

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 International Criminal Court  
2 Trial Chamber III - Courtroom 1  
3 Situation: Central African Republic  
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08  
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and  
6 Judge Kuniko Ozaki  
7 Trial Hearing  
8 Friday, 1 March 2013  
9 (The hearing starts in open session at 9.10 a.m.)  
10 THE COURT USHER: All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE STEINER: Good morning.  
14 Could, please, court officer call the case.  
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central  
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,  
17 ICC-01/05-01/08.  
18 PRESIDING JUDGE STEINER: Thank you very much.  
19 I welcome the Prosecution team, legal representatives of victims, Defence team,  
20 Mr Jean-Pierre Bemba Gombo. I welcome our interpreters, our court reporters.  
21 Good morning, Mr Rojas.  
22 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honour.  
23 PRESIDING JUDGE STEINER: Before the witness is brought into the room at the  
24 field office, we are going to issue -- the Chamber is going to issue a short oral decision,  
25 and it's a decision on the witness schedule for the time period between 11 and

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1 20 March 2013.

2 By email of 26 February 2013, in order to ensure the efficient presentation of evidence  
3 and to enable the parties, the participants and the Chamber to prepare, the Chamber  
4 instructed the Defence, in co-ordination with the VWU, to submit a proposed  
5 schedule of witnesses to be heard following the completion of the testimony of the  
6 current witness, and up to and including 22 March 2013.

7 In accordance with the Chamber's instruction, the Defence submitted its proposal by  
8 email on 27 February 2013. The proposal suggested continuing the presentation of  
9 evidence with the testimony of Witness D04-45, to give testimony between 11 and  
10 15 March 2013, to be followed by Witness D04-21, to appear between 18 and  
11 20 March 2013. The Chamber approves the proposed order of appearance and  
12 therefore instructs the Defence and VWU to liaise, in order to ensure the appearance  
13 of Witnesses D04-45 and D04-21, as suggested in the Defence's proposal.

14 The Chamber further reminds the parties and participants to comply with the  
15 relevant dead-lines established in decisions 1729 and decisions 1729 and 2141.

16 Now I ask, please, court officer, to go into closed session, in order for the witness to be  
17 brought into the room and resume his testimony.

18 \*(Closed session at 9.13. a.m.) Reclassified into Open session

19 THE COURT OFFICER: We are in closed session, your Honours.

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

21 (Redacted)

22 (The witness gives evidence via video-link)

23 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

25 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your

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1 testimony?

2 THE WITNESS: (Interpretation) Thank you very much for the question, your

3 Honour. Yes, I am ready.

4 Now, since yesterday, I'm suffering a little bit, but this morning I was given some

5 medication so that we can carry on with questions, but I would ask whether I can stop

6 if I don't feel too well, but for the time being, everything is okay.

7 PRESIDING JUDGE STEINER: Mr Witness, the Chamber was informed about your

8 health in this moment, and at any time if you need a break just let us know and we

9 can have extra breaks, and do not hesitate in asking the Chamber.

10 THE WITNESS: (Interpretation) Thank you very much for that, your Honour.

11 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor to the Prosecution,

12 I need to remind you that you are still under oath. Do you understand that, sir?

13 THE WITNESS: (Interpretation) Yes, your Honour, I do know that.

14 PRESIDING JUDGE STEINER: Then I'll give back the floor to Maître Badibanga.

15 MR BADIBANGA: (Interpretation) Good morning, your Honour. Good morning,

16 your Honours.

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

18 Q. Mr Witness, good morning.

19 A. Good morning, Counsel Badibanga.

20 Q. Mr Witness, it's the Presiding Judge that is responsible for the procedure in the

21 courtroom, but please don't hesitate to interrupt me if you have any concerns about

22 your ailment and then of course I will refer this to the Bench and more particularly to

23 the Presiding Judge.

24 THE INTERPRETER: Overlapping speakers.

25 THE WITNESS: (Interpretation) Thank you.

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1 MR BADIBANGA: (Interpretation)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted)

19 Q. So, Mr Witness, I'd like to read to you an excerpt of the statement that you made

20 to the Office of the Prosecutor. You remember having made a statement on

21 (Redacted) to the OTP, don't you?

22 A. Yes, I do remember. I remember that we met.

23 MR BADIBANGA: (Interpretation) So, your Honour, the excerpt that I want to

24 read out is extract from the transcript 058-00504. I'd just like to make sure that

25 I can find you then -- its number in the list of documents that are in front of me.

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1 PRESIDING JUDGE STEINER: It's document 130 of the Defence list.

2 MR BADIBANGA: (Interpretation) Thank you very much, your Honour. I've got  
3 a number of sheets in front of me, things are getting muddled up. Thank you very  
4 much for that kindness.

5 Q. Mr Witness, on page 526, from line 762, this is the conversation that you had  
6 with the representative of the OTP: He asks you, and I'm reading the question as it's  
7 worded in French, but you will also see some English text, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 So before I continue, Mr Witness, would you mind telling us whether this statement is  
18 the same that you made to the representative of the OTP?

19 A. I had communicated with the OTP, and you were a member of the team belonging  
20 to the OTP, and it's true that one single person cannot choose a (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) Thank you very much.

6 Q. Witness, I'm not going to read the numerous extracts from the transcripts from

7 (Redacted)

8 I think that Counsel Kilolo asked you these questions on several occasions, such that

9 it would appear very clearly in the transcript. I think I also asked you that question

10 and your answers were coherent. I will read what you said to the Chamber on

11 25 February. Here we're talking about, your Honour, transcript 284, French version,

12 page 48, line 15, English version it is from line 9, and it was in regard to this message,

13 Witness.

14 Question from Counsel Kilolo: (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 In the statement that you gave here, or the testimony that you gave here, Witness,

25 before the Chamber under oath, and as I said you've stated it on several occasions,

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1 (Redacted)

2 In the statement which I've just read to you before that, the one you gave to the Office  
3 of the Prosecutor on (Redacted) you state that (Redacted)

4 (Redacted)

5 Could you tell us which of these two versions should be considered by the Judges?

6 A. Counsel Badibanga, yesterday I told you the following: (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) I would like the Judges to follow me very closely, so that

14 everybody may know what really happened when you compare it with other

15 testimonies which you can also hear.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)



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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) Thank

10 you.

11 Q. Witness, in this case there are a lot of witnesses who should come after you.

12 We have to finish this examination and, in order to do so, I would ask you to answer

13 the question that I put to you in the most precise way, that's true, but also perhaps in

14 the most concise way possible. If every time you have to take up an extremely long

15 story, we're never going to finish and we might exhaust the patience of the Judges.

16 So, please, just answer the question.

17 What you said yesterday and what you said the day before yesterday, those are in the

18 transcript. Everything's been taken word by word. If I sometimes ask a question

19 again it's just to show you the different statements compared to each other, so there is

20 no need to go back to the whole history with regard to each of the questions.

21 (Redacted)

22 (Redacted)

23 A. You're asking me the same question ten times. If I didn't answer your question

24 you're going to say, and if I answer your question you're going to say that I'm coming

25 back to what I already said yesterday and the day before yesterday. I would

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- 1 therefore ask you to ask questions which I haven't answered already. (Redacted)
- 2 (Redacted)
- 3 Q. Thank you. Right, the clarification. (Redacted)
- 4 (Redacted)
- 5 A. What do you want me to give you as an answer? You've just told me, Counsel
- 6 Badibanga, not to repeat myself.
- 7 PRESIDING JUDGE STEINER: Mr Witness, is it possible, please, for you to answer
- 8 to the simple question put by the Prosecution? The question is: (Redacted)
- 9 (Redacted) It's a
- 10 very direct and simple question.
- 11 THE WITNESS: (Interpretation) Thank you, your Honour. I've already answered
- 12 this question. I'll say the following: (Redacted)
- 13 (Redacted)
- 14 (Redacted). Your Honour, if you remember well I said, (Redacted)
- 15 MR BADIBANGA: (Interpretation)
- 16 Q. So, Witness, on (Redacted) this is what you say about the conversation
- 17 that you had (Redacted)
- 18 Your Honour, still the same transcript that I'm referring to. Now I'm on page
- 19 00389 -- sorry, it's transcript CAR-OTP-0058 and I'm on page 528, line 821.
- 20 You mention, Witness, or this is what you say, (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 here, in order to be perfectly clear, your Honour, I'm going to read it in English

17 because even in the translation the French part is missing, so I just made a small

18 translation for the witness, but I'm going to read it in English as it is in the transcript.

19 (Speaks English) "I wanted to make -- (Redacted)

20 (Redacted) (Interpretation) Witness, you answered, (Redacted)

21 (Redacted)

22 (Redacted) Witness, do you recognise having made that statement to

23 the members of the Office of the Prosecutor (Redacted)

24 A. We're not making any progress. I don't know what I can give you as an

25 answer. Do you want me to testify as you want me to do, or do you want me to tell

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1 you the truth, Counsel Badibanga? Remember, when at a certain time you asked me  
2 questions as to whether I was aware of pillaging, I answered, "No, I was never aware  
3 of that."

