

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

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 Friday, 30 November 2012
8 (The hearing starts in open session at 9.06 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome Prosecution team, legal representatives of victims,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, court
21 reporters.
22 We will start today with the testimony of the 15th witness called by Defence, Witness
23 CAR-D04-PPPP-0066, but before the witness is brought into the courtroom the
24 Chamber has some oral decisions to be issued. The first is the oral decision on the
25 application to question Witness D04-66 by the legal representatives of victims.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 On 22 November 2012, the Chamber received an application from Maître Zarambaud
2 on behalf of the victims that he represents to question Witness D04-66 (Filing
3 2433-Conf). The application contains a list of 22 sets of questions.
4 On 27 November 2012, the Chamber received an application from Maître Douzima
5 Lawson on behalf of the victims that she represents (Filing 2442-Conf). The
6 application contains a list of 15 questions.
7 Having considered the reasons given by both Maître Douzima and Maître
8 Zarambaud as to why the personal interests of the victims they represent are affected,
9 the Chamber allows the respective representative applications to question Witness 66.
10 Turning to the proposed questions, both legal representatives of victims are allowed
11 to pose all of their proposed questions as set out in their aforementioned applications.
12 The Chamber is now going to issue its oral decision on protective measures for
13 Witness D04-66, and for that purpose I ask, please, court officer to turn into private
14 session.

15 *(Private session at 9.09 a.m.) Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

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

Page 3 redacted

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

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

Page 4 redacted

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 (Redacted)

2 (Redacted)

3 I now ask, please, court officer to turn into closed session, in order for the witness to
4 be brought into the courtroom.

5 *(Closed session at 9.17 a.m.) Reclassified as Open session

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

7 (The witness enters the courtroom)

8 WITNESS: CAR-D04-PPPP-0066

9 (The witness speaks French)

10 PRESIDING JUDGE STEINER: We can turn into open session, please.

11 (Open session at 9.19 a.m.)

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

13 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.

14 THE WITNESS: (Interpretation) Good morning, your Honour.

15 PRESIDING JUDGE STEINER: Mr Witness, I hope somewhere in front of you there
16 is a card on which is printed a solemn undertaking. Could you please read out the
17 words on the card?

18 THE WITNESS: (Interpretation) I solemnly declare that I will tell the truth, the
19 whole truth and nothing but the truth.

20 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can
21 you confirm that you understand what the oath means?

22 THE WITNESS: (Interpretation) Yes, I understand it well. It asks you to tell the
23 truth.

24 PRESIDING JUDGE STEINER: It means that you must give answers to the
25 questions put to you that are true and accurate to the best of your knowledge and

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 belief. Do you understand that, sir?

2 THE WITNESS: (Interpretation) Yes, I understand.

3 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by

4 Victims and Witnesses Unit during the familiarisation process, you will be questioned

5 first by the Defence, then by Prosecution, then by legal representatives of victims, and

6 finally Defence will be entitled to put to you some follow-up questions.

7 The Chamber has put in place some measures to protect your identity from the public.

8 That means that you will be referred to during the whole of your testimony as

9 "Mr Witness." Your image and your voice that are broadcast outside this courtroom

10 are being distorted so that the public cannot identify you by your image or by your

11 voice.

12 In order to help us in keeping your identity concealed from the public, it's important,

13 Mr Witness, that when we are in open or public session, you don't reveal any

14 information that could lead to your identification. For instance, your name, of

15 course, your position, your current position, the position you occupied at the time of

16 the events, names of close friends or family members, all this kind of information

17 should not be mentioned in public sessions. If need be, when you need to give an

18 answer, to make reference to something that could identify you, you just let us know

19 and we go into private session.

20 In private session there is no broadcasting. That means that nobody outside the

21 courtroom can hear what is said inside the courtroom. The Defence, the Prosecution,

22 the legal representatives and the Chamber will help you in identifying possible

23 answers that could lead to your identification and therefore request for private

24 session, but you need as well to help us in order to keep your identity protected.

25 Do you understand that, sir?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 THE WITNESS: (Interpretation) I understand.

2 PRESIDING JUDGE STEINER: Finally, Mr Witness, as you can see, we speak

3 different languages, and because of that we have interpreters and court reporters who

4 provide us with simultaneous interpretation and real-time transcripts in English and

5 in French. In order to facilitate their job, it is very important that we speak slower

6 than normal, as I'm doing now. Otherwise, they don't have the time they need in

7 order to translate it into French, or vice-versa.

8 It's also very important, Mr Witness, that after a question is put to you, that you wait

9 five seconds before you start giving your answer. We call that "the five-seconds

10 golden rule." This rule is very important because it allows the interpreters to

11 complete the translation of the questions. That's why, not only the witness but the

12 parties, need to give these five seconds before a new questions is put to you and

13 before you give your answer.

14 Because it seems so unnatural, it's likely that you start speeding up or that you forget

15 the five-seconds golden rule. In that case, Mr Witness, I will have to interrupt you

16 and ask you to slow down. So, please, don't take offence. This is just for practical

17 reasons.

18 Is that fine with you, sir?

19 THE WITNESS: (Interpretation) Yes.

20 PRESIDING JUDGE STEINER: We will help you, don't worry.

21 We will now start with your testimony. As I said, first Defence will put some

22 questions to you. So for that purpose I give the floor to Maître Kilolo and I ask,

23 please, court officer to go into open session just for the beginning of the -- for your

24 presentation.

25 Court officer, please.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 I'm sorry, we are in open session, we are in open, so we continue in open session.

2 I'm really sorry.

3 Maître Kilolo, you have the floor.

4 MR KILOLO: (Interpretation) I thank you, Madam President.

5 QUESTIONED BY MR KILOLO: (Interpretation)

6 Q. Good morning, Mr Witness.

7 A. Good morning.

8 Q. We have met previously and I think I saw you again yesterday during the
9 familiarisation session. I would nevertheless like to introduce myself anew. I am
10 Maître Aimé Kilolo, I am one of the team of counsel representing Mr Jean-Pierre
11 Bemba, and I will be putting questions to you in this case for the Defence. Do you
12 understand me?

13 A. Yes, I do understand you well.

14 Q. So I shall be putting a series of questions to you and in order to avoid your
15 being identified by the general public, I shall suggest that we move into private
16 session, please.

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

18 *(Private session at 9.29 a.m.) Reclassified as Open session

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

20 MR KILOLO: (Interpretation)

21 Q. Now we're in private session, Mr Witness, which means that we can express
22 ourselves more freely. The general public outside of this courtroom does not have
23 access to the sound and cannot follow the discussions going on between us. All of
24 those sitting here in the courtroom are bound by professional secrecy, which means
25 that everything that you say will not go beyond the walls of this courtroom.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Now, I'd like to start by asking you whether you would please introduce yourself to
2 us?

3 A. My name is (Redacted)

4 (Redacted) there

5 we have it.

6 Q. Could you please talk to us about your training background; that is to say your
7 academic background?

8 A. I went to primary school and then I went to secondary school. (Redacted)

9 (Redacted)

10 THE INTERPRETER: The interpreter did not catch, because the witness is speaking
11 extremely fast. Could he please be requested to slow down and to also observe a
12 pause between question and answer?

13 MR KILOLO: (Interpretation)

14 Q. I believe that the last part of your answer was not interpreted. Could you
15 repeat?

16 A. I said (Redacted) and

17 then I went on to (Redacted).

18 Q. Now, with regards to your primary school studies, where did you complete
19 these primary school studies and in which country and in which town?

20 A. I completed my (Redacted)

21 (Redacted)

22 PRESIDING JUDGE STEINER: Maître, I'm really sorry. The interpreters are asking
23 Mr Witness, please, to speak slower and to give the five seconds. Thank you, Mr
24 Witness. Because Maître Kilolo speaks French and you understand the question,
25 you forget that there are anglophones here that need the translation.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 Maître Kilolo, please.

2 MR KILOLO: (Interpretation)

3 Q. I shan't repeat that to you, Mr Witness. Please make the effort. I think you've
4 understood. I ask you, therefore, to speak more slowly. I would ask you to and if
5 you -- well, you will be speaking at a normal speed in this courtroom if you yourself
6 feel that you are speaking slowly, so when I have finished putting my question to you,
7 please count five seconds before answering me.

8 A. Thank you.

9 Q. You were talking about your background in terms of primary school studies.

10 Could you tell us where, in which town, in which country, and more or less in which
11 year?

12 A. Well, as for the (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. So after having (Redacted), you say that you worked (Redacted).

20 Now, what do you mean by that quite?

21 A. Well, that means that I -- well, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. And at the time when you were working (Redacted)

5 before you continued (Redacted)

6 (Redacted) -- how old were you at the time?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. And subsequently you talk about the (Redacted)

15 (Redacted) Now, where - in which institution - did you study this and what does

16 it consist of entirely?

17 A. Well, in view of the fact that (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. And what do you mean by (Redacted)?

