

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

- 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 Wednesday, 6 April 2011
- 9 (The hearing starts in open session at 9.03 a.m.)
- 10 THE COURT USHER: All rise. The International Criminal Court is now in session.
- 11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
- 12 open session.
- 13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
- 14 case.
- 15 THE COURT OFFICER: Situation in the Central African Republic, in the case of the
- 16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and welcome
- 18 the Prosecution team, the legal representatives of victims, the Defence team, Mr
- 19 Jean-Pierre Bemba Gombo. Good morning to our interpreters and court reporters.
- 20 We will continue this morning with questioning of Witness 06, and for that purpose I ask,
- 21 please, court usher to bring the witness in.
- 22 (The witness enters the courtroom)
- 23 WITNESS: CAR-OTP-PPPP-0006 (on former oath)
- 24 (The witness speaks French)
- 25 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

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

2 PRESIDING JUDGE STEINER: I hope you had a restful night and that you are ready to
3 continue giving evidence before this Chamber.

4 THE WITNESS: (Interpretation) I am ready, your Honour.

5 PRESIDING JUDGE STEINER: Thank you very much. I have to remind you that you
6 are still under oath. Do you understand that, sir?

7 THE WITNESS: (Interpretation) I do understand.

8 PRESIDING JUDGE STEINER: Prosecution.

9 MR YILLAH: Good morning, Madam President, your Honours.

10 Q. Good morning, Mr Witness. Sir, I will -- in relation to your testimony yesterday, I
11 would want to start off with some follow-up questions that I have. Is that an acceptable
12 way to proceed with you?

13 A. Yes, indeed.

14 Q. Sir, may I ask you to be slightly audible again, just as a reminder.

15 A. I am totally in agreement with what you have said.

16 Q. Sir, at page 10, lines 20 to 23 of yesterday's edited transcript, you spoke about
17 several crimes, including the crimes of rape, pillaging and murder. Now, I have a few
18 follow-up specific questions. I will start first with the crime of rape; do you understand
19 me, sir?

20 A. Yes, I do.

21 Q. Sir, from the questioning and hearing, and from the dossier, are you able to tell the
22 Court at what point in time rape surfaced during the events in the Central African
23 Republic between 2002 and March 2003? At what point did rape surface?

24 A. The cases of rape which occurred started exactly on 29 October, on that date. On
25 29 October, the 30th, the 31st and a few days after that as well. These dates I have just

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 given you correspond to the deployment of the MLC rebel troops within the Bangui
2 neighbourhoods that I already mentioned, and in some other areas as well where these
3 cases of rape took place. So the dates, I repeat, are the 29th, 30th, 31st, the 1st and
4 beyond that.

5 Q. Sir, I think, from the dossier, are you able to tell the Court whether these rapes
6 continued or when did it come -- when was it at its peak, at its height, from your
7 investigations?

8 A. Looting, pillaging became widespread already on the very first day of the
9 deployment of those troops, and I -- one doesn't really know what was the motivation for
10 these MLC troops. They were obviously supposedly trying to smoke out the rebels who
11 had already left the city; in any case, some 48 hours before. Whatever their deep
12 motivation was, I cannot really say.

13 However, when I speak of deployment, I'm not speaking just of 10, 20, 30 people. I'm
14 speaking of very many soldiers, indeed, who were released, as it were, and were
15 supposed to go into the neighbourhoods, to seek out, smoke out the rebels who were
16 hidden, and it was in the house-by-house search that the MLC soldiers carried out these
17 acts of violence. It wasn't something that grew gradually, little by little, step-by-step. It
18 became an immediate widespread thing as soon as they went into the neighbourhoods.

19 Q. Sir, may I again count on your patience to observe the five-second rule in answering
20 questions, so that the interpreters can accurately reflect your evidence; are we in
21 agreement, sir?

22 A. I agree and I apologise, because indeed I had forgotten that rule. Would you want
23 me to repeat what I said if you were not able to grasp it?

24 Q. No, I think what you said was recorded, but I myself will try to observe this rule,
25 and I apologise to you for that. Sir, from the dossier are you able to tell the Court at what

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 point the rapes came to an end?

2 A. I'm afraid I cannot give you a specific date. I cannot answer that question with the
3 specific date. However, what I should like to point out for the benefit of the Bench is that
4 the multiple cases of rape which we recorded revolve around the date of the 29th, of the
5 30th, the 31st, and I believe also the 1st and the 2nd, something like that, because when
6 these violations were felt directly by the population there were many manifestations of
7 protest.

8 The national human rights organisations did not stand idly by. The population, the
9 political parties, all decried those events and I remember, faced with this popular feeling
10 of resentment, President Patassé at the time had made a statement. That statement came
11 on the heels of the deployment of these troops and of these events that I have just
12 mentioned, and in that statement he said that his people lived in harmony with the
13 soldiers of his son, his son Jean-Pierre Bemba, who had rushed to the rescue of the
14 Republican institutions which found themselves in the situation of difficulty. I am saying
15 all of this so as to enable this Court to understand that these events occurred in a global
16 fashion. They covered three, four, five days in a widespread manner, and then came to
17 an end. This is what I wanted to add.

18 Q. Sir, from your knowledge of the dossier and from what you may have observed and
19 from what you may have heard from victims, are you able to provide the Court with
20 information on the circumstances, or the manner, in which the MLC soldiers raped these
21 victims?

22 A. I believe I already said it, if I'm not mistaken, on the very first day of my testimony.
23 However, I will indeed return to what I said for the sake of clarity. According to the
24 testimonies we took down in the course of the interviews, the modus operandi for the
25 rapes was practically always the same for all the victims whose statements we took down.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 Soldiers would arrive. If the house was closed, they would knock on the gate to the
2 house or would shoot in the air so as to intimidate the inhabitants of the house. If the
3 house was not closed, they would simply move up to the main door and knock on the
4 door or kick the door, and the people inside would cower, obviously, would be terrified,
5 and open the door. As soon as they went into the house, it wasn't just one person; there
6 would be two, three, four or five of them. There could be several of them, even beyond
7 five. And as soon as they got into somebody's home, the very first thing they wanted to
8 do was to go into the various rooms, the bedrooms of the house, and begin searching.
9 During that time, if a woman -- do you want me to slow down? I will.
10 If, in the meantime, they would see a woman or a young girl, then one or two soldiers
11 would move in the direction of this woman or this young girl, to force them to have sex
12 with them.
13 If there is any resistance shown, the soldier, or soldiers, would brandish their weapons so
14 as to frighten the victim, or would shoot at the ceiling of the home so as to intimidate the
15 victim, whilst the other soldiers kept searching the other rooms in the house. During that
16 time the rape was being committed. At times, two soldiers could actually lay with one
17 single woman. In one case there was one girl who was being raped by one soldier,
18 whereas the mother was also being subjected to the same act. This is how these soldiers
19 operated. This was their modus operandi, generally speaking, which we can glean from
20 the various statements that we recorded.
21 Q. Sir, you've indeed provided some detailed explanation on the circumstances in
22 which these rapes were committed. But at page 6 of today's real-time transcript, just to
23 clarify the record, you said one or two soldiers would move in the direction of this woman
24 and would perpetrate this organised rape that you have spoken about. Who are these
25 soldiers, just for the record, if you could just clear this area?