4 After our conversation you returned to The Hague, and when we spoke on the phone  
5 I said that there was pillaging, but it wasn't by us, and it's because I had forgotten this  
6 incident. Now, I haven't forgotten these incidents and I already answered your  
7 question, and if you come back to the same question, I'm going to give you the same  
8 answer.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Very well, Witness. The Judges will take note of that. I'll just say that in your  
17 testimony, the last quote that you made was to say that (Redacted)

18 (Redacted)

19 (Redacted) And that is in the transcript of this hearing, transcript 0058-0584,

20 CAR-OTP, page 530, line 886.

21 Witness, do you remember having said on 25 February, the first day on which you

22 were being questioned by Mr Kilolo, and here I'm now referring your Honour to

23 transcript 284, 25 February, French version, page 34, 28 to 35 are the lines. Sorry, it

24 starts on 34, 28. In the English version it's page 34, lines 15 to 20.

25 The question that I wanted to put to you, Witness, the MLC contingent, did they have

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1 arms when they left -- weapons when they left the Democratic Republic of Congo?

2 THE INTERPRETER: The counsel corrects himself.

3 MR BADIBANGA: (Interpretation)

4 Q. And you answered, "We had individual weapons. Each soldier had his  
5 weapon. We also had small arms but all the artillery that we received came from the  
6 Central African Army. As for us, we brought individual weapons with us." Do  
7 you confirm this statement, Witness?

8 A. I confirm that the weapons of support were used. They were taken with us,  
9 and each soldier had his own individual weapon.

10 Q. Can you help us understand what you mean by this "arme d'appui" or support  
11 weapon? Could you give us examples of what type of weapon you mean by this?

12 A. Well, these support weapons are weapons that are used by soldiers during a  
13 battle.

14 Q. Please excuse my limited knowledge about weapons, I'm going to need your  
15 help here. A mortar, for example, a 60 mortar, is that an individual weapon? Is it a  
16 support weapon, or a heavy weapon?

17 A. I see that you have a knowledge of weapons, and I congratulate you. A 60  
18 mortar is a support weapon.

19 Q. And the 81, in what category would you put that weapon?

20 A. That's a support weapon, but if we also use -- you can also have another type of  
21 weapon that you use as artillery.

22 Q. And the 82, in what category would you put that?

23 A. 82, that's the same thing as an 81 mortar. It comes under the same category.

24 Q. And the 700 millimetre?

25 THE INTERPRETER: 107 millimetres, corrects the interpreter.

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1 THE WITNESS: (Interpretation) That is a heavy weapon.

2 MR BADIBANGA: (Interpretation)

3 Q. Is it correct to say that the 107 millimetres is a rocket launcher?

4 A. Well, I'm not going to give you a lesson in weapons. You know, a rocket is a  
5 bomb and a rocket launcher, where it concerns rocket launchers, you can't include  
6 that weapon in this category.

7 Q. Don't hesitate to explain all the technical aspects to us if we don't understand  
8 well and if we make mistakes. You will understand the people present in this  
9 courtroom perhaps don't have a lot of experience in weapons. In law, they certainly  
10 do, in weapons, they don't, so please don't hesitate to help us take advantage of your  
11 knowledge.

12 Witness, I shall read to you an extract of the statement you gave to the Office of the  
13 Prosecutor. That was on 29 April 2008, your Honour. Here we're talking about  
14 transcripts 020, 215. I always have to say CAR-OTP-0020-0215, and this is the  
15 document 71 on the Prosecutor's list.

16 So the question is put to you, Witness, when you were sent to the Central African  
17 Republic, "Did you take your own weapons?" And you answer, "Yes." Question:  
18 "What type of weapons?" Answer: "We had individual weapons, the AKA. We  
19 also took support weapons called RPGs, machine-guns, JPMGs, MMGs, GPMG, SMG,  
20 C-AKA, that's the same thing. There were the GPMGs and the MMGs. We had 60  
21 mortars, we had 81s, we had 82s, we had 107 millimetres. That's a rocket launcher."

22 In accordance to what you've just explained to you us, Mr Witness, that some of these  
23 weapons, such as the 82 which could also be a heavy weapon, or the 107 millimetre  
24 which is a heavy weapon, could we also take from it that not only did you have  
25 individual weapons but you also had heavy weapons when you crossed over in order

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1 to go to the Central African Republic?

2 A. We are talking about two questions here. You want something and at the same  
3 time you want its contrary. Why am I saying this? Well, you're telling me on the  
4 one hand that I need to go straight to the point, that I shouldn't give you many details,  
5 but at the same time you're asking me to explain how weapons work or what they are,  
6 by saying you're an expert in law but you're not an expert in weaponry. So I'm  
7 asking myself what should I do now then?

8 When you talk about weaponry, when you talk about a well-armed country, the 82  
9 mortar and the mortar 60 don't belong to the family of heavy weaponry. These are  
10 weapons that can project shells, but they're not described as heavy weapons. Rather,  
11 they're described as support weapons.

12 With regard to the 107 millimetre weapon, you had a question about that. The day  
13 before yesterday I told you the following, after you'd shown me the list of weapons  
14 that we had used: There are weapons that we found in the field, but I think we're  
15 labouring under a confusion here. The artillery weapons that we use in the field  
16 over there, or the heavy weapons, in other words the 107, the 120 mortar, I would also  
17 add the weapon dubbed 14, these are weapons that belonged to a battery. We  
18 crossed over with individual weapons and also support weapons, but we didn't cross  
19 over with heavy weaponry.

20 MR BADIBANGA: (Interpretation) Court officer, would you mind displaying to the  
21 witness document CAR-D04-0002-1514 on page 1629. This is the log-book that I  
22 referred to a little earlier on. And if my memory serves me well, I think it's  
23 document 37 on the Defence list. I do apologise, it's 36.

24 Q. Mr Witness, I'm interested in the message on the top right on the page.  
25 Counsel Kilolo showed you this on 25 February. In transcript 284 in the French

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1 version it's from page 54, and in the English version it's page 54 also, from line 22.

2 I'd just like to read the message if you can see it clearly on the screen in front of you.

3 "The equipment Brigade Echo ready for Bangui operation. Mortar 60 millimetres, 1.

4 Mortar 82 millimetres, 3. 117 millimetre cannon, 1. The rest for Echo Brigade.

5 Mortar 120 millimetres, 1. Cannon 107 millimetres, 1. 14, 1."

6 Do you recall what you told Counsel Kilolo in relation to this message?

7 A. Yes, I remember what I told him.

8 Q. Because if I say by way of a summary that you explained that this was an

9 inventory that you had suggested, to take this weaponry into Central African

10 Republic, and the answer that was given to you by the hierarchy was to say that these

11 weapons should stay in the DRC because in the Central African Republic you would

12 be receiving equipment, does that correspond to what you told to Counsel Kilolo?

13 A. Now, just to explain it clearly, Counsel Badibanga, all these weapons, you know,

14 in each battalion there is weaponry. This weaponry belonged to my general staff.

15 In the hierarchy, the 107 cannon will never be at battalion level. It's a weapon that

16 belongs to the Chief of Staffs. And the battalion didn't have 120 mortars either.

17 The 60 mortars and the 120 mortars, these are mortars that the battalions took with

18 them, but when I provided this proposition, referring to weaponry at the Chief of

19 Staff's level, I had the answer such that the weapons should remain because when we

20 would arrive in the field, we would have the weaponry in the field. I don't know

21 whether you remember that.

22 Q. I do remember. So just to summarise, I would remind you that you said before

23 the Court, transcript 224, page 44, in French and in English, "We decided, bearing in

24 mind that there would be weaponry in the field over there, that if we were to take

25 over weaponry and then we would be attacked, we would -- it would be impossible



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1 for us to respond why we kept our equipment in situ where it was."

2 So here's my question: You said in the transcript that you didn't take this equipment  
3 with you, but during the statement given to the OTP you said, and this is the excerpt  
4 that we looked at a moment ago, you said that you crossed over, and I think I can see  
5 the same thing with 60 mortars, with 82 mortars and with 120 millimetre --

6 THE INTERPRETER: 107 millimetre, corrects the interpreter.

7 MR BADIBANGA: (Interpretation)

8 Q. -- which corresponds exactly to what features in this log-book message.

9 Do you still stand by your statement that all of the weapons remained in the  
10 Democratic Republic of Congo?

11 PRESIDING JUDGE STEINER: Yes, Maître Kilolo.

12 MR KILOLO: (Interpretation) It strikes me that this systematic way of comparing  
13 with the witness his so-called statements that were made previously with the OTP,  
14 I don't think this is fair, to the extent that I think we need to make a distinction  
15 between a statement which at the end of the deposition period is given to the witness  
16 for the witness to approve, and this is borne out by his signature. A distinction  
17 needs to be made between that and internal memorandum of the OTP when they're  
18 going to be questioning a potential witness, where notes are taken - internal notes are  
19 taken - notes that were never approved by the witness.