24 A. Sorry?

25 Q. When you talk about (Redacted) what are we talking about precisely here?

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. This is a (Redacted)

2 Q. So I think we shall also look now at your professional background, because you
3 say that after this (Redacted)

4 then went back to work. Could you please tell us about this stage-by-stage so that
5 we can delve into your professional curriculum, and please observe the five seconds?

6 A. Thank you. I'm sorry. Well, as soon as (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Could you please be specific in your answers? Which (Redacted) are you
10 talking about? Could you please provide us with its name, and when you returned
11 to the village it might be a good idea to tell us what the name of the village was?

12 A. Well, I left (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Now, could you please place these events in time, on a timeline? When
20 precisely did you come back to take up the position (Redacted)? In
21 which year was that?

22 A. Well, I (Redacted). That was

23 in 1992.

24 Q. Do you remember who was the President of the DRC at the time?

25 A. It was Maréchal Mobutu.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 Q. And do you also remember how old you were at the time, more or less?

2 A. (Redacted)

3 Q. Very well, thank you. So you're talking to us about (Redacted). You told
4 us about a certain number of countries. Could you please tell us who (Redacted)
5 were at that moment in time?

6 A. Yes. I was (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. And how was this organised at the time? How was the (Redacted)

15 (Redacted)

16 A. Well, the (Redacted)

17 (Redacted) Now, of course, we would rather

18 send -- (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) That was how it happened.

3 However, there were also further arrangements. There were individuals who would
4 give (Redacted). That

5 was how things occurred.

6 THE INTERPRETER: Message from the interpreter: Could the witness please be
7 requested to slow down?

8 MR KILOLO: (Interpretation)

9 Q. To be quite clear, you said earlier on that it was approximately from 1992 that
10 (Redacted). Now, my specific

11 question to you is: (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Mr Witness, again, wait the five seconds and slow
14 down in order to help our interpreters. They are having difficulties in following you
15 in your speed.

16 THE WITNESS: (Interpretation) As I explained to you, I was (Redacted)

17 (Redacted) throughout my periods of holiday I always worked (Redacted). I

18 started to do this (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. And that was in what year?

12 A. That was when Mobutu left. That was in 1996.

13 Q. Have I understood you correctly that it was from the year 1996 (Redacted)

14 (Redacted) is that correct ?

15 A. Yes, that is correct.

16 Q. Please do not forget to wait these five seconds. I know it's a difficult exercise
17 but, as I say, when you are expressing yourself, you need to have the feeling that you
18 are speaking slowly and that is when we will be able to follow you, that your message
19 will be able to -- or your answers will be able to be interpreted into English.

20 Now, if we go back to the period before 2006, which was the time at which (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. (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 Q. Very well, Mr Witness. Could you also tell us how things operated at the

19 frontier? Now, as a (Redacted), when you went (Redacted) in the

20 Central African Republic, what would happen at the frontier post? What would

21 happen at the control post? What would happen in terms of immigration and could

22 you also tell us about handling of products? Could you tell us about this

23 systematically, one after the other, so that we can understand how things happened

24 for you and also please observe these five seconds?

25 A. (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private 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) That was how things happened.

11 Q. What I'd also like to understand in terms of chronology, I think you said that in

12 (Redacted) and then you

13 say that -- you also talked about 2007. Could you please clarify in chronological

14 terms when it was that you set up and when it was you arrived and set up in the

15 CAR?

16 A. Thank you. Well, I could say that (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Very well. So (Redacted), when you set yourself up in the Central African

24 Republic, do you know which regime was in power in the DRC at the time, who was

25 the head of state?

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

- 1 A. It was Kabila. It was Laurent-Désiré Kabila. That is the president who died.
- 2 Q. And in 1997, do you know who was administering Équateur province at that
- 3 moment in time?
- 4 A. Yes. The Équateur province was in the hands of Governor Mola.
- 5 Q. And Governor Mola, do you know who appointed him and who he was
- 6 answerable to at that moment in time, which authority?
- 7 A. It was -- yes, it was Moise Désiré Kabila at the time.
- 8 Q. Yes. Could you please tell us a little more in detail from the year 1997, when
- 9 (Redacted)
- 10 A. Yes. (Redacted)
- 11 (Redacted)
- 12 Q. (Redacted)
- 13 A. (Redacted)
- 14 Q. Let me ask you once again to make a particular effort to speak slowly, wait for
- 15 five seconds, and make sure we are not speaking at the same time. Even if you think
- 16 that you have understood the question that I am trying to ask, please wait until I
- 17 complete my sentence and then you observe a five-second pause before answering.
- 18 Now, can you tell us about your activities in Bangui (Redacted).
- 19 A. Yes. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. When you talk about Sudan, are you referring to a country or a province in the

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 CAR?

2 A. It is a country.

3 Q. Can you elaborate on those (Redacted)

4 (Redacted)

5 A. Yes. Since (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 Q. Can you still remember the time it would take you to (Redacted)

23 (Redacted)?

24 A. Yes. That would depend on the vehicle. If you have a good vehicle, you

25 can -- it can take you five days, and sometimes even up to ten days.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 Q. Which are the main towns (Redacted)

2 (Redacted) that is by road?

3 A. Thank you. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. You talked about (Redacted). Now, can you tell

7 us the countries from (Redacted)?

8 A. Yes. (Redacted)

9 but it was more frequently in the Central African Republic where I was doing my
10 business.

11 Q. (Redacted)

12 (Redacted), had you heard anything about the MLC at that time; (Redacted)

13 (Redacted)?

14 A. The MLC emerged as a movement which established itself in the Équateur
15 province when I was already in the CAR, but since I had business activities there, I
16 would pass by there and I saw all the MLC soldiers who were present there.

17 Q. And how were the business activities conducted during that period after the
18 MLC took over control of the Équateur? Did you continue with your business
19 activities?

20 A. Yes. As I told you, during the time of Kabila, (Redacted)

21 (Redacted). Kabila left, the

22 MLC arrived, (Redacted).

23 Q. Let us back-track a little bit to the time of President Kabila. When the Équateur
24 province was under his authority, (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. Thank you. I have told you that (Redacted) in that area, and
2 there were Catholic missionaries there, and there were Belgian missionaries in
3 Belgium (Redacted). There were the American
4 Protestant missionaries (Redacted), there were the
5 soldiers and the FARDC controlled by Kabila and others, and (Redacted)
6 (Redacted). Then there were (Redacted)

7 (Redacted)

8 Q. A short while ago you also talked about the administration as being (Redacted)
9 (Redacted). What did you mean by that? Can you be more clear?

10 A. When I refer to "the administration," I mean states services, for example the
11 Zongo town council. (Redacted). So there was a SNEL,
12 the electricity company. (Redacted).

13 Q. When it came to (Redacted) FARDC soldiers in Zongo during the time of
14 President Kabila, (Redacted)? Who were (Redacted), who
15 actually (Redacted)
16 (Redacted)?

17 A. Thank you. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) That is how it happened.

25 Q. Now, let us move forward to the time when the MLC started administering the

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

- 1 Équateur province. Now, how did your (Redacted)
2 (Redacted)?
3 A. In the same way as with the others. The MLC was what I could call the
4 government in our area. They had an administration, and (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted) That is what happened. (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 Q. Now, in concrete terms, during the MLC reign (Redacted)
14 (Redacted)?
15 A. I know that at the time (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 Q. (Redacted)
22 A. (Redacted)
23 (Redacted)
24 (Redacted)
25 Q. (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. I would really like to insist so as to make the task of interpretation easier.

6 Please make an effort to speak slowly and wait for five seconds. Do not be in a

7 hurry to answer my questions.

8 Now, I really would like to understand how things worked. When the MLC

9 administration took over control of the Équateur province, where were you living at

10 that particular time?

11 A. I was in the Central African Republic. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Very well. Who would tell you that there was (Redacted), for

23 example?

24 A. I have told you that (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 , and I had phonie radio equipment and I was able to be in contact (Redacted).

2 (Redacted) I would get up in the morning, I would

3 (Redacted) go to work to have a few resources and then I would return to

4 sleep. That is how it happened.

5 Q. Just to have an idea (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted), but the American missionaries and the NGO CDI (Redacted)

2 (Redacted)

3 Q. Let us move a little forward now to the period between October 2002 and
4 15 March 2003. Do you remember that period?

5 A. Yes, 2002/2003. Yes, I do remember.

6 Q. During that specific period, where were you located?

7 A. In 2002/2003, I was in the Central African Republic. I left the CAR on
8 15 March 2003.

9 Q. Very well. Can you tell us what were your activities in Bangui during that
10 period?

11 A. Thank you. I did not change my activities. I was still (Redacted). I was still
12 doing business.

13 Q. Let us focus on that particular period. (Redacted)
14 (Redacted)?

15 A. I have already told you clearly that (Redacted)
16 you know that the DRC was split. Équateur province was under the MLC, and
17 when it came to (Redacted), they came from
18 (Redacted). So (Redacted). Somebody could come and say they wanted
19 (Redacted)

20 (Redacted)

21 Q. And during that particular period, (Redacted),

22 A. For what?

23 Q. You have told us about (Redacted). What I would like to
24 understand is do you remember (Redacted) during that specific
25 period between October 2002 and 15 March 2003?