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 A. I should like to spell out again that these are the rebel soldiers belonging to the MLC,
2 Movement for the Liberation of Congo.

3 Q. Sir, from the dossier, the file that you may have examined, did you uncover rapes of
4 men?

5 A. No, we had no such case of a rape of a man.

6 Q. Sir, what about persons in authority; did you uncover any file, any statement
7 relating to the rapes of persons in authority by anyone?

8 A. I beg your pardon, sir. Would you please repeat your question?

9 Q. I will indeed, sir. I was trying to draw your attention to persons in authority, in
10 positions in the Central African society. Did your investigations uncover rapes by
11 persons in positions of authority, by anyone or any group?

12 A. You mean rapes committed by persons of authority? Or rapes perpetrated upon
13 persons of authority?

14 Q. No, I mean -- I was trying to direct your attention whether any of the groups that
15 were operating -- yesterday you named several groups that were operating in the Central
16 African Republic. Did any of these groups, from your file, did you discover information
17 relating to the rapes of persons, Central African Republic persons in authority, by any
18 group, or by anyone?

19 A. No, no. The cases of rape recorded were related specifically to the rebel troops of
20 the MLC, as I have just described.

21 Q. And what is your source for this information? Without specifying any person,
22 either did you see or what you saw, can you help the Court with what are your sources?

23 A. The sources, the dossier, I was saying in my previous statement that faced -- when
24 faced with the examining or investigating judge, the victims, the witnesses, were all heard,
25 and on the basis of the statements that were made and that we -- and that were taken

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 down, certainty emerged as to the facts that I have just put to this Court. The source
2 remains the dossier.

3 Q. Sir, we've just discussed rape. You also mentioned pillaging, and yesterday you
4 described for the Court how widespread this pillaging was. From the dossier and from
5 what you know, are you able to provide the Court with information on at what point in
6 time did this massive pillaging commence; at what point in time?

7 A. The looting was concomitant with the acts of rape. It was at the time the MLC
8 troops were being deployed in the neighbourhoods when they went from house-to-house,
9 searching these houses. At one and at the same time as the rapes were being committed,
10 property of interest was being stolen, so looting also commenced on the 29th, which is the
11 self-same date of the start of the rapes. It is not on different dates because - and I will
12 repeat this - it is when they went into the homes of private individuals, theoretically, in
13 order to seek out the rebels of General Bozizé. It is during those home searches that all of
14 these violations were perpetrated. I hope I have been clear.

15 Q. Indeed, sir. Sir, are you able to tell the Court for how long this continued and
16 when it came to an end, this massive pillaging you have spoken about?

17 A. The pillaging started on the 29th, as I have already stated, and then went on for
18 several days. I think that beyond the 1st, the 2nd, the 3rd, there was still looting going
19 on. In cases where the property stolen was being hoarded in the bases of the rebels, they
20 would try and transport them by means of vehicles, but even a few days after that you
21 would still see foam rubber mattresses, the most visible objects because they are the most
22 voluminous and the biggest. You could see these being heaped upon the transport
23 vehicles. Everything was going on at the same time, the rape, the looting, but a few days
24 after that you could still see the stolen property being transported on these vehicles
25 towards the River Bangui -- Ubangi.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Q. Sir, you used the word "items," which I understand to be plural, representing many,
2 and you've just given an example of foam rubber mattress, at page 10, lines 2 to 3 of
3 today's real-time transcript. Now, apart from rubber mattresses, do you know if any
4 other items -- are you in a position to provide the Court information on any other items
5 that may have been pillaged?

6 A. Oh, there were so many things. The rubber mattresses I mentioned because you
7 could see them from afar, they were so large, but radio sets, television sets, mobile phones,
8 clothing, shoes. I cannot give you the full list, but anything that would be of interest to
9 them would be taken away, anything that had any value and that was of interest to them.
10 In some cases, for instance, they would barge into a home and find, for instance, a
11 wristwatch on a desk, or -- and they would snatch that. Anything that they thought was
12 interesting they would take, and money also. They demanded money very often directly
13 from their victims.

14 Q. Sir, you mentioned at page 10, just now in answer to my question, that a few days
15 after that - that is line 6 to 8 of today's real-time transcript - you could still see the stolen
16 property being transported on these vehicles towards the river, towards the River
17 Bangui -- Ubangi. A follow-up question on that, sir, is, do you know where these items
18 were actually taken to? Can you specify where it was taken to, the destination, these
19 pillaged items?

20 A. The looted goods were transported to Port Beach in Bangui, on the river, and then
21 on to boats heading for the town of Zongo, where the MLC rebel troops had come from.
22 So there were canoes, or the ferry boat with an outboard motor which transported the
23 goods heading for the town of Zongo.

24 Q. Sir, you just mentioned a town by the name of Zongo. Just to clarify the record, in
25 which country is this town located?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 A. Zongo is a town in the Democratic Republic of the Congo, on the border with the
2 city of Bangui, in the Central African Republic.

3 Q. Sir, from the investigations could you tell the Court your conclusion, from the
4 dossier, on why the MLC troops committed rapes and pillaging?

5 A. In our final conclusions we noted, first, that there was responsibility on the part of
6 Mr Ange-Felix Patassé, who was the President at the time and this because he had
7 brought unofficial troops into the Central African Republic, troops which carried out acts
8 of violence, and that he himself, having full information, had not taken steps to stop the
9 offences being committed, or at least to take the offenders to court so that they would
10 answer for the offences. There was also the responsibility of Mr Jean-Pierre Bemba
11 Gombo, President of the MLC, that was recorded as he was the President of the MLC
12 rebel movement, and who, when responding to a call from President Patassé, had had his
13 men deployed in the Central African Republic, men who committed violations of human
14 rights.
15 There were a number of other people concerned. We noted the responsibility of
16 Abdoulaye Miskine in our final conclusions. This was for the mass graves which are
17 currently at PK15, next to the cattle market. There was Miskine, and some of his men; I
18 can't remember all their names for the moment. We recorded the responsibility of the
19 former Prime Minister, Martin Ziguele; that was for cases of requisitioning vehicles. We
20 saw this as active involvement with knowledge of the violence that had been carried out.
21 There were a large number of eminent figures - I can't remember their names for the
22 moment - they were concerned. But at the time that the case was submitted to the
23 examining judge, at the time it was decided to take the case to court, we did not maintain
24 charges against Mr Jean-Pierre Bemba Gombo. Why? And that is because Central
25 African legal system at that time had less likelihood of being able to get him. As leader of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 the rebels originally, he had become Vice-President in the Democratic Republic of the
2 Congo, and, therefore, had immunity. Central African criminal proceedings at the time
3 had not accepted the question of -- or the principle of universal jurisdiction, but against
4 what we would have liked, but with the difficulties imposing this on us, we made our
5 submission, or application, for Ange-Felix Patassé and other persons concerned to be
6 charged at the criminal court and taken to trial.

