, but from memory, did you  
18 not say to Mr Kilolo that it was General Amuli who was number 1 in the army?

19 A. The commander of the army is different from the supreme commander. I do  
20 not know how to say that (Redacted) because even I do not know what a supreme  
21 commander is (Redacted) how it is said in the (Redacted) language. The Chief of  
22 General Staff is the number 1 manager in the army. The army comes under his  
23 orders. But Chief of General Staff falls under the command of the supreme  
24 commander, and I am hearing here that there are interpreters who know (Redacted)  
25 better than I do and maybe they would be in a position to tell us what the difference

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1 is between the Chief of General Staff, who is called also Chief of Staff --

2 THE INTERPRETER: Says the witness in English.

3 THE WITNESS: (Interpretation) -- and the supreme commander. You should not  
4 be thrown by (Redacted) language. I do not know how we can call the supreme  
5 commander in (Redacted)

6 MR BADIBANGA: (Interpretation)

7 Q. That is why, Mr Witness, in order to be sure that all of us here within this  
8 courtroom who are just as unfamiliar with the military terms as I am, I have not  
9 asked you what the difference was between the two ranks. I asked you whether he  
10 was number 1 within the army, and to Maître Kilolo you said that he was number 1  
11 within the army. I would like us to use together the expression number 1 in the  
12 army. Who was number 1 of the ALC?

13 A. Amuli was the Chief of General Staff. Mr Bemba was the Supreme  
14 Commander of the ALC.

15 Q. Mr Witness, what was Mr Bemba's role with regard to the operations in the  
16 Central African Republic? In your opinion, what was his role?

17 A. Well, I can't say that he did such-and-such specifically but what I can say is that,  
18 according to the structure of any given army, I'm not quite sure, maybe the army that  
19 you're familiar with, or from your country, the Chief of General Staff, in hierarchical  
20 terms, is the chief of the army, but he cannot take a decision over an army. It is the  
21 supreme commander who can enter into contact with another individual. He cannot  
22 decide either without meeting his staff. He might have played a role because he was  
23 the one who received a telephone call in order to go and provide assistance and he  
24 might then have convened his troops and informed them of the request that he had  
25 just received.



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1 Q. Mr Witness, (Redacted) would it be true to say  
2 that the looted goods were returned to the Central Africans and the seven soldiers  
3 were sent to the DRC; is that correct?

4 A. You are indeed telling the truth.

5 Q. And this sharing out of possessions, was that because these soldiers were under  
6 Gbadolite and that the Central Africans could not have taken any disciplinary  
7 measures against them?

8 A. He was not in a position to take this decision. I think that it depended on the  
9 agreements that they had signed. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) pursuant to the agreements signed. And the same applies in the Central  
13 African Republic. I did not see any agreement saying that Congolese soldiers might  
14 be tried in the Central African Republic, and that is why they were sent home to the  
15 DRC, in order to stand trial.

16 Q. Now, Mr Witness, we said at length that in the year (Redacted) on three occasions  
17 you met with officials from the Office of the Prosecutor and that statements were  
18 taken. I'd like to now put questions to you with regard to your contact with the  
19 Defence. Now, when did you meet the defence for Jean-Pierre Bemba for the first  
20 time?

21 A. If I am not mistaken, it was in the (Redacted) if my memory serves me  
22 correctly. We did not have a face-to-face meeting. We met over the telephone.

23 Q. And who called you?

24 A. Maître Kilolo.

25 Q. So that was the first contact that you had. And what further contact did you

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1 have with the Defence team?

2 A. We did not have a face-to-face meeting. Maître Kilolo called me on three  
3 occasions. On the first occasion I do not recall very well. I believe that it was in the  
4 month of (Redacted)

5 THE INTERPRETER: The interpreter corrects; (Redacted) interpreter: It was in the  
6 month of (Redacted)

7 THE WITNESS: (Interpretation) I'm not going to give you any dates because there  
8 might be contradictions. I did not actually retain the information. I think it was in  
9 the same period. On the second occasion he came to (Redacted) (phon), but I did not  
10 have the authorisation to meet with him and therefore we did not meet. On the  
11 third occasion, it was the day before yesterday, when he told me that I needed to  
12 prepare, in order to appear before the Court. Those were the three occasions on  
13 which we spoke over the telephone. In addition to any telephone contact, well,  
14 I don't know, and even now when I see image of the individual which is blurred, I  
15 did not meet him.

16 MR BADIBANGA: (Interpretation)

17 Q. Did you meet anybody else representing the Defence team or representing  
18 Mr Jean-Pierre Bemba?

19 A. No, I have not yet met anybody else.

20 MR BADIBANGA: (Interpretation) Madam President, I know that you're very  
21 attentive to precise details, and attention has been called to the fact that the witness  
22 said that he said "He called me the day before yesterday." Maybe I could shed light  
23 on the matter, if you so wish?