20 And so from that point of view I don't think we can, in a fair way, say, "This is what  
21 you said and now you're saying something which strikes us as not very much in line  
22 with what you originally said." I think this way of doing things is by no means right  
23 and proper and I think this should be applied at the ICC as it is applied in all courts  
24 around the world. You don't acknowledge a deposition that is not signed by the  
25 person subject to the questioning.

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1 PRESIDING JUDGE STEINER: Maître Badibanga.

2 MR BADIBANGA: (Interpretation) I was just waiting for the moment when

3 Mr Kilolo would raise that particular issue. I suppose that he had to relieve

4 the -- take the pressure off the witness so that he could find some sort of exit, but

5 anyway, I'd just like to remind the witness of the proceedings or the procedure so that

6 we know what we're dealing with here.

7 Your Honour, we're not talking about an internal memorandum note of the OTP;

8 we're talking about a video and audio recording of the deposition made by the

9 witness. The witness is talking in front of a witness -- in front of a camera, such as

10 now, and which archives every second of the conversations that he is conducting with

11 the OTP.

12 Now, when such a conversation comes to an end the witness himself signs on the

13 cassettes, which are then sealed and are then recorded here and tendered into

14 evidence.

15 Now, we do have the opportunity of using a video, but I think this would take a long

16 time for the Chamber and we'd never reach the end of this cross.

17 So there is a transcript of this deposition and we're referring to that, just as Mr Kilolo

18 is referring to the transcript of previous testimony. And so Mr Kilolo is using those,

19 but he -- and we're not using video material, but we're using transcripts that are taken

20 word by word -- correspond word by word with what the witness has said, and if the

21 Bench wishes to draw upon the video archive we can do so.

22 Now, with your leave, I'd like to continue.

23 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

24 MR KILOLO: (Interpretation) Now, the answer that's just been supplied by

25 Mr Badibanga doesn't remedy the issue at hand, particularly so, as you will

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1 remember, the witness he himself had raised certain problems in terms of how things  
2 would be construed by saying that the initial checks that he was able to run over the  
3 transcripts, that were handed to him pretty much a day before he was questioned by  
4 the OTP, this wasn't entirely compliant -- didn't necessarily correspond to what he  
5 had previously testified. And when the transcripts that come from the OTP, when  
6 these transcripts haven't been given to the witness to approve in order to verify that  
7 that corresponds to what he actually testified, the problem remains begged and  
8 nobody can check that, particularly so that he said full well that he expressed himself  
9 (Redacted) and here we're reading English and French transcriptions without him  
10 able to check the contents, but I think it would have been easier to have given this for  
11 his prior approval.

12 Thank you very much.

13 PRESIDING JUDGE STEINER: Judge Aluoch, would you like to ask a clarification?

14 JUDGE ALUOCH: Yes. Mr Kilolo, the witness is here and I think the witness is in  
15 a position to say, "What you are reading, Mr Badibanga, that is not what I said." I  
16 think he is in a position to say that, and then I believe Mr Badibanga would not  
17 pursue that if the witness says, "That is not correctly translated," or something like  
18 that. I think he's the only one that can help us on this.

19 Thank you.

20 PRESIDING JUDGE STEINER: I fully agree with Judge Aluoch. I think Maître  
21 Kilolo is going into the merits of whether the transcripts are reliable, or not. This can  
22 be verified at any point with -- by Prosecution bringing the video/audiotapes of the  
23 interviews. I agree with Judge Aluoch, if the witness believes that this is not what he  
24 said in his declarations to the Prosecution, the witness is not a vulnerable person, or  
25 illiterate. He can by himself call the attention of the Chamber that this is not what he

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1 had said during his questioning by the Prosecution. So the objections raised by  
2 Maître Kilolo are ill-founded and Maître Badibanga can proceed with his questioning  
3 on the basis of -- of the transcripts.

4 One other point that I would like to be on the record is that the witness was given by  
5 VWU the opportunity to read and have read to him the transcripts of his statements  
6 before and during the familiarisation process, and now he continues reading the  
7 statements during his testimony.

8 Furthermore the pages are being shown on the screens, in which the French, the  
9 English and (Redacted) answers and questions are being shown to the witness, so  
10 he's able to contradict himself or to make corrections himself on what Maître  
11 Badibanga is saying in relation to these transcripts.

12 Maître Badibanga, you can continue.

13 Yes, Maître Kilolo?

14 MR KILOLO: (Interpretation) I just wanted -- with your leave, your Honour, unless  
15 I misunderstood, I'd just like to say did you say earlier on that the witness had had  
16 the opportunity to re-read his supposed depositions prior to making his testimony  
17 and during the familiarisation process? I'd just like to remind you that, no, because  
18 he himself has stated when you asked him the question at the beginning of his  
19 testimony that he never looked at his deposition, and of course I'd like to remind you  
20 that we're talking about more than a thousand pages of deposition that was given to  
21 him only a few hours before he was set to provide testimony when the OTP was to  
22 question him.

23 PRESIDING JUDGE STEINER: Maître Kilolo, I will check with VWU when exactly  
24 the witness started reading the transcripts that, as a matter of fact, we have more than  
25 a thousand pages because we have different translations. The transcripts do not

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1 amount to a thousand pages. And for sure, at least at the beginning of the testimony  
2 by the questioning by the Defence, he himself said that he was reading, so before the  
3 Prosecution started questioning him.

4 In any case, we are talking about two different things here, and I think what your  
5 objection refers to is the fact that it's not fair to confront him with his statements to the  
6 Prosecution and this challenge in the view of the Chamber does not proceed. The  
7 witness is able at any time to say, "I never said that. This is wrong. This is not what  
8 I said," even if he has not read the whole of the transcripts, because the relevant  
9 excerpts are being read to him right now with translation (Redacted) So the  
10 Chamber cannot see any unfairness in this proceeding.

11 MR KILOLO: (Interpretation) Therefore, could we start filing these -- providing a  
12 file, or an archive, of these depositions made previously, or show them? Perhaps it  
13 would be important to make this available to everybody on the screen so this would  
14 be very fair to everybody.

15 PRESIDING JUDGE STEINER: I suppose these videos have been disclosed in the  
16 pre-trial phase -- since the pre-trial phase, so they are available. They are part of the  
17 case file. If the Judges need, or any of the parties need, it's just a matter of requesting  
18 these videos to be tendered into evidence.

19 We are going to proceed right now with Mr Badibanga.

20 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.  
21 Disclosing of the videos has already been made to the Defence and very, very early on  
22 in the proceedings, as well as the redacted versions have been given to the Defence  
23 and these are the references I've been referring to. So if they've done their  
24 homework, well, then they should have the requisite information at their fingertips.  
25 I would also like to note that, when the Defence did a cross-examination of a number

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1 of witnesses, they never had their statements featuring on the screen, as now they're  
2 asking of us.

3 Q. Mr Witness, I'd just like to return to your statement, and this is as I said the  
4 document CAR-OTP-0020-0215 and this was on page 222, from line 222, and here you  
5 said that you had individual weapons, that you also had support weapons dubbed  
6 RPG, machine-gun GPMG, MMG, and later on you say that this involved the 60  
7 mortar, the 81, the 82, as well as the 107 millimetre weapon which is a rocket  
8 launcher.

9 This was when a question was put to you, namely, "Did you bring your own weapons  
10 into Central African Republic?" When Counsel Kilolo questioned you on the first  
11 day, you told him that the weapons that are listed in the message that is on page  
12 CAR-D04-0002-1629, you said that those weapons remained behind because you were  
13 going to receive weaponry once arrived in Central African Republic.

14 So the question I'm putting to you now is: Do you stand by the statement that you  
15 made before the Judges by saying that (Redacted)

16 (Redacted)

17 (Redacted)

18 A. Thank you very much. Now, in relation to the question you've just put to me,  
19 your Honour, Counsel Badibanga is a witness before you. During the interview that  
20 I had with the OTP (Redacted) we changed interpreters twice who were doing  
21 (Redacted) because their interpretation was not good, and a certain time came when  
22 Counsel Badibanga himself started to interpret for me (Redacted) and then another  
23 time occurred when other questions were put in French. In other words, the  
24 interpretation was provided from French to English and, as I said, (Redacted)  
25 transcription was different to what I had actually stated.