7 The examining judge, in his conclusions, then followed our recommendation, in part. He
8 did not give a decision on Mr Jean-Pierre Bemba, but he did exclude from the case the
9 former Prime Minister, Mr Ziguéle, and other people, and so, therefore, at the level of the
10 prosecutor's office, I noted that the examining judge, in his order closing the investigation,
11 had followed our conclusions in part. *He did not retain charges against Jean-Pierre
12 Bemba, but Mr Martin Ziguéle, the former Prime Minister, was
13 excluded, as were other leading figures. And it was that part of the ruling which made
14 me file an appeal so that the prosecution could then review the ruling of the examining
15 judge. I don't know if I've been clear in answering the question you've just asked.

16 Q. You have, sir. Sir, I would just follow up with one question on what you have just
17 given us on this criminal responsibility. At the end, just -- you told us that you filed an
18 appeal. I want to know whether you, personally, as a public prosecutor in Bangui, was
19 that the end of your involvement in the process? Was it taken by another level, another
20 prosecutorial level? I don't know. Can you help us with information on that?

21 A. I personally filed the appeal against the decision and, in compliance with the Central
22 African criminal proceedings, as soon as the appeal was filed I produced a report on my
23 criticism or points against the examining judge's ruling. I submitted that to my superior,
24 who was the general prosecutor, and from that point on the case was taken away from me
25 and I could have no further knowledge of it.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Q. Sir, let me just take you slightly back, and when I introduced the topic this morning
2 we discussed -- we have discussed the crimes of rape and pillaging. From the transcript
3 yesterday, you also mentioned the crimes of murder; murders. Are you able to provide
4 the Court with information as to when the murder of civilians in the Central African
5 Republic formed the investigation, when it was at its peak?

6 A. There were not a number of events. There was not a number of points in time.
7 The murders were also carried out at the same time as the looting and the cases of rape,
8 from the 29th to the 31st, the 1st and days after that, but I would add that there were other
9 cases after that period. When the MLC troops were supposed to be going inside, in
10 further inland in the country, to occupy some of the sites I mentioned yesterday, there
11 were also cases of murder.

12 Now, I can remember one. There was the chief of a village, who was at PK25 on the road
13 to Boali, next to M'Poko River, and he was interviewed during the preliminary
14 examination. Now, this leader has died, he died last year, but he was interviewed for the
15 preliminary examination and he told us that with the occupation of PK25 -- well, there
16 was a farm which belongs to the Central African Chinese Cooperation Group. The
17 Chinese were there and during the events they had left, and in the compound where that
18 farm is the rebel troops of the MLC had settled there. The chief told us that they had
19 killed a man and also one of their own men, who had been wounded and who was
20 moaning and groaning because he hadn't been given medical care, and they killed him;
21 one of their own men. So this is to give you an example. So after the first, second and
22 subsequent days, other crimes of murder were committed.

23 I'd like to come back again to the case of Mr Yangaly. I've just remembered the name.
24 He was an adjutant with the gendarme forces I mentioned yesterday, and he was killed in
25 the neighbourhood of Damara. I said that he'd been arrested between Bossembélé and

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Boali and deported to Damara, and he was killed. His children tracked him down and
2 ended up in Damara, and when they made enquiries amongst men with the MLC troops
3 those men said, "Your father was with us. He was tired, but we gave him peace so that
4 we could relieve him." They said, "You'll find him -- you'll find him around here, but
5 within a radius of one kilometre." However, the man had been killed.

6 I know there was Mr Sayo, who was killed in his home at PK22 when the MLC men were
7 deployed there. So they're the few cases which come to mind here, and that's without
8 mentioning other cases at Damara, Bossangoa and so on, or even the case which I
9 mentioned I think on the first day of my testimony when I told you about the Bossembélé
10 tollgate position on the Bouar road. There was the man who'd been dragged behind the
11 building at the tollgate, and we heard gunshots and screams and then we never saw the
12 man again and people went on after that. So they're the details I can give your questions.

13 Q. And could you help us with your source for those informations, please?

14 A. The sources for the information, for the Bossembélé case I personally experienced
15 that. For the case of Mr Yangaly, whose -- his son, who was a doctor practising at the
16 time, filed a complaint with me, and I took that case and submitted it to the examining
17 judge as an additional case and he was interviewed by the examining judge. I attended
18 the interview.

19 Then for the case of Mr Sayo, the source is the examination dossier. The wife of this man
20 was also a victim - a victim of rape - and we interviewed her too.

21 Then for the man who was with his wife at PK25, he was walking along the road when the
22 MLC soldiers turned up, and they took him off in their truck and he never came back
23 again and the wife of that man was interviewed by the examining judge. So, in addition
24 to the case where I personally saw it, all the other cases have legal sources from the courts.

25 Q. Sir, I will now move to -- sorry, I will now move to a new topic, but I will start off

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 with what you told us -- the evidence you provided yesterday. At page 42 of yesterday's
2 edited transcript, line 6 to 8, transcript number 95, you spoke about that you informed the
3 Court about the support role that the USP gave to the MLC when they were unfamiliar
4 with the terrain, and you even told the Court - and again I refer to page 40, line 7 to 8, of
5 yesterday's edited transcript - about the FACA as well; that they started supporting the
6 MLC, but this stopped at the National Assembly. Do you recall saying that, or providing
7 evidence on that?

8 A. Yes, indeed.

9 Q. Sir, from you -- it is not clear how this coordination worked in practice. From your
10 investigations, can you tell the Court whether there was a coordination body, or cell, or
11 whatever description, that coordinated these joint support operations, or this joint thing?

12 A. I am sorry, the interpretation is not coming through yet. Okay, now I can hear it.

13 Q. I will put the question again. You have just confirmed, in the previous question
14 which you answered, that you recall testifying about the support role that the USP played
15 with the MLC and the brief support role that the FACA played, where they supported the
16 MLC up to the National Assembly. Now, what is not clear from the record is how this
17 coordination was organised in practice. Are you -- from the information you got from
18 the investigations, are you able to tell the Court, or provide information, on whether there
19 was a coordination body or cell that coordinated these joint operations; these support
20 operations?