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

- 1 A. Yes. I believe that in 2002/2003, as I have told you, I was (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. (Redacted)
- 7 A. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. (Redacted)
- 11 A. (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Q. (Redacted)
- 16 (Redacted)
- 17 A. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. (Redacted)
- 22 (Redacted)
- 23 A. (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. At this time what was done in terms of customs under the administration of the
4 MLC? Was the administration functioning at that time? What exactly was done?

5 A. No, it hadn't changed. The offices were as they are today. People received
6 customs. There were all services. It was the same. Everything was there and it
7 was the same as it is today. There was no change in that regard.

8 Q. What do you mean by that? Please, could you tell us what the different
9 services were that were under the MLC administration at the time?

10 A. Thank you. I think that I can explain it as such. The MLC arrived and they
11 took Équateur and they improved the way of working. They didn't change the
12 customs service. The customs service was always the customs service.

13 Immigration service didn't change either. The control services were there and it was
14 the same person who was responsible who they kept and formalities were carried out
15 as before, and it remains to be the -- and it remains the case today.

16 Q. Did you hear people at the time speak about the president of the MLC?

17 A. Yes. Yes, we were all aware of the MLC and that it was led by President
18 Jean-Pierre Bemba.

19 Q. Do you know if there was a government at that time? Do you know who was
20 leading the government of the MLC?

21 A. Yes, there was an administration because there was a general secretariat and
22 that's something you could see in the media. There was a secretary-general and
23 there were ministers, secretary-general and a minister as well responsible for finances,
24 agriculture, et cetera. (Redacted) there was an Agricultural
25 Minister. (Redacted). And where it concerns

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 the taxes, I also know the secretary-general who is responsible for that. (Redacted)

2 (Redacted)

3 Q. Do you remember the name of this Minister of Agriculture, Finance?

4 A. Yes. Minister of Agriculture was called Mokau (phon). He was on a mission
5 in Bozene, (Redacted). He was called

6 Mokau. And the Minister of Finance is somebody I got to know once (Redacted). He
7 came to (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. If we focus on this period between October 2002 and March 2003, did you have
11 contacts with the president of the MLC, Mr Jean-Pierre Bemba?

12 A. Thank you. Jean-Pierre Bemba, this is a name that everybody knows, but I
13 didn't have the opportunity to speak to him or be with him. That is not an
14 opportunity that I had.

15 Q. Did you nevertheless speak to him by telephone?

16 A. Jean-Pierre Bemba wasn't in Central Africa, he was in Gbadolite. And in
17 Gbadolite there wasn't a phonie, radio phonie. There weren't telephones in
18 Gbadolite and I didn't have to have that. In order to have so, you had the
19 administration. It wasn't important to contact him. I didn't have that opportunity.

20 Q. If we stay in this period between October 2002 and March 2003, were you the
21 member of a political movement or a politico-military movement of any kind?

22 A. No. Only at the time that (Redacted)

23 (Redacted) -- but in terms of carrying out politics

24 or being a movement, no. I just -- well, you have to understand that people went

25 across. There were other people who didn't know how to write, they didn't know

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 how to speak French, and as (Redacted) were there, they knew that there
2 were others who didn't speak Sango, humanitarian persons who didn't speak Sango,
3 and that meant that they didn't -- there was a need for people to speak in French, and
4 (Redacted)

5 Q. And what is (Redacted) if you'll be so kind as to tell us?

6 A. (Redacted)

7 Q. In order to be completely clear, you were (Redacted)

8 (Redacted)?

9 A. And the population. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. To your knowledge, did the MLC and Mr Jean-Pierre Bemba have an
13 ambassador in the Central African Republic between October 2002 and March 2003?

14 Wait five seconds.

15 A. I would say no, and the reason why is because, if there was an ambassador, (Redacted)

16 (Redacted)

17 but I know that there was an office of the -- well, what there was, sir, was a chargé de
18 mission who was a representative, but there wasn't an office of the ambassador, no.

19 An embassy, no.

20 Q. Do you remember where the embassy of the DRC was and what the name was
21 of the ambassador?

22 A. It was around PK3. The office was in PK3, and at a particular time there wasn't
23 an ambassador there. There was a representative or chargé de mission who was
24 there.

25 Q. Witness, (Redacted)?

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. Please, could you ask that question again?

2 Q. If we focus on this period between October 2002 and March 2003, I wanted to
3 know if, at a given time, (Redacted)

4 A. Me? Me?

5 Q. Yourself.

6 A. No. I would say between 2002/2003, well, if we take into account (Redacted)
7 (Redacted),

8 (Redacted) and that was a name that facilitated the tasks for people. That was a
9 nickname rather than (Redacted), if you like. That was in 2002/2003, and still

10 today people (Redacted). That was a nickname.

11 Q. In order to be completely clear, (Redacted)

12 A. Well, I explained to you that (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. In terms of how you remember this, (Redacted)

18 (Redacted) to your knowledge, where was the MLC at the time?

19 A. During this period, well, there wasn't another movement. It was just Kabila
20 who was leading the country. The MLC didn't exist.

21 Q. So according to information that we have obtained before this Chamber, and
22 here I'll refer to transcript, the edited version, T-145 of 24 August 2011, page 8 thereof,
23 and transcript T-145, English version of the same day, page 8 thereof, now according
24 to the information we have, (Redacted)

25 (Redacted) What can

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 you tell us in that regard?

2 A. To say that (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. If we speak about your relation with Central African officials in your capacity as

11 (Redacted), what type of relations did you have with some Central African

12 officials?

13 A. Thank you. At the time, well, I don't remember the date, I know something

14 that happened. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: Could the witness be asked to slow down.

18 MR KILOLO: (Interpretation)

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. So, to your knowledge, Mr Jean-Pierre Bemba or the MLC, did they have a point
4 of contact in the Central African Republic, a person who provided information with
5 regards to the behaviour of the MLC troops who were there between October 2002
6 and March 2003?

7 A. Well, to my knowledge, I know that the MLC troops were in Bangui. (Redacted)

8 (Redacted)

9 (Redacted) And I

10 know -- knew that they were with Central African officers, and in order to know

11 whether there were some others, well, I can't know everything. (Redacted)

12 But what I -- well, I didn't see anybody who did that. I did see soldiers, MLC troops.

13 (Redacted)

14 (Redacted)

15 (Redacted) But when it comes to information, no.

16 Q. According to information that we have heard before this Chamber, and here I'm
17 referring to transcript T-137, French version, 14 July 2011, page 46, and also to
18 transcript, English version, T-137 of the same day, page 45, according to this
19 information (Redacted)

20 (Redacted)

21 (Redacted) What can you tell

22 us on that subject.

23 THE INTERPRETER: Five seconds, if you would be so kind.

24 THE WITNESS: (Interpretation) Well, I would say no. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 MR KILOLO: (Interpretation)

3 Q. The name Kamisi, does that mean anything to you?

4 A. Kamash (phon) or Kamisi?

5 Q. A commander, Kamisi.

6 A. I know (Redacted) Kamisi, I don't

7 know.

8 Q. Did you hear or see, or were you witness to murders committed by officers or
9 soldiers of the MLC in Central African Republic between 2002-2003?

10 A. No.

11 Q. I'd like to give you a specific example, and I'm referring to transcript -- well, the
12 French version, T-136, 1 July 2011, page 32, and also to the English version of the
13 transcript, 136 of the same day, page 31.

14 From the information that we were able to obtain before this Chamber, (Redacted)
15 (Redacted)

16 (Redacted) Is that information that
17 brings any type of memory to you?

18 A. No, I don't know that.

19 PRESIDING JUDGE STEINER: Maître? In the end, Maître Kilolo, I noticed that we
20 stayed in the whole first part of this hearing in private session. So let's try to make
21 an exercise and to have at least the second part of this hearing in public session. And
22 I see no strong reasons for continuing like that.

23 Court officer, please turn into open session.

24 (Open session at 10.57 a.m.)

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

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 PRESIDING JUDGE STEINER: Mr Witness, it's almost 11. We have a half-an-hour
2 break in order for you to take some rest, a cup of coffee or tea, and also to give some
3 rest for our interpreters that are having a hard time following your testimony. We
4 will be back at 11.30.

5 I ask, please, court officer to turn into closed session for the witness to be taken
6 outside the courtroom. In the meantime, we will suspend and resume at 11.30.

7 *(Closed session at 10.59 a.m.) Reclassified as Open session

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

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (Recess taken at 11.02 a.m.)

12 *(Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE STEINER: Welcome back.

16 Could, please, court usher bring the witness in.

17 (The witness enters the courtroom)

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

19 (Open session at 11.36 a.m.)

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

21 PRESIDING JUDGE STEINER: Thank you.

22 Mr Witness, welcome back.

23 THE WITNESS: (Interpretation) Hello.

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

25 THE WITNESS: (Interpretation) Yes.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 PRESIDING JUDGE STEINER: So I'll give back the floor, Maître Kilolo.