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1 Your Honour, remember that yesterday, the day before yesterday, when you put the  
2 question to me to establish whether -- well, to ask me to read out my statement, I  
3 remember, I remember telling you that when I was reading those statements, I didn't  
4 recognise the sentences that were in those statements. If I were to give you a copy of  
5 those statements, you'll see, for example, there are sentences which are not complete;  
6 there are suspension marks. I don't know where those came from. Thank you for  
7 listening to what I have just said, your Honour. There are lots of things that have  
8 been said. I'm not denying having met the OTP, I met the OTP (Redacted)  
9 But I'm just saying that (Redacted) in the statement differs to (Redacted) that I speak.  
10 Now, to answer the question put to me by Counsel Badibanga, (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted) You know, you said yourself that you are not an expert on army matters.  
16 When we talk about support weapons, I think it's a French term, rocket launchers,  
17 when we speak about them, you have RPGs, you also have a non-recoiling 60 -- 75s.  
18 The high calibre weapons, like the 107s, they don't go into the category of support  
19 weapons; they are artillery weapons. They can be called heavy weapons. I think  
20 you've understood me. The weapons from my General Staff didn't go to Central  
21 Africa, and what's in this message, the battalion weapons which were in the -- at the  
22 General Staff, HQ, and that were available to the battalion, they were used. The  
23 battalion crossed with their weapons, with the exception of the 107 cannons.  
24 Q. Witness, I see that if Mr Kilolo will allow you to, you'll answer my questions  
25 and we'll make progress. Thank you for your answer.

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1 Court officer, could we please have document 36 of the Defence list,

2 CAR-D02-0002-1635.

3 THE INTERPRETER: The interpreter corrects, D04-1635.

4 MR BADIBANGA: (Interpretation) Here I just want to make sure that the message

5 on the left on the page, is it sufficiently readable from where the witness is, or do I

6 have to read the different rubrics or content? Perhaps the court officer there could

7 help us in answer to this question.

8 THE COURT OFFICER (DRC): (Interpretation) The message can be read. It's one

9 of the documents that I have in my possession from my portable computer. So even

10 if it's on the screen, we don't need to see it on the screen.

11 MR BADIBANGA: (Interpretation) Thank you for that.

12 Q. Witness, you have a list on the left-hand side with nine different types of

13 weapons. Could you tell us which are heavy weapons, which are support weapons,

14 and which are light weapons? If you could just tell us "The first, that's a light

15 weapon, that's a heavy weapon," and if you could go through it like that, that would

16 be great. Thank you.

17 A. Number 1, 14.5, that's a support weapon, an anti-air support weapon,

18 anti-aircraft, artillery category, campaign. Number 2, 107 millimetres, that's a heavy

19 weapon. Number 3, here it's written "bombs," but in fact a bomb isn't a weapon.

20 Number 4, 82 millimetres, that's a support weapon of a company. Number 5, well, a

21 fuse, that's not a weapon. That is a machine that's put on a shell. Then you have

22 12.7, that's a support weapon of a company. That can be used in two different ways

23 also. That can be an anti-aircraft weapon but in general it's a support weapon for a

24 company.

25 Number 7, that's a rocket, that's not a weapon.



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1 Number 8, RPG, that's a rocket launcher. That's a support weapon, a section.

2 Number 9, SMG, that can also be called a submachine gun in English. That's an

3 AK-47. That's an individual weapon. I don't know if I've answered all your

4 questions. Thank you.

5 Q. You have answered perfectly. I was just waiting for the text to be complete in  
6 the transcript.

7 Your Honour, I wanted to give the transcribers some time because the questions will  
8 refer to it afterwards, refer to the transcript, so I wanted to give them time to catch up.

9 Witness, this message comes from 29 October 2002. As you can see, it is entitled,  
10 "Situation, munitions and bombs Zongo depot." In order to be complete here, I  
11 would have to say that the message also says, "NB after point 9, RPG bombs 82  
12 millimetre and SMG weapons received 29 October at 1630." (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 Q. In reading this message, Witness, are there certain weapons that are mentioned  
17 here which also crossed over to go to the Central African Republic?

18 A. Who wrote this message? It was -- who was it addressed to, Counsel  
19 Badibanga?

20 Q. Perhaps this is a question that should be put to the person who wrote the  
21 log-book. I just wanted to ask you with regards to the content, Witness, among the  
22 nine types of weapons that you read, did some of them also cross over in order to go  
23 to Bangui, in addition to the ones that you already mentioned earlier?

24 A. You're talking about nine weapons. I don't know if you understood me well.  
25 I said clearly that number 3 isn't a weapon. I said the same thing for number 5 and

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1 for number 7. Whatever the case, Zongo was battalion HQ and this message, who is  
2 it addressed to, who wrote it, so that I can answer you? If here we're talking about a  
3 document that was drafted by another department, well, I wouldn't able to answer  
4 you.

5 Q. Whatever the case, when we see this list, it doesn't refresh your memory with  
6 regards to other matériels or weapons that you might have taken with you? That  
7 hasn't refreshed your memory; is that correct?

8 A. People crossed over on two occasions, Mr Badibanga, and each unit was  
9 responsible for the matériel that they transported. As for myself, I don't remember  
10 how it happened, but I said that I don't remember. There's a difference between  
11 remembering something and knowing something.

12 MR BADIBANGA: (Interpretation) Court officer, could we have document 37 of the  
13 Defence list on the screen, CAR-D04-0002-1641. Page 1712 is of particular interest to  
14 me. Thank you very much.

15 Q. Witness, I'm going to read the message which is on the bottom left: "Extreme  
16 urgency. From: Commander Operation Bangui. To: Chief of General Staff ALC.  
17 For information Chairman. Reference non-classified number 12/Chief of Staff  
18 operations commander 03. Situation general is calm, apart from an unprecedented  
19 event in rural area. The officers and troops good. The enemy attacked Bocaranga,  
20 the locality of Bocaranga, pillaged, info -- information came to us in two versions,  
21 same to withdrawals. The authorities in place are asking for our intervention.  
22 Furthermore, asked if the reparation of 12.7 millimetres is finished. Please send if  
23 possible the magazines of 12.7 millimetres. G2 and AA. Your intervention would  
24 relieve us. 2003, 9.30."

25 My question, Witness, to go back to the message that I read earlier, you have the 12.7

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1 millimetres which were in Zongo on 29 October, did they also cross over to go to  
2 Central African Republic?

3 A. Counsel Badibanga, I already answered you, saying that each support unit of  
4 each battalion left with the same battalion.

5 Q. It would seem that the message was from Commander Operations Bangui,  
6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Could you please answer the question, Witness?

25 A. Could you ask me the question again, please?

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1 Q. The five crates of 12.7 millimetres that were in Zongo on 29 October 2002 in the  
2 arms dump, did they also cross over to the Central African Republic?

3 A. To tell you the truth, I no longer remember, Counsel Badibanga.

4 Q. Just before the break I'm going to read another message. This is the same  
5 document of the Defence. I would ask the court officer to show us page 1726.

6 Here, Witness, this is a message which starts on the left and it continues to the right  
7 page, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) "Extremely urgent. From: Colonel

11 Moustapha/Central African Republic. To: Chief of ALC staff. Info Chairman.

12 Sec -- secret number 015, Staff Commander Operations CAR 2003. Referring to my  
13 message 009 of 11 January 2003, reference asked for matériel. Again asking you for

14 the following: SMG munitions, 35 boxes; LMGs, 20 belts; G2s, 20 belts and 22 boxes;

15 RPGs, 40 crates; 60 millimetre mortars, 25 crates plus 20 fuses; 82 millimetre mortars,

16 40 crates plus 10 fuses; 14.5 millimetres, 20 crates; 12.7 millimetres, 20 boxes; 6

17 magazines; 107 millimetres, 50 crates plus 20 fuses; LG, 200 bombs. We will send on

18 the first available opportunity a microphone for the transmission to a higher level.

19 20 January 2003."

20 I'll come back to you, Witness, firstly, (Redacted)

21 (Redacted)

22 A. (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. You are right. In order to avoid confusion, we will remain with "Mr Witness."

13 Thank you.

14 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

15 Mr Witness, it's 11 o'clock. We will have our half-an-hour break. I hope you can

16 take some rest. We will resume at 11.30.

17 The hearing is suspended.

18 THE COURT USHER: All rise.

19 (Recess taken at 11.00 a.m.)

20 \*(Upon resuming in closed session at 11.36 a.m.) Reclassified into Open session

21 THE COURT USHER: All rise.

22 Please be seated.

23 PRESIDING JUDGE STEINER: Welcome back.

24 The Chamber has a short oral decision to be issued. Today, 1 March 2013, the

25 Defence submitted its Defence motion for authorisation to hear the testimony of

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1 Witness D-45 via video link. It's filing 2519-Conf. The Defence requests that the  
2 testimony of Witness D04-45 be heard by means of video technology as of  
3 11 March 2013.

4 In order for the Chamber to issue a timely decision, the Chamber is of the view that  
5 the time limits for the OTP and legal representatives to submit observations on the  
6 Defence request should be reduced.

7 Therefore, in accordance with Regulation 35 of the Regulations of the Court, the  
8 Chamber orders Prosecution and legal representatives of victims to file their  
9 observations on the Defence motion, if any, by Monday, 4 March 2013.