24 PRESIDING JUDGE STEINER: So maybe the witness could explain what was the  
25 last time he talked with Maître Kilolo.

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1 THE WITNESS: (Interpretation) Thank you. It was before I came here. It was  
2 not the day before yesterday as such. It was before I came, before the 20th; that is to  
3 say at the beginning of the month of February. No, it wasn't the day before  
4 yesterday. I do apologise, I did say day before yesterday in (Redacted)  
5 which might mean day before yesterday or another day not too far removed in the  
6 past.

7 MR BADIBANGA: (Interpretation)

8 Q. Now, Mr Witness, during the telephone exchanges that you had with Maître  
9 Kilolo, did you discuss the substance of your testimony?

10 A. Is he supposed to tell me what I should answer? Well, he put questions to me,  
11 just like you have done; virtually the same questions were put to me by him as have  
12 been put to me by you.

13 Q. These are standard questions that we put to any witness, Mr Witness. I'm just  
14 looking at a sheet here that we prepared from the outset. Did you receive any  
15 documents to read in order to prepare for your testimony? I'm not talking about the  
16 VWU, I'm talking about your exchanges with the members of the Defence team. Did  
17 you receive any documents in order to prepare your testimony?

18 A. No, I did not receive any documents. He put questions to me just in the same  
19 manner that you have done with your team, and I did not -- I wasn't told by you or I  
20 wasn't prepared by you, I wasn't told that I was to be asked such-and-such a  
21 question.

22 Q. Did you receive any promises from the Defence in exchange for your  
23 testimony?

24 A. No, I did not receive anything, nor did I receive any promise that I would  
25 receive anything.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 Q. Did you receive any payment in reimburses of expenses incurred, notably,  
2 communication or travel costs, or any other expenses?

3 A. At the time when we were communicating, I was not the one who called. You  
4 know, if we call from here -- well, with regard to travel, there is a gentleman here by  
5 the name of Patrick. He's the one who paid for the plane tickets for myself (Redacted)  
6 (Redacted) and it is the same individual, Mr Patrick, who  
7 has been taking care of me. I do not know whether Patrick is from the Defence or  
8 the Prosecution; I do not know.

9 Q. Mr Witness, did you discuss your testimony before the ICC with anybody else?

10 A. Well, you are there and those who are here, and my leaders, are the ones who  
11 are aware that I am coming to testify. Aside from these people, nobody is aware  
12 that I am testifying, apart from yourself, the OTP and the Defence.

13 Q. Mr Witness, did you talk with any former MLC soldiers who took part in the  
14 operation in the CAR since you left the CAR in the year 2003? Have you discussed  
15 this case and the substance of your testimony with anybody?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) Can I say -- well, I can say hello to anybody that I know.

20 PRESIDING JUDGE STEINER: Maître Badibanga, it's just a follow-up question.

21 Mr Witness, you mentioned that this Mr Patrick, just for your information, he's not  
22 from Defence or from the Prosecutor; he is the representative of Victims and  
23 Witnesses Unit. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
Witness: CAR-D04-PPPP-0019

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: Mr Witness, it's just to remind you that you were  
9 granted by the Chamber protective measures, in order to protect your safety, your  
10 well-being, the security of your family; you are testifying in full closed session. We  
11 expect that you do not comment about your testimony with anyone. Do you  
12 understand that, sir?

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

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1 (Redacted)

2 (Redacted)

3 Maître Badibanga, I'm sorry that I interrupted you, but it was the right moment to  
4 make these observations to the witness. You have the floor.

5 MR BADIBANGA: (Interpretation) It would seem that in view of the time of day,  
6 Madam President, I won't able to -- of course, you realise that I was winding up, but  
7 I don't know whether in the next minute I'll be able to do that. Maybe I should just  
8 start with the first five minutes of the next session in order to round things up nice  
9 and slow.

10 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.

11 Mr Witness, I'm sure it's enough for today. We will adjourn. The Chamber is not  
12 sitting tomorrow or the day after tomorrow, which means that we will have to see  
13 you again on Monday morning. So we hope you take some time for yourself during  
14 the weekend and that we can continue and maybe conclude your testimony on  
15 Monday morning.

16 Just to remind the parties and participants that on Monday morning we will be sitting  
17 only for two hours in the morning, from 9 to 11.

18 I thank very much the Prosecution team, the legal representatives of victims, the  
19 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very, very much our  
20 interpreters, our court reporters. Thank you, Mr Rojas, and thank you very much  
21 Mr Witness.

22 We will adjourn, and resume on Monday morning.

23 This hearing is adjourned.

24 THE WITNESS: (Interpretation) Thank you.

25 \*(The hearing ends in closed session at 5.02 p.m.) Reclassified as Open session

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

- 1 RECLASSIFICATION REPORT
- 2 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 3 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.