2 MR KILOLO: (Interpretation)

3 Q. So, Mr Witness, we had run through a series of questions in private session,
4 which means that the trial was not followed outside of the courtroom. We shall now
5 be making an effort to continue the remaining section in open session, so I would call
6 upon you to be careful not to state posts or situations in which you might have been
7 the only person to have been involved so that the public cannot identify you. I'm
8 going to be putting questions to you, and if I feel that my questions might run the risk
9 of identifying you, I shall request that we move into private session.

10 Now, in formulating your responses, if you are concerned by this, I would also call
11 upon you to request a private session. Do you understand?

12 A. Yes, I do understand.

13 PRESIDING JUDGE STEINER: Maître, I'm really sorry. Just to remind the witness
14 once again to speak slower than normal and to give the five seconds before answering,
15 please.

16 MR KILOLO: (Interpretation)

17 Q. Now, Mr Witness, I would like to know whether during the period when you
18 were in Bangui between October 2002 and March 2003, whether to your knowledge
19 amongst the Congolese civilians who were in Bangui whether there was any
20 individual who had information to supply to Mr Jean-Pierre Bemba on MLC troop
21 activities in the Central African Republic?

22 A. No. No, I do not know of anybody.

23 Q. You spoke a little bit under your breath there. I don't know whether this was
24 correctly interpreted. Could you please repeat and wait those five seconds?

25 A. I said, "No, I do not know."

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Open Session)

ICC-01/05-01/08

1 Q. Now, I'm going to be referring to the French version of transcript T-145, dated
2 24 August 2011, page 8. I'm also going to be referring to the English version of T-145,
3 same day, page 8, and some information gathered by this Trial Chamber; notably
4 (Redacted)
5 (Redacted)
6 (Redacted
7 (Redacted) What do you have to say to us on the subject, please?
8 Five seconds, please.

9 A. I would say no, because it was of no concern to me. It was not within my
10 purview.

11 Q. You have already spoken to us about communication that you undertook
12 in -- between Gemena and other cities or towns of the DRC. Now, I'd like us to
13 concentrate on Bangui in the CAR between October 2002 and March 2003. What
14 were the means of communication at your disposal at that point in time in Bangui?

15 A. In Bangui I had a mobile telephone, which I took from Telecell. This was
16 Telecell, which covered the Bangui area and outside the country. Gemena did not
17 have a telephone coverage at the time. We used to communicate via radio in
18 Gemena at the time. That was the only means of communication during that period.

19 Q. Now, with the exception of this means of communication, did you have any
20 other means of communication that you could talk to us about in Bangui?

21 A. No, I only had a mobile telephone; as I said, a mobile telephone that I had
22 bought from Telecell.

23 Q. And what did you use this means of communication for, this mobile telephone
24 in Bangui? Be careful not to identify yourself, but I do believe that you could furnish
25 us with information of a general order?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 A. Yes, I was in permanent contact with my co-workers in the country and outside
2 of the country in Europe; notably in the United States. So this was my means of
3 communication, also with Cameroon. I would communicate with friends that I had
4 in those places.

5 Q. And what type of conversation did you have with these individuals via this
6 permanent means of contact; notably your mobile telephone?

7 A. Well, this doesn't really mean anything. (Redacted)
8 (Redacted), well, I have contact with those people that I
9 know as well, so I'm surprised at the question.

10 Q. Did you have a Thuraya or Thuraya satellite phone?

11 A. I believe that a Thuraya is worth a lot of money, you know, it costs about one
12 million CFA, so, you know, this is worth a lot of money, and what would I have used
13 it for? I couldn't -- I did not have the means to buy it and to date I still haven't
14 bought one. I do not need it. There are other means of communication. I don't
15 need it.

16 Q. Now, to your knowledge, did Mr Jean-Pierre Bemba arrive on CAR territory
17 between October 2002 and 15 March 2003?

18 PRESIDING JUDGE STEINER: Yes, Maître Badibanga?

19 MR BADIBANGA: (Interpretation) I thank you, Madam President. I am reacting
20 to -- at the end of this line of questioning by Maître Kilolo. Now, there are two
21 reasons for this. I wanted to let him finish because I hoped that he would be precise,
22 and of course there was a little bit of a lag in the transcript. This is the second time
23 this morning that Maître Kilolo is referring to the transcript T-145, page 8, and he has
24 just asked the witness, notably, that -- whether he was involved -- that he was
25 reporting on MLC military activities.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Open Session)

ICC-01/05-01/08

1 Now, I have read through page 8 on a number of occasions and I cannot see any
2 reference made to the fact that the witness allegedly reported on MLC military
3 activities. So I think that if we want to be precise here, if we want to contradict what
4 a previous witness has stated, we need to put the precise statement forward because
5 page 8 does not make any reference to military activities. Maybe Maître Kilolo could
6 give us a more precise reference because I cannot see what he is referring to, and I
7 thank you.

8 PRESIDING JUDGE STEINER: Maître Kilolo?

9 MR KILOLO: (Interpretation) Maybe in order to save time, if we are just talking
10 about a question of reference here, I might be able to supply, or provide, the
11 reference - the precise reference - at a later stage and we could move on now.

12 PRESIDING JUDGE STEINER: Yes, Maître.

13 MR BADIBANGA: (Interpretation) I do apologise once again. I have taken the
14 time to think about it. It's not a question of reference here, Madam President, it is a
15 question of precision of information. I think there's a distinction here. You know,
16 the accuracy of information, what Mr Kilolo is saying is not to be found in the text. I
17 don't believe that it's merely a reference because, otherwise, we are inserting into the
18 record, the court record, something that to my mind should not be there.

19 PRESIDING JUDGE STEINER: You are referring to what was said before, the
20 French version of a transcript. This was on page 45, lines 23, 24, 25, and it appears
21 that now Mr Maître Kilolo is in another subject. What I understood is that Maître
22 Kilolo would try to find the correct reference or to change the wording, but we are in
23 another subject now; am I wrong or am I right?

24 If we are in the same subject, it's better if you correct your wording, Maître. If not,
25 we can proceed and the correction will be -- will come in due time.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation) Yes, I had moved on to another subject.

2 Q. Yes, Mr Witness. I was attempting to ascertain whether, to your knowledge,
3 Mr Jean-Pierre Bemba arrived in the Central African Republic between October 2002
4 and March 2003.

5 A. Yes, I do recall that once we were in the CAR, during this period, I didn't see
6 him myself but I was informed that he was there on a visit; that he had come over and
7 that he spent approximately 45 minutes before going back to Zongo and taking the
8 aeroplane, but I didn't see him with my very own eyes. That's what I understand.

9 Q. Very well. And how do you know that he came to the Central African
10 Republic during that time?

11 A. I believe that (Redacted), in view of all the contacts I had, I had an office in
12 (Redacted) -- and of course, when he arrived by
13 plane, his arrival would have been known, and he was the chief of our secteur and
14 everyone knew who he was, and that's how I came to learn about it.
15 I wanted to go to the port and see whether we could see him in the flesh, but we were
16 not so lucky. He didn't hang about. He'd already left. So, yes, we had been told
17 that he was there.

18 Q. Do you know whether he came on other occasions to the Central African
19 Republic within this same period of October 2002 to March 2003?

20 A. No. I was told about this but I didn't hear of anything else, no.

21 Q. So you said that he came -- well, which means of transport did he use precisely
22 to come, to arrive? Do you know which border post he came through when entering
23 the CAR?

24 A. Yes. He came through the official post, at the immigration post opposite the
25 Belgian embassy. This is at the entrance to the port. There is where the ferry came.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 He took -- he took the ferry, and once I arrived there, he'd already left.

2 THE INTERPRETER: Request from the interpreter: Could the witness please be
3 requested to slow down and to speak more clearly?

4 MR KILOLO: (Interpretation) Now, before moving on, for the record, I would like
5 to confirm the reference that was given. We are talking here of the French version,
6 T-145, confidential, dated 24 August 2011, page 9, lines 10 to 16, where it is very
7 clearly stated that (Redacted)

8 (Redacted) relating to the situation of the MLC troops in the CAR. Now, the
9 witness has already answered this question but I just wanted to confirm that the
10 reference I provided was accurate. Unless Mr Badibanga has anything to say to the
11 contrary, I propose that I move on with my questioning.

12 PRESIDING JUDGE STEINER: I think that there was a mistake on the page because,
13 on line 24 of page 45, you mentioned page 8, and now you are talking about page 9,
14 so maybe that's why there was this misunderstanding.

15 MR KILOLO: (Interpretation) I'm glad that we have clarified the point, that there's
16 no confusion. I'd like to move on, with your leave.

17 Q. Now, Mr Witness, to your knowledge, was there an airport in Bangui?

18 A. Yes, of course there is an international airport in Bangui, Bangui M'Poko. I do
19 know it.

20 Q. I would like to know, maybe you could make an effort in remembering the
21 period between October 2002 and March 2003. Did Mr Jean-Pierre Bemba arrive in
22 Bangui via the M'Poko airport, with the exception of the time that you mentioned
23 when he arrived across the river?