21 A. Okay. In the interviews which we recorded, there was an Operational Command
22 which had been set up and it was based at Camp Béal. Camp Béal is a military camp,
23 which is I think at 100, 150, 200 metres from the support regiment site, and that
24 operational body was under the command of a military colonel. I don't know if I can
25 give his name, or whether we need to do it in private session? Perhaps his name has

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 already been made public? I don't know.

2 Q. In private session, please. You can provide his name in private session. Not now,
3 but in private session.

4 A. Okay. The officer pointed out that the Operational Command, which had been set
5 up and which he directed, had not worked -- had really not worked, because from the
6 outset when there was a misunderstanding between the Central African Armed Forces
7 and the MLC troops, immediately President Patassé -- excuse me, it's difficult for me to
8 mention his name like that, because yesterday I heard that he had died. I'm sorry,
9 perhaps I am giving this news to the Court here. So President Patassé took the power
10 away from this coordination unit, or cell, and so the command then came back to him, and
11 those who took action -- well, there was General Bombayake, whose name has already
12 been mentioned publicly, and men from the MLC. The MLC in Bangui was under the
13 command of a colonel called Moustapha, so that's the information I can give to the Court
14 on that question.

15 Q. Sir, are you also in a -- are you also able to tell the Court when this coordination
16 body was set up? At least from your -- from listening to the interview of the colonel who
17 was responsible for it, are you in a position to tell the Court when it was set up?

18 A. According to the colonel, it was the first time that an operational command had been
19 set up at the level of the military Chief of Staff, or command, and that had come into
20 existence the day after the attacks of -- by General Bozizé's rebel troops on
21 25 October 2002.

22 Q. You've just told us about the establishment of the cell - the coordination cell - and
23 who headed it, and you also mentioned the name of a Colonel Moustapha, who was the
24 commander of the MLC. Can you provide, briefly if you can, the information on the
25 actual function? What was the role - the defined role - if any of this coordination cell?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 A. It was a cell which was there to manage the troops in the field and to plan
2 operations to be carried out and to do coordination work in the field with all the men
3 there, or available. So that was the role of the cell, which was called Operational
4 Command. You could say it's the Chief of Staff of the operations in the field.

5 Q. Just one more point on this cell. We still don't know the membership. You have
6 only mentioned a colonel, who was head of this cell. Are you able to provide the Court
7 with information on the composition - on the actual composition - of this cell? Who were
8 the members, if any, who sat on this cell?

9 A. I can't give the names. I can't remember the names, but according to the colonel,
10 the cell was never convened. It was never called up when there were problems. The
11 power was taken away from them. And I'll be more specific. This same colonel, just to
12 give a more fulsome explanation, he said that he was in the field, and when he came
13 across an MLC member who was committing an act of violence on a civilian, if he
14 observed such a thing, ten minutes later his telephone would ring. And when the
15 telephone rang, he picked up the receiver and it was President Patassé on the other end of
16 the line, who said to him, "What is going on?" When he tried to explain to him,
17 President Patassé spoke very sharply to him and asked him to let the MLC men do their
18 work, he should let them go about their work freely. That was his statement, and that
19 statement was recorded.

20 Q. Are you able to provide the Court with information on whether the MLC had
21 representation on this cell? Was the MLC represented on this coordination cell?

22 A. Yes, the MLC was represented. I believe it was represented by Colonel Moustapha.
23 Mr Bemba would come and then he would go away.

24 Q. Sir, yesterday, during questioning, you mentioned various groups that were
25 operating in the Central African Republic between 2002 and 2003, and you have

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 extensively mentioned the MLC, the Congolese Liberation Movement. I want us to now,
2 together, discuss certain issues relating to the MLC; do you understand what I've just
3 said?

4 A. Yes, I understand perfectly.

5 Q. You have already mentioned certain names during the course of your testimony in
6 relation to the leadership of the MLC. From your dossier, just to clarify clearly for the
7 record, who was the overall leader of the MLC at the time of the events?

8 A. The President of the MLC at the time of the events was Mr Jean-Pierre Bemba
9 Gombo. And, well, there you have it. That's the specific information I can give you.

10 Q. You also mentioned just a few minutes ago a Colonel Moustapha, who you said
11 represented the MLC in the coordination cell. Do you know who he is? Can you tell
12 the Court who Colonel Moustapha is?

13 A. Colonel Moustapha, I didn't see him personally but he was the one who was the
14 commander of the troops of the MLC in Bangui, of the entire MLC detachment. I'm
15 saying this because the overall amount of money for food, the allowance, and the money
16 for the entire territory of the area that they were occupying, the funding, so to speak, that
17 was provided by the public purse, the treasury, and according to the testimony that we
18 gathered, it was Mr Moustapha who disbursed the monies. So the money was to be
19 given to him for the allowance, that was to be provided to the MLC men in the field.
20 Colonel Moustapha, he was the leader. Everyone knew him to be the leader. Now I was
21 just saying he was part of the operational command. If he wasn't the leader, he couldn't
22 have been the operational commander. Jean-Pierre Bemba would come to Bangui, but
23 even then, you see, he would carry out a review of the troops, and when the acts of
24 violence and abuse occurred, there was a great deal of an outcry. He came to Bangui and
25 he conducted a review of the troops, but I don't know whether he was in the country.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

- 1 And everything was done with Colonel Moustapha. He was often referred to just as
2 "Moustapha." Moustapha was his name. I don't know whether it was his first name or
3 his surname.
- 4 Q. Sir, I will be asking you about the command structure of the MLC. You've
5 mentioned Moustapha. I will be asking you about its leadership structure in the Central
6 African Republic. But, before doing so, I have a few questions to follow up on what you
7 have said. Who, from your investigations, who did Colonel Moustapha report to?
- 8 A. Colonel Moustapha reported to the President of the MLC, and he, in response to the
9 call for assistance from President Patassé, sent him to Bangui. He couldn't report to
10 anyone else. He only reported to his hierarchical superior, sponsor.
- 11 Q. You also mentioned a treasury, that this Colonel Moustapha received money from
12 the treasury. Are you in a position to provide the Court with more explanation on how
13 this transaction actually occurred, the frequency? How often did Colonel Moustapha
14 transact with the treasury?
- 15 A. The monies were disbursed on a daily basis. According to *one statement in the
16 casefile, he would receive 7 million Francs per day for the upkeep of the troops 7 million
17 CFA Francs.
- 18 Q. Without specifying a name, do you have a source for that information?
- 19 A. Well, I just said that -- well, let me put it a different way. During the inquiry, the
20 people who were responsible for these matters at the Ministry of Finance, the
21 director-general of the public purse at the time, the treasury, and other high-level people
22 who were responsible for the disbursement of payments, those people were heard during
23 the inquiry, and with that information, the information from them, well, I was able to get
24 that information and now I am providing it to the Court. The monies were provided in
25 cash. He would come, he would receive the monies, and the entry would be recorded in

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 the accounting records for the -- in the ledger, so to speak, of the public purse.