10 Before the witness is brought into the courtroom, the Chamber received information  
11 from VWU in that the witness started reading the transcripts of his interviews on  
12 Monday and that he has almost finished reading all of them. Only one transcript,  
13 the last one, 104, is left for him to read.

14 Following informations received by VWU, which started with an exchange of emails  
15 on Monday, 25 February, the Chamber was informed that VWU -- that the witness  
16 was not able to read the transcripts before his testimony started because VWU does  
17 not have the documents and would need the Defence to contact the VWU support  
18 team ASAP in order to retrieve the transcripts and provide them to the witness. "We  
19 tried to contact the Defence team, but were not able to reach them so far."

20 At the same time, it was informed that it seems that Felipe has some of the transcripts  
21 on a CD that was provided by the Defence and he would be able to retrieve some of  
22 those documents.

23 At the same time, on the same day at 4 o'clock VWU informed the Court that in the  
24 CD provided to Mr Rojas just for the purpose of facilitating the display on the screen,  
25 in that CD in relation to the transcripts of the interviews there were missing the

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1 following documents from the Defence list: 80, 81, 94, 95, 96, 97, 99, 100, 101, 103 and  
2 104, meaning most part of the transcripts of witness interviews to the Prosecution.  
3 The Chamber takes this opportunity to remind parties and participants, but at this  
4 stage of the proceedings mainly the Defence, of the Chamber's decision 1081 of  
5 8 December 2010, which paragraph 82 states, "Once the witness arrived at the location  
6 of the testimony, the entity calling the witness makes all previous statements  
7 available to VWU. The calling party will also provide VWU with any document or  
8 information generated or provided by the witness when giving any of his or her  
9 previous statements." Paragraph 83, "The VWU should provide the following  
10 documents to the witness to refresh his memory, among them copies of all statements  
11 that the witness has previously given. The term 'statement' includes any signed  
12 statement, recorded interview, audio/video or both, and any document or information  
13 generated or provided by the witness when giving any of his or her previous  
14 statement."

15 This is part not of a decision, I correct. This document is the unified protocol on the  
16 practices used to prepare and familiarise witnesses for giving testimony at trial.  
17 So, we take this opportunity, and since the next witness will also testify by video link,  
18 if the Chamber, after listening to the parties, may decide to ask Defence to comply  
19 with the unified protocol and start preparing the documents to be given to the  
20 witness during the familiarisation process, in order to avoid incidents as the one  
21 occurred today in the present hearing.

22 I now ask, please, Mr Rojas -- Mr Badibanga?

23 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'd just like to  
24 point out here and now, since you are going over the proceedings for this Chamber,  
25 systematically for each of the OTP witnesses, we followed that instruction, but first

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1 and foremost we have disclosed to the Defence the information that will be used in  
2 the familiarisation process and we expect upon the Defence to receive in due time the  
3 list of the documents that they will be supplying for familiarising witnesses, and so I  
4 just wanted to make sure that that point of procedure was properly pointed out.

5 Thank you very much, your Honour.

6 PRESIDING JUDGE STEINER: Mr Badibanga, it's quite clear the documents I  
7 mentioned and that were missing among the documents received during the  
8 familiarisation process are documents contained in the Defence list of documents.  
9 I think it was quite clear.

10 Mr Rojas, I ask, please, you to bring the witness into the room.

11 (The witness enters the testimony room in the DRC)

12 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

13 THE WITNESS: (Interpretation) Thank you, your Honour.

14 PRESIDING JUDGE STEINER: I hope you are feeling well and ready to continue  
15 with your testimony.

16 THE WITNESS: (Interpretation) Yes, your Honour, we can continue. I've just  
17 taken some medication.

18 PRESIDING JUDGE STEINER: I remind you that, if need be, we can go to another  
19 break. Do not hesitate in asking the Chamber if you feel so. Is that fine with you,  
20 sir?

21 THE WITNESS: (Interpretation) I'm delighted to hear you say that, your Honour,  
22 and if this were to happen, then I would of course I would draw it to your attention.

23 PRESIDING JUDGE STEINER: Then I give back the floor to Maître Badibanga.

24 MR BADIBANGA: (Interpretation) Thank you, your Honour.

25 When we left before the suspension of proceedings, we had displayed on the screens



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1 the document 37 on the Defence list at page CAR-OTP-D04-0002-1726. The reference  
2 of this particular document is the following: CAR-D04-0004-1641.

3 Q. Mr Witness, (Redacted)

4 (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. Mr Witness, General Bombayake, had he resigned or deserted in January 2003?

4 A. No, he hadn't deserted. Having said that, he didn't have the necessary stocks,  
5 because there was stocks held at the CCO office and at the General Chief of Staff's  
6 location. That's where the weak link was in the operation.

7 Q. (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 Q. Now having the Chamber note in this regard that the log-book that we have,

17 which was shown by the Defence, and page 1700, that shows a certain number of

18 messages of 11 January, and then page 1701 we go on to 12 January, and the message

19 009 of 11 January 2003, reference is very clear, 009, 11 January 2003, appears in this

20 register, log-book. We would like the witness to note that. We just want that to

21 appear in the transcript. I'm not asking the question because he will tell me that he

22 doesn't know how to answer if the message is not shown to him.

23 However, Witness, I would like to go back to the message which I asked you about

24 earlier, (Redacted) That was 16 January. (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 MR BADIBANGA: (Interpretation) Court officer, could we have page 1715 on the  
6 screen, please.

7 THE INTERPRETER: 1712, corrects the interpreter.

8 MR BADIBANGA: (Interpretation)

9 Q. So, Witness, the message that's on the left, this is the message that we saw  
10 together a moment ago, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. The subject of our conversation was different from what I see on the screen.

15 I can't read it. I don't know if others can do so. Perhaps I've got eyesight problems,  
16 given my age.

17 MR BADIBANGA: Perhaps as a lack of understanding, I think we can go on. Your  
18 Honour, I would like to show the Witness document CAR-OTP-0028-0846. This is  
19 the annex of a statement which has a type of signature, but it's not identifying.

20 Furthermore, we think in closed session that this can be shown to the witness. It  
21 shouldn't pose difficulties. Document 92 on the list of the Prosecutor.

22 THE COURT OFFICER (DRC): (Interpretation) The document 0028-0846 is  
23 presented to the witness.

24 MR BADIBANGA: (Interpretation)

25 Q. Witness, are you able to recognise what type of weapon it is on the photo?

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1 A. On this photo I can see a 107 millimetre cannon with three tubes, and if I  
2 remember we didn't use such a cannon with three barrels.

3 Q. Thank you, Witness.

4 I have no more need for this document on the screen, court officer.

5 Witness, could you remind us of what you said concerning the uniforms that the  
6 soldiers of the MLC were wearing in the Central African Republic?

7 A. We had our uniforms. When we left there, we were dressed in their uniforms.  
8 Some people had their uniforms and others came to an agreement with their  
9 colleagues in order to have some; that is to say, there we were dressed in the uniform  
10 that belonged to them and we put our uniforms when we started a battle, but during  
11 the operations we had all the same uniforms, often the Chadians'. They had  
12 different uniforms to ours. They didn't go to the front.

13 Q. The Chadians you're speaking about, is that the enemy you were fighting; is  
14 that correct?

15 A. It was rather the Libyans. Please excuse me.

16 Q. So this is what you said to Counsel Kilolo on 25 February, transcript 284, French  
17 version, edited version, page 36, lines 14 to 23, English version, page 36, lines 2 to 11.,  
18 question from Counsel Kilolo, "And during the operations in the Central African  
19 Republic, how were the MLC soldiers dressed?" Your answer, "The Central African  
20 soldiers had two different types of uniforms some had markings which were quite  
21 distant from each other, and others had lots of markings. Another one had a khaki  
22 colour. And ourselves, we also put on the same uniform because we didn't want to  
23 have different uniforms. We had to be identified as a single force, and therefore we  
24 had to be able to have the same uniform. So they had uniforms with camouflage  
25 markings and others which were khaki, green khaki."

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1 Do you remember having given this statement under oath before the Chamber,  
2 25 February 2003, Mr Witness?

3 THE INTERPRETER: 2013, corrects the interpreter.

4 THE WITNESS: (Interpretation) Yes, Counsel Badibanga. It is the same  
5 statement. When we speak about uniforms with camouflage markings, yes,  
6 I remember there were two types, two types of uniforms. The type that we used we  
7 didn't often use. We just wore them when we returned. During the operations,  
8 and even when you came in (Redacted) I told you that -- that we wore uniforms.  
9 Some people had some and others got hold of them from their colleagues.

10 MR BADIBANGA: (Interpretation)

11 Q. When you -- when they got uniforms from their colleagues, that meant that the  
12 two armies, the Central African army and the MLC army, had the same uniform; is  
13 that right?

14 A. No. I will explain. MLC troops who were in Basankusu did not have Central  
15 African uniforms. MLC troops who wore this uniform were those in the operations  
16 in the Central African Republic.