24 A. I would answer no, because I did not have the opportunity to see him at the
25 airport.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Q. Could you please repeat your answer slowly, and maybe speaking clearly, so
2 that the English interpreters can follow.

3 A. To say that I saw Jean-Pierre Bemba at Bangui airport, I did not see him. I
4 often went to the airport but I never met him at the airport in Bangui.

5 Q. During this very same period, between October 2002 and March 2003, did you
6 ever hear or see a helicopter belonging to Mr Jean-Pierre Bemba or the MLC landing
7 at Bangui airport?

8 A. Well, people talk about his aeroplane that I saw at the airport. It was his
9 aeroplane, which was an Antonov, but I did not have the opportunity to see the
10 helicopter.

11 Q. Since you're talking about an Antonov, which Antonov are you talking about?
12 In -- under what circumstances did you see the Antonov at Bangui airport?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. To be very clear about things, how were -- which were the various ways that
24 (Redacted), because you have just talked about supplies being delivered
25 to the airport in Bangui?

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

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

3 *(Private session at 12.01 p.m.) Reclassified as Open session

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

5 THE WITNESS: (Interpretation) (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MR KILOLO: (Interpretation)

11 Q. Can you describe that Antonov, the colour for example?

12 A. Yes, it was a white Antonov 26.

13 Q. You have talked about waiting for two to three hours. Did you actually
14 witness that Antonov landing in Bangui?

15 A. Yes, I would be notified, sometimes in the morning, that on Friday the plane
16 would arrive and (Redacted). I was compelled
17 to do that in the morning. About 8 or 9 a.m. I was already at the airport to wait for
18 the arrival of the plane. Sometimes I would wait two, three, four hours and the
19 plane would land right in front of me. (Redacted)

20 (Redacted)

21 Q. Did you know the cargo that was on board the Antonov 26 when it landed in
22 Bangui during that period between October 2002 and March 2003?

23 A. Yes. When they came to fetch (Redacted). There were two pilots,
24 and there were about five to six people on board, but the Antonov (Redacted).

25 Q. On those occasions when you arrived at the Bangui airport, did you observe any

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 other aircraft landing at Bangui airport?

2 A. Yes. This was an international airport, and many planes landed there. You
3 had Camair flights from Cameroon. Air France landed from time to time. There
4 were also Libyan aircraft and then Jean-Pierre's Antonov.

5 Q. Now, the Antonov 26 that came from Gbadolite, as far as you know, what was
6 the reason for its landing at Bangui airport?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. And how do you know that (Redacted)?

13 A. That plane never landed before I arrived. I always at the arrived the airport
14 before the plane landed, and as soon as I arrived there there was a CAR security
15 officer (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) That is how I came to know.

20 Q. And who was that commander at Bangui airport who facilitated access (Redacted)
21 there?

22 A. There is a name that was put there, Albatross. I believe it was a nickname
23 because of his responsibilities at the airport. (Redacted)

24 (Redacted)

25 Q. When you talk about Libyan planes, how do you know that Libyan planes

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 landed at Bangui airport during that period?

2 A. Even if you go to the CAR today, and you meet with a small boy, you can ask
3 that question. Everybody in the CAR knew that there were Libyan fighter planes
4 that landed there. Everyone knows that. I can even say that I'm half Central
5 African because I lived there, and all those comings and goings were known to
6 everyone. Libyan fighter planes landed there. That is how I got to know this. I
7 know that Air France planes came with passengers. Camair planes and so on.
8 Everyone in the CAR is aware of that.

9 PRESIDING JUDGE STEINER: Maître, if you allow me two things: First,
10 Mr Witness, again I have to ask you please to slow down. The interpreters are
11 having a lot of difficulties in following what you say, because you are speaking too
12 fast. Sometimes you are mentioning names that they cannot understand exactly
13 what the name you are mentioning, because you are not articulating very well, so,
14 please, I would like you to pay a lot of attention because it's becoming quite difficult
15 for them, and that will bring prejudice to our transcripts. We need to have an
16 accurate transcript of your testimony.

17 The second point, and if Maître Kilolo allows me, just a clarification. Just now, on
18 page 55, as from line 13, you -- according to the English transcript at least, you said
19 that, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 THE WITNESS: (Interpretation) Thank you. (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 possible for them to take (Redacted) and then further on.

2 But if they had urgent needs they would ask (Redacted), and the

3 plane would arrive (Redacted). So it was the

4 (Redacted)

5 PRESIDING JUDGE STEINER: Maître Kilolo.

6 MR KILOLO: (Interpretation)

7 Q. To clarify the question that the Presiding Judge has just put to you, now, (Redacted)

8 (Redacted) the Antonov 26, which were the (Redacted)

9 (Redacted)

10 A. (Redacted)

11 Q. Now, let me come back to the Libyan planes. Did you personally see some of

12 those planes when they landed at the airport, or did you see them parked at the

13 Bangui airport?

14 A. Yes, I once observed a Libyan plane actually landing, once or twice, and this

15 was at the airport before the landing of the Antonov. A large aircraft landed, and I

16 do not know the type of aircraft. They offloaded bags, and some weapons and boxes

17 of ammunition. One would have been able to see that it was ammunition. I saw

18 that. And there were small planes that were permanently in the CAR at that time

19 and which carried out bombings. That is what I saw on one occasion, that is the

20 large plane, but the small planes were there on a permanent basis.

21 Q. When those Libyan planes landed, what made you to know that these were

22 Libyan planes?

23 A. I can say that I am partly Central African. I live in the Central African Republic

24 and I get to know what happens in the CAR. (Redacted) to the airport, (Redacted)

25 received by Albatross. He was the chief there, and (Redacted) and

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 he would say these were Libyan planes coming to resupply. I believe this was

2 known to everyone. (Redacted). He

3 was in the CAR and we were all aware of what was happening.

4 PRESIDING JUDGE STEINER: Maître, do you think we could try to go back into

5 public session?

6 MR KILOLO: (Interpretation) Very well.

7 Q. Maybe instead of talking about (Redacted)

8 (Redacted)

9 A. It would be difficult for me to do that. I'm not a technician, like you. I could

10 make an error. Well, if it's what you want to do we will do it, but --

11 PRESIDING JUDGE STEINER: Judge Aluoch wants a clarification.

12 JUDGE ALUOCH: Just one clarification whilst we are still in private session.

13 Transcript page 52, sorry page 53, English transcript, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) We are in private session. Was

17 he an MLC member?

18 THE WITNESS: (Interpretation) Yes. The contact person in (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 JUDGE ALUOCH: Thank you.

2 MR KILOLO: (Interpretation)

3 Q. Let us conclude on this (Redacted) before returning to open session. Who
4 actually (Redacted) to the Antonov 26?

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Mr Witness, according to some information that we have received -- and I'm
12 referring to transcript T-136, French version of 1 July 2011, page 33, and in English it
13 is T-136 of the same day, page 33. I'm also referring to transcript T-137, French
14 version of 4 July 2011, page 46, as well as English transcript number T-137 of the same
15 day, page 44. (Redacted)

16 (Redacted). What can you tell us about that?

17 A. Thank you. My answer is no. If we are talking about money from the MLC
18 which passed through certain officials I will say yes, but (Redacted)
19 (Redacted) That is incorrect.

20 Q. When the Antonov 26 took off (Redacted), do you know where the plane went
21 to; that is the final delivery destination?

22 A. I would say that the Antonov had its base in Gbadolite, where the headquarters
23 of the movement was located, (Redacted)
24 so I believe that the plane came from Gbadolite and returned to Gbadolite.
25 Whatever they did after that, I am not aware.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 Q. When you (Redacted)

2 (Redacted)

3 A. There were Russian pilots, and there was also a Congolese national who was

4 always responsible (Redacted)

5 Q. During that period between October 2002 and March 2003, did you ever

6 personally travel to Gbadolite (Redacted)

7 A. Counsel, you know, I have a service. I'm not compelled to travel anywhere. I

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Do you remember who was your (Redacted) during

12 that period between October 2002 and March 2003, or just mention a few of them?

13 A. Yes, there was the (Redacted)

14 and then you had the (Redacted). Those were people who really (Redacted)

15 (Redacted)

16 Q. And from the point of view of the importance of (Redacted) did

17 you feel that some of them were more important than others amongst the four that

18 you have mentioned?

19 A. My concern was (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Q. Can you remind us of what the CDI is?

2 A. The CDI is a Congolese NGO, which is also located in Europe. These are
3 Catholic missionaries and they worked for the development in their area. They
4 facilitate the work of farmers for the selling of their products, so they help people a lot
5 in those local areas and (Redacted)

6 Q. And where is that NGO based?

7 A. Équateur and in the Ubangi area. They are practically everywhere, but their
8 headquarters was in Équateur.

9 Q. And where were (Redacted) based?

10 A. There was a (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Which country?

15 A. Still in the Équateur province.

16 Q. According to some information in our possession -- and I am referring to
17 transcript T-150 of 30 August 2011, page 67 for the French version, and for the English
18 version it is T-150 of 30 August 2011, page 65. According to that information in the
19 possession of this Court, it was stated that (Redacted)

20 (Redacted) What can you tell us about that?