2 Q. If I were to ask you in private session to specify the names of these people, would
3 you -- or one or two of these people who provided this information, would you be in a
4 position to do so, sir? Would you be comfortable doing so?

5 A. The time to think of the names, well, perhaps in private session, I think if I set my
6 mind to it, I could do so. That would not be a problem.

7 Q. Very well, sir. I hinted a few minutes ago that I would be asking you about the
8 command structure of the MLC in the Central African Republic on the ground. You've
9 mentioned a certain Moustapha and you have told the Court who he reported to. Now,
10 apart from Moustapha, are you able to provide the Court information on the rest of the
11 leadership structure of the MLC in the -- on the ground in the Central African Republic?

12 A. No, I don't have any details with regard to the internal organisation of the MLC. I
13 do remember I was coming back from Bouar, and when I went to the checkpoint at
14 Bossembélé, at the intersection -- well, it's a pity that I've lost the business card in question.
15 There was a leader there, and when I got to the checkpoint, the rule was that you had to
16 park the vehicle at a certain distance, open up the trunk, take everything out, open up the
17 bags, if there were any in the vehicle, so that the MLC soldiers could thoroughly search
18 both the bags, the inside of the vehicle. They would check underneath the seats, the
19 trunk, the front compartment of the vehicle. I was calm and collected and, you see, there
20 was one underneath a straw hat, he was wearing a broad-brimmed hat. He was also
21 calm, and he gestured to me, and the soldiers brought me to him, and he asked me, "What
22 do you do?" I said to him, "I am a judge. I am the Presiding Judge of the Bouar Court."
23 And he told me that he, too, had studied law, and that he was a lawyer. And since he
24 had found nothing else to do, he ended up enlisting in the MLC. But he spoke French
25 very well. This gentleman was well-educated and spoke very good French. And when

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 I introduced myself to him, he gave me his business card. I told him I didn't have any
2 but if he remained there, perhaps one day, going by, I would give him my card, and then I
3 went off. I didn't try to remember his name, but I do believe that he might have been the
4 commander, the head commander, of the people who were in Bossembélé.

5 As for the other detachments in the field, as for the MLC officers who led them, really, I
6 have no information to provide you.

7 Q. That's okay, sir. Does the name René mean anything to you?

8 A. Which name? I beg your pardon.

9 Q. René.

10 A. René. Yes, René. No, that name does not ring a bell. It doesn't ring a bell.

11 Q. Sir, from the dossier are you able to provide the Court information on what was the
12 strength - the size - of MLC troops? What was their number approximately, from what
13 you learned, in the Central African Republic at the time of the events?

14 A. The MLC troops, when they were deployed as of the 27th to the 30th, I believe they
15 came twice, there was an initial contingent that arrived and they were reinforced a few
16 days later by other troops. I think that those troops must have been close to 1,000 in
17 number, I think. There were a great many of them. They were quite numerous.

18 Q. You've given an approximation. What is your basis for this approximation, sir?
19 What's your source? Without specifying a person's name, what is your basis of
20 knowledge?

21 A. Yes, the source is judicial in nature. The person who gathered -- rather, who
22 greeted the MLC men when they arrived, was heard, and that person did not give us the
23 exact name. This person also thought that the MLC were approximately 1,000 in
24 number.

25 Q. Sir, you've just -- in answer to my question, that's on page 26 of today's real-time

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 transcript, you said that, "The MLC troops, when they were deployed as of the 27th to the
2 30th, I believe they came twice ..." Now, two issues arise from this answer. The first
3 one is that we now have -- you are now providing a different date of the 27th to the 30th,
4 "I believe they came twice." Are you in a position to provide a clear explanation on this
5 answer that you have given? Can you elaborate on this answer?

6 A. Yes, I think that at first I was talking about the 29th at the beginning of my
7 testimony. It was the first day, if I remember, I was talking about the 29th, and -- it was
8 the 29th. That was when the acts of violence and abuse occurred, and when I think about
9 it I remember a letter that was written in March or April 2003 by the President of the MLC,
10 Mr Jean-Pierre Bemba Gombo, and, you see, * he brought the matter to the attention of the
11 special representative of the United Nations Secretary-General in Bangui, General Lamine
12 Cissé. He asked that an inquiry be opened into the
13 acts of violence and the abuse that had occurred. He specified that the troops arrived in
14 Bangui at the request of President Patassé on 27 October 2002. That's how he put it.
15 Now, I don't know what sort of follow-up happened after this letter was sent. In the
16 letter he also said that -- that, if any light were shed on the matter, he would have a court
17 martial to bring the commanders of the various detachments to trial; the commanders of
18 the units that were responsible for these acts of violence and the abuse. So I can confirm
19 this date, the 27th.

20 Now, to answer your question, now -- now what was it? Could you refresh my memory
21 and that way I can answer the other part of your question?

22 Q. Yes, I will. The answer which you provided, from which I posed the question
23 which you've just attempted to explain, is I quote, and it's on page 26 of today's real-time
24 transcript, lines 1 to 2, "The MLC troops, when they were deployed as of the 27th to the
25 30th, I believe they came twice ..." Now, I asked you firstly about the new date of the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 27th and you have just provided an explanation which you say emanates from a letter.
2 My second question is you said, "I believe they came twice." Now, can you provide an
3 explanation of what this means?

4 A. Thank you. Well, I think it is necessary to be more specific. If I said "twice", you
5 see, he came, he went away and then he came back. No, there was a first wave that
6 arrived and then additional troops came in addition to this first wave. That's what I
7 meant when I said "twice."

8 Q. Yesterday and the day before in your evidence you spoke about certain areas in
9 which the MLC stayed in the Central African Republic, areas or locations where they
10 established bases, but let me put the question to you, because you've already told the
11 Court that they stayed in several locations. Can you tell the Court in your own time,
12 think about it -- can you tell the Court from what you recall from the investigations the
13 various locations in the Central African Republic in which the MLC established bases?
14 You've already mentioned some, but if you can take your time and pace to tell the Court
15 the various areas in the Central African Republic where the MLC established bases where
16 they stayed, if you like, as they moved along?

17 A. Thank you. I will go back to the point that I made yesterday, when I was talking
18 about the various sites that were occupied by the MLC when they were in Bangui and the
19 surrounding area, as well as in a number of provincial places or localities. In Bangui, the
20 MLC troops were deployed or stationed first at the support regiment. The support
21 regiment was a military base that is right by Avenue de l'Indépendance, and this main
22 road goes through the centre of the town and goes all the way to the northern exit of the
23 city at PK12. The MLC troops occupied next the brigade at PK12. That was at PK12, at
24 the checkpoint. They occupied the brigade there and they held that checkpoint, and -- at
25 PK12 and the various spots where the health inspectors worked; the water and forestry

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 officials. Those premises were occupied by the MLC troops.