17 Q. So we are speaking about operations in the Central African Republic, Witness.  
18 My question, to be more precise, is as follows: In your opinion, did the MLC  
19 soldiers, when they were in the Central African Republic, have the same uniform as  
20 the soldiers of the Central African forces?

21 A. Is that a question? I've just told you the following: When we arrived there,  
22 some people got uniforms from their colleagues; others had them already. They  
23 were camouflage uniforms, or two types of uniforms, and they had a single colour.

24 Q. So how did they get it from their colleagues, or counterparts? When they had  
25 these exchanges at the end the MLC and the FACA all had the same uniform, or did

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1 they still have differences between the MLC uniforms on the one hand and the FACA  
2 on the other hand?

3 A. Your question has several aspects to it, several parts to it. When you exchange  
4 something, that means you give something to the other person and the other person  
5 does the same. We didn't exchange. We took their uniforms. That's why I say  
6 there are three types of uniforms. All of those who were involved in operations,  
7 whether our troops or their troops, they all wore these three types of uniforms,  
8 Counsel.

9 Q. Witness, according to you, could somebody who observed these soldiers in the  
10 middle of the operations, December to January -- could somebody have been able to  
11 say, "That's the uniform of the MLC and those are the MLC," and then on the other  
12 hand say, "Those are the FACA because they have a different uniform," or did the two  
13 groups have exactly the same uniform such that a person could not distinguish  
14 between the two?

15 A. Here, with regards to the FRDC, we had camouflage uniform. Even a small  
16 child would know that's a military uniform of the FRDC. All -- any Central African  
17 could recognise the uniform of their soldiers. Our uniform wasn't worn. We wore  
18 their uniform. It was different. To be more clear, I would say that all those who  
19 would have seen us at that time would know that we were dressed in Central African  
20 military uniform.

21 Q. You explained, Witness, that the soldiers could take from their Central African  
22 colleagues uniform, or camouflage uniform. Was it just done by the soldiers, or do  
23 the military hierarchy of the Central African Republic also provide uniform?

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 Thank you for having helped me make a difference between the ranks of the troops.

3 When I speak about soldiers, I'm speaking about NCOs. All those received uniforms,

4 or they got them themselves. Either they got them themselves, or they received

5 these uniforms, but all of us we were dressed in uniform.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Witness, is it correct to say that the brigade (Redacted) had approximately

10 1,500 soldiers?

11 A. If you counted, you could be right. If you know how much a brigade is

12 composed of, you could be right. You could be right if you've heard people say this,

13 but it could be wrong if it's your own opinion.

14 Q. (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

17 MR KILOLO: (Interpretation) Your Honour, I think that the phrasing of the

18 question isn't fair. He's asked, (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: Maître Badibanga, just rephrase (Redacted)

22 MR BADIBANGA: (Interpretation) We shall please Mr Kilolo.

23 Q. Witness, (Redacted)

24 (Redacted)

25 (Redacted)



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1 A. Echo Brigade did not cross over with all of its units. Some stayed in the Congo,  
2 some died and when we crossed over some were injured. There were battalion  
3 commanders. In the army, there are several departments, several different  
4 compositions. Others can tell you, "Well, a battalion has 900 troops." Somebody  
5 else in a different army could say that there are 1,500 and in another 750. Everything  
6 depends on the army; the composition of different armies.

7 Q. Witness, if you don't know the number you can just tell us. My question is:

8 (Redacted)

9 (Redacted) Can you

10 answer that question?

11 A. (Redacted) I don't remember the exact number.

12 Q. I thought I'd go to this later, but now you take me there. I just want to explore

13 this aspect with you. Do you remember having said here before the Chamber that

14 (Redacted)

15 (Redacted) Do you remember that?

16 Do you remember saying that?

17 A. Yes, I remember. You asked me the question, "What was the size of the

18 enemy?", but I wasn't the person leading the enemy force. I wasn't commanding the

19 enemy.

20 MR BADIBANGA: (Interpretation) Perhaps, Counsel Kilolo, I can't remember if

21 you asked this question, but I envisaged asking it.

22 Q. You don't know the size of the enemy because you weren't leading them, but

23 could you tell us what the Central African authorities gave you as information when

24 you asked the question? What did they tell you at that time with regards to the size

25 of the enemy forces?

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1 A. (Redacted) the enemy had two or three

2 brigades.

3 THE INTERPRETER: One brigade, corrects the interpreter.

4 THE WITNESS: (Interpretation) Because at that time they had difficulties. They

5 didn't go there in order to count the number of brigades that the enemy had. That's

6 how it happens in several different armies. Even in operations that are carried out in

7 Goma, you always consider the size of the enemy.

8 MR BADIBANGA: (Interpretation)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Well, we'll go back to our beginning subject. All of those who made up those

20 three battalions, did all of them have a Central African colleague who could provide

21 them with a uniform?

22 A. Even the Central Africans who were undertaking operations and others who

23 weren't involved in the operations received uniforms. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 MR BADIBANGA: (Interpretation) Your Honour, I'd just like to make a quotation  
4 from a transcript from August 2008. This is 102 in the Defence list, that particular  
5 document which bears the ERN number CAR-OTP-0027-0729, and I'm referring to 732  
6 from line 71. So page 732, line 71.

7 Q. And in your statement you said, Mr Witness --

8 MR KILOLO: (Interpretation) I do apologise.

9 PRESIDING JUDGE STEINER: Yes, Maître Kilolo.

10 MR KILOLO: (Interpretation) Would it be possible to bring up on the screens this,  
11 to enable the witness to properly follow?

12 PRESIDING JUDGE STEINER: Fair enough.

13 MR BADIBANGA: (Interpretation) While we're doing that, your Honour, I'd just  
14 like to point out to the Bench that in reality all the rest of my questioning will be to  
15 systematically cite excerpts from his various statements. I'd just like to draw your  
16 attention that if, for technical reasons, we have to wait three minutes for the  
17 documents to brought up on the screen, if any of this involves a technical, maybe,  
18 hiccup, perhaps this needs to be borne in mind in one way or another. In my view,  
19 I think that by re-reading things to the witness and using the interpretation, then the  
20 information is readily available, perfectly accessible to the witness, but I can lend  
21 myself to another exercise. I just wanted to draw your attention to the potential  
22 consequences in terms of time.

23 Thank you.

24 Q. Mr Witness, you say the following: "I at no point in time confirmed that  
25 Central African Republic gave me uniforms. All the Congolese army, the MLC

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1 coming from the Congo, had our own uniforms. But if I said that we were muddling  
2 through, little by little, while we were together with the Central African unit as a  
3 whole, the fact that we met with the other army may have meant that an exchange of  
4 uniforms could have taken place."

5 Do you recall that statement, Mr Witness?

6 A. Yes. Yes, I do remember.

7 MR BADIBANGA: (Interpretation) Court officer, I'd like you to show to the  
8 witness document 93 - 93 on the Defence list - CAR-OTP-0035-0175.

9 Q. Mr Witness, what we can see here, are they uniforms that were taken or  
10 received or even given by Central African Army soldiers?

11 A. The one in the middle is wearing a uniform, but the others, I don't recognise  
12 them as my soldiers. In fact, I don't know them at all.

13 Q. Yes, but my question wasn't about the identity of these individuals; it bore more  
14 on what they were wearing. What can you tell me with regard to what people are  
15 wearing?

16 A. One of these people is wearing a military uniform, the person in the middle.  
17 The person on the other side is wearing half-civilian/half-military dress, and the other  
18 three are wearing civilian clothes.

19 Q. Even though you don't recognise the identity of the people in this photo, the  
20 way they're dressed, does that correspond to how some MLC soldiers were dressed  
21 who were with you in the Central African Republic?

22 A. It's difficult to say. It's difficult to say whether this uniform resembles a  
23 uniform worn by one of our soldiers. Put the question to the person who gave you  
24 the photo. That person will tell you whether these soldiers belonged to the MLC.  
25 Even when we left the Congo to go into Central African Republic, we weren't wearing

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1 civilian dress. I don't recognise the people in this photo.

2 Q. Mr Witness, you said that the Chadian soldiers wore a different military  
3 uniform. Would you mind describing that military uniform?

4 PRESIDING JUDGE STEINER: Yes, Maître?

5 MR KILOLO: (Interpretation) Could we have the reference in the transcript,  
6 because I think I understood the witness had clarified that he was talking about  
7 Libyans and not Chadians.

8 MR BADIBANGA: (Interpretation) Counsel Kilolo is right to say that earlier on the  
9 witness corrected himself by talking about Libyans. In that case, I'll read an excerpt  
10 from document 71 on the OTP list. This is 0020-0215 -- sorry, CAR-OTP-0020-0215,  
11 and this is on page 220, line 156.

12 Can we see this on the screen, please?

13 Q. To the question that was put to you, Mr Witness, "Were you able to differentiate  
14 the troops fighting against each other at that time based on the uniforms they were  
15 wearing, the uniforms that they were wearing?" And you answer the following, and  
16 if I hadn't clarified this, this was on 29 April 2008, you say, "All were wearing the  
17 same uniform practically, except that the Chadian troops were wearing the uniform  
18 worn in Chad."