21 A. My answer is no. I believe we have the Presiding Judge there, and once I'm
22 here in the Court I'm speaking with Mr Kilolo. I am not speaking to the Presiding
23 Judge. I (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. When you were (Redacted), would it be considered that at that
3 time you would be a member of the MLC?

4 A. Counsel, that is a question that surprises me. I told you from the beginning
5 that I was (Redacted). To be a member of the MLC means that you are
6 committed to that party. I never made a commitment to that movement. You can
7 say that I lived in the area under their control, yes. You can also say that (Redacted)
8 (Redacted), yes, but you cannot say that I was a member of the movement.
9 I never was.

10 Q. Let me be more specific with you, and I'm referring here to the French transcript
11 T-144 of 23 August 2011, page 20, and the English transcript T-144 of the same day,
12 page 20. The information given to this Court indicates that (Redacted)
13 (Redacted)
14 (Redacted). What can you tell us about that?

15 A. I'd say no, and it's false.

16 Q. (Redacted), to your knowledge, who supplied fuel to
17 the MLC in military operations in Bangui, between October 2002 and March 2003?

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. I would just now like to go back to the Libyan plane. When you speak about
25 munitions, weapons that were unloaded at Bangui airport, did you see who received

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 these military matériels that were unloaded by Libyan planes in Bangui?

2 A. I told you that I was at the airport. There was the chief of security who was
3 responsible for the airport, called Albatross, and at the time (Redacted)
4 (Redacted)

5 Q. I would now like to speak about Bangui airport. Did you see Mr Jean-Pierre
6 Bemba when you went to Bangui airport, between October 2002 and March 2003?

7 A. I would say no, and I'm going to tell you that Jean-Pierre Bemba, well, it's
8 difficult to say. In Zongo, you didn't see Jean-Pierre Bemba. Jean-Pierre Bemba, he
9 was in Gbadolite, where he was living. I never saw him at the airport at Bangui.
10 He once came to Zongo, and I explained that. I didn't have the opportunity to see
11 him there. He, he was the leader. We didn't see him. I didn't see him in Bangui at
12 the airport.

13 Q. I'm going to be more precise in my question: According to information, quite a
14 lot of information, transcript, French version, T-145 of 24 August 2011, page 36, but
15 also transcript, the English version, T-145, the same day, page 35, from this
16 information, which we have obtained before this Chamber, it seems that you arrived
17 or came sometimes during this period between October 2002 and March 2003, or that
18 (Redacted)

19 (Redacted) What can you tell us in that regard? Please respect the
20 five-second rule.

21 A. That's false. First of all, (Redacted) If
22 Jean-Pierre Bemba (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. Admitting what you say, nevertheless, without going yourself to Bangui airport,

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 did you learn or hear that Mr Jean-Pierre Bemba, at one time or another time, between
2 October 2002 and March 2003, was or went through the airport Bangui M'Poko?

3 A. I'm not aware of that.

4 Q. According to information that we have obtained, and here I'm referring to the
5 French transcript T-146, 25 August 2011, page 40, and also the English version, T-146,
6 of the same day, page 41, it would seem that you were indeed aware that Mr Bemba
7 came on several occasions to Bangui during the events between October 2002 and
8 March 2003, and that you even spoke about that around you. What can you tell us in
9 that regard?

10 PRESIDING JUDGE STEINER: Sorry, Maître Kilolo, we are still in closed session.

11 Is that really necessary? Because you said that it would be necessary because you
12 were talking about the (Redacted), but now we are not any more on that topic.

13 MR KILOLO: (Interpretation) Very well, your Honour. I propose to ask my
14 question again in open session.

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

16 (Open session at 12.38 p.m.)

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

18 MR KILOLO: (Interpretation)

19 Q. Witness, according to information that we have obtained before this Chamber, it
20 would seem that you were aware of the arrival of Mr Jean-Pierre Bemba, who came
21 several times to Bangui during the events between October 2002 and March 2003, and
22 that you even spoke about this to people around you. What can you tell us in this
23 regard?

24 A. Now I would say no, because I wasn't aware of his arrival and I couldn't be
25 aware of all that he did. No, I didn't know.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Q. So I'd like to ask questions with regards to the provision, or supply, of food for
2 soldiers, MLC soldiers, who were in the Central African Republic in this period,
3 2002/2003. If you consider that your answer could lead to your identification, please
4 make a sign such that we go back into closed session.

5 Now, my question is, or my first question: What were the -- or who were the
6 different commanders who you knew, military commanders of -- who were in the
7 Central African Republic?

8 A. I knew two commanders who I knew well and the other I knew from the
9 Central African Republic, Commander René, who was the commander in Zongo, and
10 I also knew a commander who was around where I was, where I was carrying out my
11 activities. Can I mention the name? Seguin was his name. And I also knew one of
12 the commanders who was the chief in Bangui, Moustapha. I knew him in Bangui,
13 and (Redacted)
14 (Redacted) so he was interested in me, Commander Moustapha too, and that
15 was how I got to know the commander.

16 Q. If necessary, we will go into closed session or private session. Could you tell
17 us what your relations were, or what type of relationship you had with regard to the
18 issue of food that we spoke about a moment ago?

19 A. Yes. Still as a (Redacted) -- the soldiers could not buy food and because at
20 PK5 there were Chadians who were bringing beans, there were shops there where
21 there was rice, there was the possibilities to buy beef as well, so they asked (Redacted) to buy
22 it and to come and sell it, and that gave (Redacted) a bit of profit even if I didn't know -- sell
23 beans, and then I knew Chadians who did, and (Redacted) would buy some and (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Q. So (Redacted) would resell this, but to whom would (Redacted) resell it?

2 A. René. Well, either (Redacted) would have 20 sacks of rice and (Redacted) would go to Kilometre 5,

3 (Redacted) would take rice at 12,000 francs, for example. I would go to Camp Béal, where they

4 had a base, and (Redacted)

5 (Redacted) and when René arrived, he would pay (Redacted) 15,000, and that was

6 how it worked.

7 Q. Who did you find at Camp Béal, when (Redacted) went to deliver food there?

8 A. Camp Béal is a Central African military camp. There were military officers

9 who were there and there was also a head, a Central African commander who was

10 there, who carried out liaison because the soldiers were at the front and if -- with

11 regard to food, (Redacted) would drop it there. (Redacted) would be paid by Commander René and (Redacted)

12 would be given money. Maybe they needed manioc. (Redacted) go to Zongo and (Redacted)

13 would bring it back. That was how the operation worked.

14 Q. Do you know where the money came from, (Redacted)

15 A. Yes, I knew that they had per diem where they were working, that's to say the

16 Central African government gave them money for their needs, and it was with this

17 money that (Redacted) was paid, because another time (Redacted) went to deliver beans, and (Redacted) arrived

18 and he said, no, they hadn't had this money and (indiscernible) was paid, and so it

19 took (Redacted) two pays -- two days to receive (Redacted) payment.

20 Q. Staying within this period between October 2002 and March 2003, did you have

21 information on possible crimes committed in Central African Republic territory?

22 A. Such as? Crimes such as what?

23 Q. Such as rape of civilians, murder or pillaging. If the answer is yes, please

24 could you tell us something about it?

25 A. Well, yes, I didn't see that, but I was working with a company which was

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 working in public works, which belonged to (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: Just one second, Mr Witness. Sorry to interrupt
9 you.

10 Could, please, court officer turn into private session.

11 *(Private session at 12.47 p.m.) Reclassified as Open session

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

13 THE WITNESS: (Interpretation) At that time we took the car to get authorisation
14 from Kabila who wanted to go to PK55, and I accompanied the person from the
15 company to PK55, and that was on the Damara road, and we arrived and they saw
16 that they had taken fuel, or fuel had been taken by soldiers of Bozizé's rebellion and
17 they had also taken a vehicle, and that was what I knew in Central Africa as pillaging;
18 Central African Republic. They were people who came with Bozizé.

19 In Bangui, I don't know. We were in the -- we were in the centre, and that started to
20 occur from the residents around the Boy-Rabé area. And saying I saw crimes there,
21 no.

22 MR KILOLO: (Interpretation)

23 Q. How did you know that it was Bozizé's soldiers who carried out pillaging?

24 A. I (Redacted) we went to

25 the place and we met the persons there, and the -- they told us that a group had come,

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 the guards told us that a group had come, and they left with it and that was how it
2 worked.

3 Q. I'd like to ask you a question. Now, with regards to (Redacted)
4 (Redacted)

5 A. No.

6 Q. A moment ago I asked you what the names of the MLC commanders were in
7 the Central African Republic that you knew. You gave me three names. You spoke
8 about René, Seguin --

9 A. And Moustapha.

10 Q. In addition to these three, did you know other commanders?

11 A. No, I only knew the three of them.

12 Q. We have a certain number -- or a certain amount of information, but before I say
13 that I'd like to ask you a question. Now, did it happen that somebody would
14 (Redacted)

15 A. (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 Q. According to some information that we have obtained, and here I'm referring to
21 the French version of the transcript, which is T-136, 1 July 2011, page 31, and also to
22 the English version of the transcript T-136 of the same day, page 30, the result of that
23 is that the (Redacted)

24 (Redacted)

25 (Redacted) Do you know anything about that? Do you remember anything?