2 As for the Begoua school, there was a base there at Begoua school and that was along the

3 Boali road. There was a base at the Begoua school and facing Begoua school in the local

4 neighbourhood because, you see, the main route, or road, separates the school from this

5 neighbourhood, and behind a football pitch there is a house, a house of a private

6 individual, and they occupied that house as well.

7 Let us move on. At PK25 they also were at a farm belonging to the Sino-centrafricaine

8 farming group, and that is by a stream or a waterway called M'Poko. There is a bridge

9 and as soon as you cross the bridge there is another security point, and that's for the

10 various vehicles that go by and they are -- the vehicles are inspected there.

11 So they held that post at Boali. Well, Boali is 95 kilometres from Bangui, and to get

12 there -- well, you see, it is a town that is on a hill, and so you do have to go up a slope; a

13 slope that rises up for about two kilometres. At the top of this slope they did establish a

14 base, and the vehicles who left -- well, as soon as you get to the top of the slope you would

15 find the MLC soldiers and then you would go on, or you would find them here before you

16 went on.

17 Also in Boali, when you left Boali town, at the intersection that goes -- heads towards the

18 hydroelectricity plant, there was a position there as well and also in Bossembélé. At

19 Bossembélé there is a toll station, before you get into the town of Bossembélé, and that

20 was held by them. In the town of Bossembélé, at the ramp, there also was a post or

21 station held by them.

22 Let us take the road from Bouar. There is another toll station two-and-a-half kilometres

23 approximately, or 2.6 kilometres, held by them. Bossembélé and you go towards

24 Bossangoa, two kilometres along the way there was another post.

25 And let us continue moving westward -- northwestward. They occupied the town of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Bossemptélé. They occupied the town of Bozoum. They occupied the town of
2 Bossangoa. Going back from the PK12 ramp, on the Damara road, they held a position at
3 PK22 and in Damara. So I believe, all in all, that those are the various positions.

4 Q. Sir, you've provided a very comprehensive list of MLC bases in the Central African
5 Republic. Are you able to tell the Court which among those bases served as its
6 headquarters?

7 A. Their main headquarters, well, first of all, there was the support regiment, the
8 support regiment, but at PK12, for instance, Begoua, there was a large number of troops
9 there. At the farm, the agro pastoral farm that belonged to these Chinese Central African
10 farming corporation, there were many people. Bossembélé, I think that most of the
11 troops were in Bossembélé, because in Bossembélé there were a great many, a great many
12 of them were gathered there.

13 In Boali, there were troops there as well, on the hill, but I didn't go inside to see since the
14 town or the neighbourhood, the political administrative unit is inside, I didn't go in to see,
15 and even the inquiry didn't reveal the existence of a base, whereas inside that
16 neighbourhood, that administrative division, there was a military base there. Now, I
17 don't know whether they occupied that base.

18 Q. Sir, before I move off with my next set of questions on this, I would like to establish
19 what your basis of knowledge is for this information that you have just provided, your
20 numerous bases?

21 A. At the beginning, the source, as I have said, stems from the investigation -- no, I take
22 that back, I'm sorry, I'm sorry, I repeat. Initially, personally, I was driving from Boali,
23 Bangui, Bouar, so I had to cross PK12, PK25, on the road to Boali. I got to Boali. I got to
24 Bossembélé, I took the left-hand ramp, on the road to Bouar, and at the very last post, that
25 was Bossembélé, two kilometres away. Then you would find them again at Bossemptélé

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 which is also an intersection.

2 On one way you go to Bozoum and the other way you go to Bouar, so that is my own
3 personal knowledge, at the beginning, in Bangui. So that's my first initial source of
4 information, myself.

5 Second, all of this information was borne out to us within the framework of the
6 investigation that was being conducted by the examining magistrate, and third, as I said
7 yesterday, I had done a great deal of research with a view to preparing my doctoral thesis
8 on the subject "The United Nations and the Crisis in the Central African Republic.

9 So on the basis of that, I had undertaken other research and that additional research I had
10 undertaken had given me an opportunity to peruse many NGO reports concerning
11 human rights, and also a variety of reports from the United Nations office in Central
12 Africa, that had been addressed to the UN Secretary-General. So I had actually those
13 reports in my possession in order to carry out my research, and I had read them through
14 in order to check on the reliability of the information I have provided to you. So these,
15 sir, are the three sources of information.

16 Q. I will follow up on the third source that you have just given us for your doctoral
17 thesis. Now apart from the materials that you say you have reviewed, UN report and
18 your report, for your doctoral thesis, I am not talking now about the investigation, did
19 you interview persons as well? For your thesis, are you interviewing persons as well?

20 A. The interviews I had started had not yet been finished. There were many other
21 persons of note that I met, in order to check the veracity of the information; for instance,
22 the advance of the rebel troops of General Bozizé. I carried out a certain number of
23 interviews in order to get information, and through these interviews I was able to find
24 people who were witnesses, military people, high-ranking military men, who also
25 provided this information to me.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Q. While providing information on the number of bases and their locations a while ago,
2 you made mention of several houses, like houses occupied. You made reference to
3 houses occupied in different areas. Are you able to provide the Court with information
4 as to under what circumstances in which the MLC, the circumstances under which the
5 MLC occupied those houses and who did those houses belong to?

6 A. The circumstances under which these houses were occupied were brutal. Let me
7 take the example of that judge, whose house is to be found on the way down from PK12,
8 when you want to go on to the road leading to Damara, I think it is at PK14. On the way
9 down, his own residential house where he resides with his family, it was that house that
10 was occupied. The MLC soldiers came to drive him out of his own home, asked him to
11 leave his house, and leave he did. We -- he was heard on that fact, on that circumstance.
12 The MLC soldiers remained within his house throughout their stay at that place.
13 There's another house across from the Begoua school, I described that yesterday, there's a
14 soccer field and behind that soccer field there is a private home, and that private
15 individual was also asked to leave his home. That gentleman with his family were forced
16 out of their home, that is a residential home, it wasn't a public building, that was occupied
17 also by the MLC soldiers.
18 The PK12 brigade station belongs to the State, and since it was the State that called them
19 in, they just took over that place. So these are the few examples that I would like to give
20 you, in order to shed some light on what I said and answer your question, but allow me to
21 specify that it wasn't through a lease contract, or by means of any peaceable negotiations,
22 that these private homes were occupied. These were forcible occupations of private
23 homes.

24 Q. Sir, I will be asking you for the names of those private individuals, those individuals
25 whose private homes were occupied in private session. Would you be comfortable

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 providing their names to the Court in private session?

2 A. Yes, I can give you the name of the judge, with no problem at all. However, the
3 other name, I will have to remember it. It will come back. As a matter of fact it has
4 already come back.