19 "Can you describe the uniform worn by the people from Chad? "The Chadian  
20 uniform was a camouflage -- was camouflaged with white inside, with a little bit of  
21 yellow in addition to that. These were camouflage dress, whereas the Central  
22 African uniform was -- was also camouflage by differed to that worn by the Chadians.  
23 So it would be difficult for me to describe it very accurately. Ideally, it would be  
24 good to see them. Maybe then would somebody have been able to say 'This is from  
25 such-and-such a country, and this is from such another country.'"

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1 "How did the uniforms look, the ones that your own troops were wearing?"

2 And your answer, "We also had our own uniforms."

3 Question, "Well, what did they look like?"

4 The answer, "They were also camouflage, but they had different camouflage markings.

5 There weren't camouflage markings everywhere. It's difficult to say, but maybe

6 using photos that I can bring, with God's help, I should be able to show you that this

7 is what the Chadians were wearing and this is what the Central Africans were

8 wearing, and this is what we were wearing, we, the MLC."

9 "Could you give us an example where the uniforms were different?" And your

10 answer, Mr Witness, is the following: "The example was that you couldn't take other

11 people's uniforms. We had our own uniform. Having said that, because we were

12 working in conjunction with the government's troops in order to bring peace,

13 sometimes we muddled through in order to wear the same military dress. We

14 couldn't give them our uniforms. We could have theirs. The person who had a

15 friend within the Central African Army, well, then he could receive it, and the person

16 who could buy a uniform, well, then he could go off and buy that uniform."

17 "Did I understand you that when you said that by -- that you received uniforms from

18 the Central African Republic Army? Answer: "No, they didn't give us any

19 uniforms. We had to muddle through in our own way, thanks to certain affinities

20 between various soldiers. The Central Africans didn't give us any uniforms."

21 That's why, Mr Witness, I spoke of Chadians earlier on.

22 Now, upon reading this statement, my question is: Could we consider that you

23 could clearly distinguish a Chadian soldier, as you term it, from Central African

24 troops and from MLC troops on the basis of their military dress?

25 A. Yes. Even today, if you were to show me the uniform of a German soldier, I

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1 would be able to differentiate that from an American troop, or an Angolan soldier or  
2 from a member of the South African army, even though these are uniforms which  
3 have camouflage markings on them. I don't know how to explain it to you, but to  
4 my knowledge, as a soldier, you can easily distinguish one army's uniform from  
5 another.

6 Q. Mr Witness, I'd like to return to an excerpt from your statement by which I  
7 started in this particular round of questioning; this is transcript 284, page 36, in  
8 French and in English, line 14 through to 23, and I remind you what you said there.  
9 You said, "... that the Central African soldiers had two uniforms," and you spoke of  
10 khaki, and that the MLC also wore those khaki uniforms because they wanted to be  
11 identified as belonging to the same body of soldiers. This was what you said in  
12 answer to a question put to you by Counsel Kilolo.

13 So I'd just like you to tell us, whether "yes" or "no," the troops in the field, the  
14 Congolese and the Central Africans, whether they were wearing uniforms such as  
15 they could be identified as belonging to the same body of troops or not?

16 A. We didn't wear those uniforms so that we could be identified as one single body  
17 of men, no. We bore these uniforms so that we could identify each other amongst  
18 ourselves. I remember the day before last, I remember that you forbade me to go  
19 over previous statements I had made, but if you allow me, I'd just like to explain what  
20 I told you with regard to the uniforms?

21 Q. Well, perhaps I'd like to dispel a confusion here, Mr Witness. First of all, of  
22 course it's your testimony, so it's quite right that you should provide answers and that  
23 you should be sure that you've been properly understood, but what I wanted to say  
24 was that sometimes I have the feeling that you get involved in superfluous detail,  
25 perhaps in relation to the questions that I've put to you, but if you need to quote some

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1 excerpts from your statement, feel free to do so, because I think what's important is  
2 that you provide exhaustive and sincere answers to the Chamber.

3 Mr Witness, when making your statements to the OTP, I can immediately give you  
4 the reference if you can't remember it, do you remember having said how you learned  
5 Lingala?

6 A. (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. That's right.

16 Q. Document 70 in the OTP list, reference CAR-OTP-0020-0191, page 205, line 459.

17 This is what you say, Mr Witness: "We had noticed that soldiers with whom we  
18 were fighting were not, for the most part, Central Africans but mainly Chadians. It  
19 was easy to recognise them as such because the Central Africans speak Sango and  
20 French, whereas most of the soldiers we captured only spoke Arabic alone."

21 Do you remember having made that statement, Mr Witness?

22 A. I didn't say that. Well, didn't I say that other Central Africans spoke Lingala,  
23 like other Congolese can also speak Sango? You know, Central African Republic  
24 and the Congo share a border. Maybe there are one or two people who --

25 THE INTERPRETER: The (Redacted) interpreter didn't properly understand. "Could



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1 counsel ask witness to repeat his answer?", says the (Redacted) interpreter.

2 MR BADIBANGA: (Interpretation)

3 Q. Mr Witness, maybe we had a technical hiccup. The Swahili booth didn't quite  
4 hear your answer. Would you mind taking up again the answer you've just  
5 provided?

6 A. Yes, thank you. If most of them spoke Arabic, well, maybe others spoke  
7 another language other than Arabic. If among the Central Africans French is spoken,  
8 as well as the Central African language, well, that doesn't mean that they can't speak a  
9 little bit of Lingala. The Congo is a big country. You know, the person who lives in  
10 Bangui, he speaks Lingala just as much as somebody who lives in Zongo. A person  
11 who lives in Zongo might speak Sango. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. My question, Mr Witness, was just to establish whether you remember having  
16 made the statement to the OTP, and I told you that the date was April 2008?

17 A. There are a number of things which are mentioned in that statement, a number  
18 of things that I talked about, and others that I don't -- other things in that statement  
19 that I don't recognise. When the Presiding Judge suggested I could read these  
20 statements, I saw a particular point where you wrote Kibangi (phon). At Bangui we  
21 fought alongside the Lebanese -- the Lebanese troops. In that statement I -- in  
22 those -- in that set of statements I found one statement, but I can't tell you that  
23 everything that features in the statement corresponds to the statement I made.  
24 Maybe you've added one or two things, maybe because you weren't able to properly  
25 interpret (Redacted) Mr Badibanga, I think you will remember full well, and I

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1 would confirm it here, that there were some statements, some words in that statement,  
2 that are mine and others not, because I did speak to the OTP.

3 Q. Mr Witness, we have taken full note of the fact that for the first time since 2008,  
4 it was when Counsel Kilolo in fact questioned you, that you spoke of the use of  
5 Lingala by the Central African troops. My question, however, related to statements  
6 that you made when you met the Prosecutor, or at least the OTP, a few years from  
7 then and by -- well, we take full note of your answer and I'd like to move on now to a  
8 different subject.

9 Mr Witness, do you remember what you said when the Defence counsel questioned  
10 you about the Code of Conduct?

11 A. Would you mind reminding me, reminding me of what I said, because I said a  
12 number of things?

13 Q. I'm referring to transcript 285 of 26 February, in French, in the edited version,  
14 this is on page 39, line 17 to 35, and in English, in the edited version, this is on page 36,  
15 line 9 through to 22, and you said, Mr Witness, that there was a code of conduct made  
16 available to the troops. "It wasn't a secret. Everything that followed training in our  
17 army was familiar with it. There were section leaders, and everybody could explain  
18 to the soldiers what they should be doing, show what it was all about, with regard to  
19 this Code of Conduct." Do you remember that?

20 A. Yes.

21 Q. Do you also remember having said on the same day, a few lines later, that in the  
22 Code of Good Conduct you learnt patriotism, how to love your country, how to  
23 protect people and their property, et cetera?

24 A. Yes, I remember.

25 Q. Witness, do you know the Code of Conduct well yourself?

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1 A. Yes, I know this code.

2 Q. Could you tell us, summing-up, what the chapter about patriotism says? You  
3 said you learnt patriotism, how to love your country, so what were the  
4 guide-lines - the MLC guide-lines - in the Code of Conduct in that regard?

5 A. To love the country, that is to defend the country, free the citizens. You have  
6 to consider people from other provinces. People from the same country have to  
7 defend their population and their property. You have to know that all Congolese, or  
8 those who reside in the Congolese territory, those who love the Congo, have a brother  
9 or a sister. You have to avoid tribalism. You have to take Mr Badibanga as my  
10 brother. You have to know how to defend the territorial limits of the country.  
11 Patriotism includes a lot of things that we have learnt. You asked me to describe  
12 what it meant. Well, I learnt a lot on the subject of -- about patriotism and I knew  
13 everywhere I went in Congo I'm in my country, and everywhere where I go I consider  
14 all inhabitants of the Congo as a brother or a sister.