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 A. No. Well, first of all, I don't know Kamisi. And with regards to (Redacted)

2 (Redacted) I don't know.

3 Q. In the Central African Republic, did you hear people talk about General

4 Mazangue?

5 A. (Redacted) Operations commander in the Central African

6 Republic.

7 Q. What operations?

8 A. His service is OCB. He is in the research or search brigade.

9 Q. (Redacted)

10 A. Mazangue is an officer in the Central African Republic. He carries out

11 operations in town. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. When we speak about Mazangue and the OCERB service, by chance does that

20 make you remember anything with regards to the traffic of cotton?

21 A. I think in our country, in Africa, it's the government that makes cotton (Redacted)

22 (Redacted)

23 Q. Personally, have you heard people talk about pillaged cotton in the Central

24 African Republic?

25 A. No.

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

- 1 Q. According to information that we have, and here I'm referring to T-136, French
2 version of 1 July 2011, page 32, and also to the transcript in the English version T-136
3 of the same day, page 31, (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 A. I think that if we speak about this period, first of all (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 Q. (Redacted)
14 A. (Redacted)
15 (Redacted)
16 Q. (Redacted)
17 A. (Redacted)
18 (Redacted)
19 Q. (Redacted)
20 A. (Redacted)
21 (Redacted)
22 (Redacted)
23 Q. (Redacted)
24 (Redacted)
25 A. (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. According to a certain amount of information we've got, and here I'm referring
3 to transcript T-141, French version, 8 July 2011, page 23, and also to the English
4 version of the transcript T-141, the same day, page 21, and it would appear therefrom
5 that (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. If we sum up your entire stay in Bangui -- and I think we might move into open
12 session before drawing this to a close.

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

14 (Open session at 1.00 p.m.)

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

16 MR KILOLO: (Interpretation)

17 Q. So, Mr Witness, were we to sum up the time spent by yourself in the Central
18 African Republic, what could we say? How long did you spend living there; in the
19 Central African Republic that is?

20 A. I have family in the Central African Republic, so I've been visiting the country
21 since I was born. I might spend two months of holiday in the Central African
22 Republic and then I used to come back to study. I have family relations in the
23 Central African Republic and I could say that I'm there all the time, apart from
24 15 March when I fled, because I was working together with the MLC and people
25 wanted to attack me and so I had to flee, but as I said, well, I'm Central African

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 because my -- my family's there, my friends are there, my aunt lives there, so, you
2 see?

3 Q. Could we say that this is an exceptional situation, that a Congolese national has
4 family members in Bangui?

5 A. Well, I can explain it to you. I -- well, in the Central African Republic there are
6 people who speak Sango. They are the Yakoma and the Yakoma live in the Central
7 African Republic. (Redacted)
8 (Redacted)
9 (Redacted)

10 So, you know, we've got -- we work together, if you like? In Kinshasa, there are
11 colleagues and work friends who say that I have a Central African accent, they say I
12 speak that way, but I'm not. I'm Congolese. You know, we speak in sort of the
13 same sort of way in the various tribes, so there you see.

14 Q. Now, in terms of your knowledge and information, might one consider that the
15 MLC troops who were in the Central African Republic between 2002 and 2003 had
16 gone into a foreign country, where they had neither friends, nor family relations, nor
17 anyone that they knew; that this was a foreign country to them?

18 A. The troops?

19 Q. The troops, the MLC troops, the Congolese troops who went into the CAR,
20 could we say that they had gone into a foreign country where they had no friends and
21 no family ties?

22 A. Well, some of them had family ties, such as I did. I believe that the MLC
23 comprised all different ethnic groups, and in the Central African Republic there are
24 other ethnic groups. There are Central Africans who speak Lingala. There are
25 Congolese like me. I speak Sango very well. I speak Mbaya. I speak

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Mbaka-Mandja. (Redacted)

2 THE INTERPRETER: Message from the English booth: Could the witness please
3 be requested to slow down and to speak more clearly?

4 THE WITNESS: (Interpretation) There were certain soldiers in my village who
5 would speak like me.

6 MR KILOLO: (Interpretation)

7 Q. Now, you who were in the CAR, what languages were to your knowledge
8 spoken by the Central African soldiers in Bangui? Do you have any idea?

9 A. Yes, I do. Now the Central African soldiers are Central Africans, first and
10 foremost. They have their own dialect, whether it be Yakoma or Mbaya, or
11 Mbaka-Mandja, or various languages, even Monjombo because there are some
12 Monjombo in our country and there are also Monjombo in the CAR and there are
13 Congolese soldiers who are the same.

14 Q. At an earlier stage you talked about Lingala. How do you know that Central
15 Africans also speak Lingala?

16 A. Well, I said to you that I conducted business there. I might even be able to call
17 a soldier from the CAR and we might even talk to him in Lingala. I can tell you
18 about two or three soldiers who I might talk to in Lingala. You know, there are
19 times when we have brothers in the Congo who have their family on the other side of
20 the border.

21 Q. Now, according to your personal experience of the two countries and your
22 knowledge of Congo and the CAR, could you tell us about the different accents when
23 Lingala is spoken by a Central African or a Congolese person? Do you have any
24 information?

25 A. Yes, I could say that if a Yakoma speaks Lingala it's like a Yakoma back home.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 If I speak Lingala, it's a bit different from somebody who speaks Lingala living in
2 Kinshasa. In the North Équateur, at the Ubangi River, we speak Lingala with a bit of
3 a Ngwaka (phon) accent or Ngwandi (phon) accent. However, in the other
4 provinces they speak Lingala in a different manner to us, you see? So if I were to
5 speak with a Central African the accent is the same, but a Congolese individual from
6 another province will have another accent, a different accent, you see?

7 Q. Now, I would like to make sure that I understand you correctly. So, as far as
8 accent is concerned, for a Central African person in Bangui, when we compare their
9 accent to that of a Congolese individual living in the Ubangi area, living in Équateur
10 province in the DRC and were you to take the accent of another individual living in
11 Kinshasa, now, what can you say to us about that, in terms of comparison?

12 A. You know, the Ubangi River is what separates us from the Central African
13 Republic, and a Congolese from Équateur, from the South Ubangi, well, there is no
14 difference to the way a Central African speaks, but a Congolese person from the
15 lower Congo or lower Ndongu or Katanga has a different accent from ours. So it
16 means that we -- from the Équateur we have a similar accent to those from the Central
17 African Republic, when comparing us to the others. I'm living in Kinshasa today,
18 but I feel better in the Central African Republic than I do about going to Kinshasa.

19 Q. Now, where do the Mbaya live in the Central African Republic?

20 A. I don't really know the map very well, but (indiscernible) Umbumba (phon) on
21 the other side of --

22 THE INTERPRETER: The interpreter did not catch the word.

23 THE WITNESS: (Interpretation) As I said, the Gbaya, who are in the Central
24 African Republic, they are on the Mbaiki road, so Mbaiki leads you on to
25 Mongoumba to Mukinda and that is where the frontier is with the DRC, and opposite

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 Mukinda, opposite Mongoumba, there is the DRC and that is where the Ngwaka are,
2 but they speak Mbaya, Mbaka-Mbaya.

3 Q. Now, what I would like to understand, were we to take an example of a Central
4 African soldier who is Mbaya and who comes to Bangui and who speaks Lingala,
5 talking to one of his Central African compatriots who only knows Sango and who
6 doesn't speak Mbaya, does this Central African civilian -- or is he able to know
7 whether the Central African soldier talking to him in Lingala is a Ngbaya (phon)
8 Central African, or whether he is a Congolese individual from Équateur province?
9 Can he know the difference?

10 A. Well, it depends. If you know each other, well you'll know whether he is
11 Congolese or Central African, but if you don't know each other then it will be difficult
12 to understand. So whatever my activities are, I can integrate into Central African
13 society because in the village I have family ties there. As I said to you, when I go to
14 the CAR, if I were to take you with me and we went there, I would take you to the
15 various villages where I'm a known entity and where I have family ties. You know,
16 it's difficult to understand the situation because we live with one foot in each country.

17 Q. Now, if we talk about the Yakoma, the Yakoma, where precisely do they live in
18 the CAR?

19 A. The Yakoma live in Mobayi Banga. They -- all those people I'm talking about
20 live along the river, along the banks of the river, but they are in Mobayi Banga and on
21 the opposite side the Yakoma that you are talking about is an ethnic group in Bangui
22 but there is a Yakoma village that is on our side in the DRC and they have the same
23 family origins. The others just went on to the other side to live there and they took
24 on Central -- and they took on Congolese nationality whereas the others remained in
25 the Central African Republic. So you might have two elder brothers where one

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 stayed on one side of the river and the other went to the other side and took on the
2 Congolese nationality and the other one stayed back home. So you can take on a
3 nationality on the other side of the river whereas the other brother remained behind
4 and kept his nationality.