5 Q. I will ask for both names in private session, if that's okay with you?

6 A. Sir, I agree.

7 Q. Just one more thing on that point: Do you know whether in fact the MLC -- did
8 you obtain information as to, or did you know, do you know whether the MLC
9 compensated those individuals for what you have just described, the forcible occupation
10 of their homes?

11 A. There was no compensation, not at all. Had there been any compensation
12 obviously people would not have come to see us and complain. There was no
13 compensation, I repeat.

14 Q. Are you in a position to provide information as to what happened to the contents of
15 those houses, what the -- not the physical structure now but the contents, what happened
16 to the contents of those houses when they were forcibly occupied? Did you obtain
17 information on that?

18 A. Sir, the homes, they just abandoned them. When the MLC rebel soldiers left, they
19 abandoned the homes. Now, a house that is occupied under such conditions and
20 circumstances of brutality, and is abandoned suddenly, needless to say the doors, the
21 windows had suffered a great deal of damage. I believe that there were bailiffs who
22 went over to take a record of the degradations that those houses had undergone.

23 Q. Sir, a short while ago you mentioned the treasury. That, you told the Court that
24 Colonel Moustapha, the MLC commander in the Central African Republic, received sums
25 of money from the treasury. Which treasury are we talking about? Which treasury and

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 in which country are you referring to?

2 A. I am speaking about the public treasury of the Central African Republic. The
3 public treasury of the Central African Republic.

4 Q. Now, apart from the public treasury of the Central African Republic, do you know
5 where else funding or remuneration for the -- came from for the intervention of MLC
6 troops? Do you know how, what other means the MLC troops were funded by during
7 the intervention in the Central African Republic?

8 A. No, I cannot actually be very specific on that, but I do remember one element of
9 information which I already provided at the beginning of my testimony here in this
10 courtroom. When General Bombayake was heard by the examining judge, he said that
11 there were the arrival of MLC troops in Bangui, no, I am sorry, I take that back. I take
12 that back. The Libyan troops. So let me withdraw what I have just said, and specify
13 that I have really no other way of specifying if the MLC troops would have had any
14 external source of funding for their deployment in the Central African Republic. That
15 may be the case but we cannot have any -- we do not have any knowledge of it.

16 Q. Yesterday, during the course of your testimony, you provided evidence about
17 troops from other countries, from countries outside of the Central African Republic, which
18 were involved in the conflict. Do you recall, do you recall mentioning Libyan troops?

19 A. Yes, yes.

20 Q. Now, at the time of the events, do you know who was the Head of State of Libya?

21 A. Colonel Muammar Gaddafi, who is still the Head of State.

22 Q. Now, are you able to provide the Court with information on whether that individual
23 had any involvement, or did you get any information concerning his name, in the conflict?

24 A. I shall try and provide a few elements of information here. First of all, was Colonel
25 Gaddafi personally involved? My answer is "yes." Why do I say, "yes"? Because the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 troops he deployed in Bangui, led by Libyan general, came to Bangui on instructions from
2 Gaddafi. Second, the aeroplanes that were doing the bombing were Libyan planes. The
3 airstrip was in Zongo. That's where they took off and landed, in the Democratic
4 Republic of the Congo, right next to Zongo. They took off from there to carry out their
5 operations. So, quite obviously, it is visible for everyone to see that Colonel Gaddafi was
6 involved in these operations. Having as a base for these planes an airstrip on Congolese
7 territory, under Congolese control, means obviously, that there was understanding
8 between the MLC and Libya, and President Patassé. This was plain for everyone to see
9 and could not be concealed from view. However, what happened under the table, the
10 actual sources of funding, I cannot tell you. If I had any information on that I would
11 willingly provide it to you.

12 Q. I think you have already provided the information, sir. Sir, from -- you've told the
13 Court about information from the dossier and also you've provided information about
14 what happened to you and what you saw during your travels within the Central African
15 Republic at the time of the events. From what you perceived, yourself, how would you
16 describe the attitude and behaviour of the MLC troops towards civilians in the Central
17 African Republic at the time of the events?

18 A. At the time of the events the MLC troops showed lack of respect. Yesterday I made
19 an assertion, and you asked me why I had asserted that. At one point I said that I was
20 wondering whether those troops had undertaken any kind of training at all because there
21 was total lack of respect of human dignity, as shown through a variety of violations that
22 they perpetrated. Rape is a lack of respect. You cannot just simply run into a woman
23 and decide immediately to have sex with her. Looting, that is also lack of respect.
24 Stealing property, the theft of goods, murder, lack of respect obviously and we were
25 afraid of these soldiers.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 I explained to you that I was on the road, I was driving back and forth, and at the tollgate,
2 you always had to have money at the ready. At times * you would simply buy cigarettes,
3 just so you could give those cigarettes to them, because they liked that. You had to
4 give something to them. Otherwise, the risk was enormous. So whenever you went out
5 driving on the road you had to have all these things to give to these people because they
6 were very demanding. No smile on their faces and they all spoke the same language
7 amongst them so that was also a problem. So, to summarise, these troops showed
8 complete lack of respect.

9 Some have said, and I do not know whether this is true, that President Patassé had asked
10 them not to spare men over 14 years of age because every man over 14 was considered to
11 be a rebel and this is why I go back to what I was saying earlier.

12 Did they get any training? I cannot understand how a person who is trained can show
13 such complete lack of respect for other human beings.

14 Q. Sir, I would like to follow up with a bit of questions, with few questions on -- you
15 concluded that you doubt whether MLC troops had undertaken any kind of training at all
16 because there was total lack of respect for human dignity. Now, I recall a while back,
17 during the beginning of the testimony, you told the Court that you underwent
18 compulsory military training; do you recall saying that, when you were training to be a
19 judge?

20 A. Yes, I do.

21 Q. Because at this stage I have just a few military-line questions, so that's why I wanted
22 to establish the basis of your military knowledge. The first one I have is, from the
23 information that you collected, were MLC leaders, MLC commanders, were they aware of
24 all these crimes that you have described that were happening in the Central African
25 Republic?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 A. I must apologise but how could they not know it? Take looting. When an officer
2 instructs his men to do something and they come back to him with property that they
3 have just looted, isn't the officer amazed that this is happening? Can the officer not ask:
4 "Where did you find that?" Obviously they were doing all of this in -- in front of their
5 officers. This was not at all concealed from the view of the officers, and the vehicles that
6 they received, in order to carry out their missions, were being used in order to haul the
7 looted goods. Can one say that MLC officers didn't see that this was going around?
8 That this was going on?
9 The fuel that was being used, and the fuel spent on all this, the officers wouldn't know
10 how much fuel was being used and why the lorries, or trucks, were being used for such
11 lengths of time? These are things that cannot be hidden.
12 The officers must have been totally aware. And I believe I said yesterday, or day before
13 yesterday, that when the acts of violence and abuse commenced, human rights
14 organisations in the Central African Republic, political parties, trade unions, the press
15 also, the media, the people, the people, didn't just stand idly by. There was an outcry.
16 That situation was denounced and I said that even President Patassé made a speech.
17 President Patassé made a speech in the course of which he stated, "My people lives in
18 harmony with the troops of my son Jean-Pierre Bemba."
19 And I also mentioned a letter at the beginning of 2003, in April, written by the President of
20 the MLC to the UN representative in Bangui. Under these circumstances, how could one
21 say that the MLC officers in the field did not know what was going on? Unless you're
22 talking about something which is not an army, and just a bunch of individuals who were
23 released like that to do whatever they wanted to do and then go back home without any
24 form of control.
25 As far as I am concerned, the officers were perfectly aware of the acts of violence and

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 abuse being perpetrated and they did not take the necessary measures to put an end to
2 such acts of violence, or to punish those who perpetrated such acts.