15 Q. All this information is in the Code of Conduct. Was it regularly explained to  
16 the soldiers, this information that was in the Code of Conduct?

17 A. I said that I wasn't the one who had to propagate this knowledge. Each section  
18 was -- there was a platoon, each company was in the battalion and so on. There  
19 were political commissioners in each unit and the responsibility they had was to teach  
20 patriotism.

21 MR BADIBANGA: (Interpretation) Court officer, please could you show the  
22 witness Defence document 59, reference CAR-DEF-0001-0161?

23 Q. Witness, do you recognise this document?

24 A. I can see the document and the answer's "Yes."

25 Q. Is this the same Code of Conduct as the one you were speaking to us about?

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1 A. I don't remember whether it's the same Code of Conduct as the one I was  
2 talking about.

3 Q. Were there several Codes of Conduct within the MLC?

4 A. I think there was just one.

5 Q. You said that you knew the Code of Conduct well, but now you say you don't  
6 remember the document that you've got in front of you; is that correct?

7 A. No, that's not what I said. I said that I knew the Code of Good Conduct.

8 When it comes to this document we have on the screen, I don't know if it was drafted  
9 by the MLC or Mr Badibanga who drafted it. I don't know where it comes from. If  
10 it's a Code of Conduct from the MLC I would be in agreement, but if it comes from  
11 elsewhere then I would not be.

12 Q. This document, does it resemble the one that you used at the time when you  
13 were within the MLC?

14 A. The one I used when I was in the ALC didn't count just two pages. It was a  
15 document with several pages. I think the one I'm being showed only has two pages.

16 Q. The one we're showing you, Witness, has five pages. Does that help you  
17 remember the document?

18 A. You gave me pages to read, but is it a secret? I'm still with you. Could you  
19 authorise your representative to print the whole document so that I can read it and  
20 then I can make a confirmation thereafter?

21 Q. Reassure yourself, Witness, we'll go through the document. The first part of  
22 my question was just to say, looking at the document as it is, does it remind you of  
23 something? I remember the first day when Mr Kilolo presented the letter to you, the  
24 report on military operations, just on seeing the document on the screen you said,  
25 "Yes, I remember this document." So that's the reason why, when you see this on the

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1 screen, do you remember this document? Do you recognise this document?

2 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

3 MR KILOLO: (Interpretation) Your Honour, I think it would be fair to print the

4 whole document as requested by the witness. (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: I agree with you, but I just don't know whether it's

8 possible to print the document, or to have all five pages one-by-one shown to the

9 witness?

10 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, it is not possible to

11 print the document in the room we're in at the moment, but I can show the witness

12 the document from my laptop --

13 THE INTERPRETER: Inaudible.

14 THE COURT OFFICER (Redacted): (Interpretation) -- if you so wish? Thank you.

15 PRESIDING JUDGE STEINER: Mr Rojas, we could not understand a word you said.

16 Please speak close to the microphone.

17 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, it's not possible to

18 print the document in the room in which we are at the moment. It's possible to show

19 the document to the witness from the laptop in the room.

20 PRESIDING JUDGE STEINER: So please do it.

21 THE COURT OFFICER (Redacted): (Interpretation) This is the second page, this is the

22 third page, this is the fourth page and that's the fifth page.

23 MR BADIBANGA: (Interpretation)

24 Q. Witness, has that helped you to identify the document, to recognise it at least?

25 A. The pages were gone through very quickly. I think it was very brief. The

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1 person who is next to me said "This is the first page." Two seconds later, "This is the  
2 second page." Three second later, "This is the third page." Right the way through  
3 to the fifth page. It's very difficult. I haven't been able to read the document.

4 I would ask the exercise to be redone or for the document to be reprinted, because I  
5 only read the first page.

6 Secondly, when the --

7 THE INTERPRETER: Witness interrupts.

8 MR BADIBANGA: (Interpretation) I propose a solution to get out of this impasse.

9 PRESIDING JUDGE STEINER: Go ahead.

10 MR BADIBANGA: (Interpretation)

11 Q. Witness, the only reason --

12 THE INTERPRETER: Inaudible.

13 MR BADIBANGA: (Interpretation)

14 Q. Witness, can you hear me? Can I take the floor again? Can you hear me?

15 A. Yes, I can hear you, Counsel Badibanga.

16 THE COURT OFFICER (Redacted): (Interpretation) I'm not getting any French  
17 interpretation. All the last -- the last interpretation of the witness's answer I didn't  
18 get.

19 (Pause in proceedings)

20 THE COURT OFFICER (Redacted): (Interpretation) Your Honour, could I switch the  
21 microphone off? The technician needs to do something to it.

22 (Pause in proceedings)

23 THE COURT OFFICER (Redacted): (Interpretation) Can the French booth say  
24 something? The connection has been restored.

25 MR BADIBANGA: (Interpretation)

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(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 Q. Witness, this document has reference CAR-DEF-0001-0161. This is a document  
2 which was transmitted to the parties, communicated to the Judges, as well as the OTP,  
3 legal representatives, by the Defence. It's a Defence document, it's not an OTP  
4 drafted document.

5 If you look under the objectives of the code, point 1.1, it's written to improve the  
6 military activities within the ALC. I suppose I don't have to tell you that that's the  
7 Armées de Libération du Congo, the ALC. In this courtroom we think that this  
8 document, according to what the Defence has said, is the MLC Code of Conduct.  
9 Now that I've given you all this information, are you able to recognise it?

10 A. I haven't read this document for ten years. Please help me, so that we can print  
11 this document so I'm able to read it, and after I've read it you will have time to ask me  
12 questions and I will be able to answer them at that time.

13 MR BADIBANGA: (Interpretation) Your Honour, I don't know what the position  
14 of the Chamber is in this regard. The practice before this Chamber has been to give  
15 the different evidence to the witness, to do it beforehand. I've observed that I've  
16 been questioning him with regards to the Willy Bomengo et consort dossier. This  
17 has a massive amount of pages and the witness is able to reply on the basis of what  
18 we presented, and it's also the intention of us to do so in this case. So as far as I'm  
19 concerned, applying the procedure followed before this Chamber, and the type of  
20 examination that we've followed, we have no difficulty with the witness answering  
21 the questions which we put, but I refer to the wisdom of the Chamber on this point  
22 given that a -- there's a witness request, which is supported by the Defence.

23 PRESIDING JUDGE STEINER: Mr Badibanga, even if -- personally, I think that it is  
24 totally unnecessary for the witness to have the hard copy of the Code of Conduct. If  
25 the witness prefers to have it in hand before starting answering to questions related to

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(Closed Session)

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1 this Code of Conduct, and since we have only four minutes, I think there will be no  
2 prejudice for the questioning by the Prosecution if we adjourn for today and with a  
3 request for VWU to provide the witness with the copy - the hard copy - of the Code of  
4 Conduct and then the questioning could proceed on Monday, if that's agreeable for  
5 the Prosecution. Otherwise, we'll stay here the last three minutes, discussing about  
6 whether he needs or not to have the hard copy in his hands.

7 MR BADIBANGA: (Interpretation) Indeed, your Honour. In reality, you  
8 understand that I just wanted for this issue of principle also to appear in the transcript  
9 of the hearing, because I think that it could also have its place when it comes to  
10 assessing the testimony of the witness. I would also like to take this opportunity to  
11 say that I would like also to have in the transcript that the witness said that he knows  
12 the Code of Conduct, that this document, he said that it had been very widely  
13 distributed within the MLC but he wasn't able to recognise it visually. I think that's  
14 also information which is -- will have its own importance at the appropriate time. I  
15 shall stop there.

16 Thank you very much, your Honour.

17 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

18 Before we adjourn, I am reminded that, yesterday, a map was shown to the witness in  
19 order for the witness to recognise some points, and I forgot to ask the court officer to  
20 assign an ERN number to that map. Is that possible, court officer, to do it now,  
21 please?

22 THE COURT OFFICER: Yes, it is possible, Madam President. The map displayed  
23 yesterday to the witness will bear the following ERN number: CAR-ICC-0001-0087.

24 PRESIDING JUDGE STEINER: Thank you very much.

25 I would like to thank very much the Prosecution team, the legal representatives of



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- 1 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I'd like to thank very
- 2 much our interpreters and court reporters; Mr Rojas, that is so far from here.
- 3 I would like to thank very much Mr Witness for your availability to testify before this
- 4 Court, and wishing you all a very restful weekend.
- 5 We will adjourn and resume on Monday morning at 9 o'clock. Just reminding
- 6 parties, participants and Registry that on Monday we will sit for two sessions of two
- 7 hours each in the morning and one session of two hours in the afternoon.
- 8 This hearing is adjourned.
- 9 THE COURT USHER: All rise.
- 10 \*(The hearing ends in closed session at 1.28 p.m.) Reclassified into Open session
- 11 RECLASSIFICATION REPORT
- 12 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 13 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.