5 Q. Now, if we talk about tribal or traditional chiefs in terms of the Yakoma, what
6 could we talk about? What could we say about these traditional chiefs, because as
7 you say there are Yakoma in the DRC and there are Yakoma in the CAR. So the
8 traditional chief, are there two such chiefs or is it one traditional chief who is in one of
9 those two countries and how can we bring them -- this together?

10 A. Well, I think that the question that you put to me was clear, and as I said to you,
11 if you were to have two children, when growing up, well, they are not going to
12 say -- they are going to create their own household and each boy will have his own
13 responsibilities. One might go in one direction and he is the head of his family.
14 And so you can't have one chief to manage everything, but we know that we come
15 from the same father.

16 If we come back to what De Gaulle said at the time, is that the CAR and the DRC, well,
17 those countries, you can have one foot, they overlap each other. So, to date, there are
18 individuals who have problems and in our area, and then they go over the border.
19 They flee to the CAR, and a Central African having problems in his area will flee to
20 our country.

21 So I can give you another example. At the time of President Patassé, I was in the
22 Central African Republic and there was an attempted coup, a failed coup on the part
23 of Kolingba, and all the Yakoma had fled to Équateur. They went home to Équateur
24 and I remained in Bangui, so you can see the difference.

25 PRESIDING JUDGE STEINER: Mr Witness, it's totally impossible for the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 interpreters to follow you. You are now having a dialogue with Maître Kilolo and
2 you simply forgot that you were testifying. Please, you have to slow down.

3 THE WITNESS: (Interpretation) I thank you.

4 MR KILOLO: (Interpretation)

5 Q. Well, Mr Witness, we've nearly finished. We've only got about five minutes
6 remaining, so please try and slow the train down. I can see that in the English
7 transcript everything is there, but it's very difficult for the interpreters, for their work.
8 Now, what I would like to understand is that when we talk about the Yakoma from
9 the DRC and the Yakoma from the CAR, to your knowledge, you're talking about the
10 same father here, but is there a sentiment of family belonging, of common family
11 belonging, or can one say that they are separate entities from that viewpoint?

12 A. They are not separate entities, they are brothers. They live together, despite
13 the fact that some are in the CAR and some are in the DRC. If there's a problem,
14 then they lend each other a hand. I know CAR soldiers who have brothers, who
15 have brother soldiers in the Congo.

16 Q. I'd like to put a more specific question to you. When talking about
17 Mbaka-Mandja, (Redacted) the
18 Mbaka-Mandja from the CAR, if we talk about this feeling of common belonging that
19 you might have when talking about a Mukongo, who is in the lower Congo province
20 in the DRC, how precisely does this feeling of proximity or belonging define itself?
21 Because a Mbaka-Mandja, a Congolese Mbaka-Mandja, might feel closer to a Central
22 African Mbaka-Mandja, or will he feel closer to his Congolese compatriot from the
23 lower Congo?

24 A. I think we're going a little bit too far here. I think, Maître Kilolo, you are
25 Congolese and Maître Zarambaud is Central African, but if I say that I feel closer to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 him than I feel to you it's because we straddle the two countries. We, the Congolese
2 from the Équateur province, have many ties with our brothers from the CAR along
3 the banks of the river, I believe that in terms of our customs, in terms of our dialect
4 and in terms of our mindset. But a Congolese man in my village is a stranger, is a
5 foreigner.

6 I would say that since 15 March I have not gone back to the CAR. (Redacted)
7 (Redacted)

8 I said to you I came to Mukinda. Now, how did I arrive in Mukinda? Well,
9 President Dacko had his brother living there who had grown up in Libenge. His
10 name is Malibaga (phon). He grew up and lived and died in Libenge, but he was the
11 brother of the Central African President Dacko. So you can see here what I'm telling
12 you. We really overlap. We straddle the two countries, and we cannot live apart.

13 PRESIDING JUDGE STEINER: Maître Badibanga.

14 MR BADIBANGA: (Interpretation) I thank you, Madam President. I am just
15 noting that Maître Kilolo is belabouring this point, and I don't know whether he is
16 talking to the witness as a spokesperson for a community or a group because the
17 speculations might be of some interest, but I do not believe that they are relevant or
18 precise.

19 Either he has a personal opinion on the matter or information he can provide the Trial
20 Chamber, or it might just be speculation and as such we might be able to move on to
21 relevant, more relevant facts to the case. I thank you.

22 PRESIDING JUDGE STEINER: Maître Kilolo, you said you were going to -- you
23 were close to concluding and that's why I'm leaving you kind of free to continue in
24 this line of questioning that, as Maître Badibanga said, is interesting, but I'm having
25 difficulties in seeing the relevance for the case.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 MR KILOLO: (Interpretation) Of course I had exhausted this line of questioning
2 but it would seem to me that these are very important questions, as we are here
3 establishing the false nature of the Prosecutor's case, notably, when alleging that the
4 troops going to the Central African Republic, according to the Office of the Prosecutor,
5 committing crimes in a country where they had no feeling of belonging, a country
6 that was foreign to them where they had no family ties and where allegedly crimes
7 were committed against Central African civilians by individuals who spoke Lingala
8 and who -- as a result, this could be defined as a criterion of identification.

9 We have the luck of having a Congolese person in our midst, who has information as
10 to the true tribal, common tribal situation between the DRC, particularly, more
11 particularly the Équateur province, and the inhabitants of the CAR, and I think at the
12 very least it would have been lacking of me, had I not put questions to him, for him to
13 be able to share the relevant information that he has, which goes to show that talking
14 Lingala to a Central African in Bangui, when you do not hail from the same tribe and
15 you do not know the individual, does not mean that you can be identified as a
16 Congolese person, but Yakoma, but a Central African Yakoma from the Central
17 African Republic speaking the same language. So I think that this is important
18 information.

19 Q. Now, Mr Witness, we do not have much time left, and in order to save some I
20 think we've got two or three more minutes, with Madam President's leave. Do you
21 know (Redacted),

22 A. Yes. I do know (Redacted) very well.

23 Q. Without going into any details, what were his activities in Bangui between
24 October 2002 and March 2003?

25 A. I know (Redacted). He has a small shop where he sells telephones. You

Trial Hearing
Witness: CAR-D04-PPPP-0066

(Private Session)

ICC-01/05-01/08

1 know, (Redacted), we use Central African telephones, we use their
2 antenna, and he would come and buy phones or air time and sell it to people who had
3 mobile telephones.

4 Q. Do you know whether he had any links whatsoever with the MLC? As a
5 civilian intelligence officer, would this be possible, according to the information you
6 have?

7 A. I do not know. I do not know about this.

8 Q. Just to know, apart from the fact that you were a (Redacted), did you
9 have any political activities or did you conduct any political activities or have any
10 political responsibility?

11 PRESIDING JUDGE STEINER: We are in public session, Maître Kilolo. Should we
12 go into private session?

13 Court officer, please.

14 *(Private session at 1.25 p.m.) Reclassified as Open session

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

16 MR KILOLO: (Interpretation)

17 Q. Yes, Mr Witness, could you please answer the question: Did you have any
18 political responsibility (Redacted)?

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 A. I am an (Redacted). In Équateur, there weren't many political
24 parties and (Redacted).

25 Q. Do you have any links with the MLC?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

1 A. Links with the MLC? Well, you know, the MLC was also part of the
2 opposition. (Redacted) part of the opposition.

3 Q. Are you a member of the MLC?

4 A. In 2006, whether I could be a member of the MLC? Well, I could only be
5 part -- (Redacted). It is not an obligation for an
6 Equatorian to be a member of the MLC.

7 MR KILOLO: (Interpretation) I do not have any further questions, and I thank
8 you.

9 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

10 Court officer, please turn into open session.

11 (Open session at 1.27 p.m.)

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

13 PRESIDING JUDGE STEINER: Maître Kilolo, may I understand that you concluded
14 with your questioning?

15 MR KILOLO: (Interpretation) Yes, the Defence has drawn this line of questioning
16 and this witness to a close. Thank you.

17 PRESIDING JUDGE STEINER: Mr Witness, it's enough for today. We are going to
18 adjourn and resume on Monday morning, when the Prosecutor will start questioning
19 you. We hope you have a nice weekend, as far as possible with this weather, and the
20 VWU will be giving you all assistance you need.

21 I thank you very much the Prosecution team, the legal representatives of victims, the
22 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters
23 and court reporters, our court officer, our court usher. Wishing you all a restful and
24 nice weekend.

25 I will ask court officer please to turn into closed session for the witness to be taken

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0066

- 1 outside the courtroom. In the meantime, we will adjourn and resume on Monday
- 2 morning at 9 o'clock.
- 3 *(Closed session at 1.29 p.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in closed session, Madam President.
- 5 (The witness stands down)
- 6 THE COURT OFFICER: All rise.
- 7 (The hearing ends in closed session at 1.30 p.m.) Reclassified as Open session
- 8 RECLASSIFICATION REPORT
- 9 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 10 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.