3 PRESIDING JUDGE STEINER: I think even because of the time left on the tape, we have
4 to suspend now, and you can continue after the break.

5 Mr Witness, we are going to suspend, to have a break for half-an-hour. You can take
6 some rest. It's 11, almost 11 o'clock. We will resume at 11.30.

7 I ask please, court usher, to take the witness outside the courtroom.

8 (The witness stands down)

9 PRESIDING JUDGE STEINER: The hearing is suspended.

10 THE COURT OFFICER: All rise.

11 (Recess taken at 10.58 a.m.)

12 (Upon resuming in open session at 11.35 a.m.)

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

14 PRESIDING JUDGE STEINER: Welcome back. I see a new face on the Defence
15 bench.

16 MR KILOLO: (Interpretation) Yes, your Honour. We would like to introduce
17 Mr Guenael Mettraux, who has just joined the Defence team as a legal consultant.

18 PRESIDING JUDGE STEINER: We will continue with the questioning of Witness 06
19 by Prosecution. Could, please, the court usher bring the witness in.

20 (The witness enters the courtroom)

21 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

22 THE WITNESS: Merci.

23 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

24 THE WITNESS: (Interpretation) Yes. Yes, I'm ready.

25 PRESIDING JUDGE STEINER: Mr Yillah.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 MR YILLAH:

2 Q. Welcome back, Mr Witness.

3 A. Merci.

4 Q. Sir, just before the break I asked you the question whether MLC commanders
5 were aware of the crimes that you told the Court that the MLC troops perpetrated in
6 the Central African Republic, and you gave the Court a detailed explanation on
7 pillaging; that it was done in the plain view of all. The other question which flows
8 from that is what about the rapes? Were the MLC commanders aware of these rapes
9 and why -- and why?

10 A. Well, I shall continue to say and maintain that the leading commanders of the
11 MLC, who were giving orders to the troops in Bangui and the surrounding area, were
12 fully informed of what was happening in the field. In the descriptions given here I
13 pointed out that the MLC soldiers were not operating alone, they were always in
14 groups, and when I gave details on their modus operandi for rape and looting there
15 were a large number of them together. When the troops were deployed in the field
16 for a given operation, they had to report on their mission. They were obliged to do
17 so. The reports -- while I wasn't informed of the reports, I think reports were done
18 and given to their superiors, and the superiors saw the soldiers coming back with
19 their booty and they too should have wondered where that booty came from.
20 Was there a collective way of thinking for the acts that they committed, or were they
21 done on the spur of the moment?

22 Well, in any case, for both murder and for looting and rape and for other related
23 offences, the leaders were aware of what was happening. Homes were occupied. It
24 would be impossible for the leader not to be informed when someone is thrown out of
25 their home; forcibly thrown out.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 In cases of murder, the leader knows what's happening. The leader may be in
2 charge of the brigade, or the platoon, going off on the tour of duty, gives specific
3 instructions. If I've understood correctly, the MLC soldiers' duty in RCA, or the least
4 visible one, was to secure the country and to hunt down the rebels. So they moved
5 into the neighbourhoods, but did they present any rebels that they'd caught? No.
6 And that didn't mean that they didn't go out without something. They took away
7 booty and the commanders were informed of that. They were informed of it and
8 they couldn't say they did not have that information. If they said they were not
9 informed, then -- if they were informed, they obviously were going to see their men
10 coming back with the booty --

11 THE INTERPRETER: Even if they didn't have the information, correction.

12 THE WITNESS: (Interpretation) So they obviously knew. And when you look at
13 the prevailing climate and the reports speaking out against what had been done and
14 the statements by the President of the Republic saying that they were living in
15 harmony, that statement just didn't come out of its own invention. It's because there
16 were unfortunate events that had taken place and the MLC must have known what
17 was going on.

18 When I referred to a letter from the President of the MLC addressed to the
19 Secretary-General of the United Nations, what happened there? What was the
20 procedure there? It said that the commanders of these units were going to be
21 arrested and court-martialled. I even remember this, because I followed it on radio
22 stations, Radio France International. The Secretary-General of the MLC also spoke.
23 He spoke about that situation and said that the offenders would be court-martialled.
24 So I maintain what I have said. They were aware of what was happening.
25 Now, I spent a short amount of time in military service, but I know that it's

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 impossible for a soldier to be given a mission and not to report on it. Whether it was
2 a successful mission or a failure, the soldier has to report on the mission and I think
3 the reports went back to the hierarchical superiors. What did the superiors do with
4 that afterwards, I'm not in a position to give that answer. Thank you.

5 PRESIDING JUDGE STEINER: Sorry to interrupt you. I think there's a problem
6 here in the transcript. Page 44, I think line 15, when it said that the
7 Secretary-General also spoke about that situation and said that the offenders will be
8 court-martialled. Are you talking about what -- who, Secretary-General?

9 THE WITNESS: (Interpretation) Thank you. I'm talking about the
10 Secretary-General of the MLC.

11 MR YILLAH:

12 Q. Sir, before the intervention of the learned Presiding Judge, you spoke about
13 reports being prepared, and the like, and you explained your basis for saying this, but
14 you also told the Court that what was done with the report, you cannot say. Now,
15 you have told the Court that the MLC commanders in the Central African Republic
16 were aware, and you have established a basis why you say so. Now, you also
17 informed the Court earlier that the President, the head of the MLC, was Jean-Pierre
18 Bemba. Now, from your analysis of the information and from what you know, was
19 the -- was Jean-Pierre Bemba aware of the crimes committed by his troops? Do you
20 have information from your investigations, providing elements on that?

21 A. First, around the time of the events, Mr Jean-Pierre Bemba had come to Bangui
22 to review his troops. He came to Bangui. That's the first point. And so he must
23 have known what had happened.

24 Secondly, President Patassé, who was in close agreement with him, stated that the
25 MLC troops were living in harmony with the people of the Central African Republic,

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 and that was not just a gratuitous statement. It means there was a basis for it, and
2 they must have discussed it because every time he came to Bangui, he was received
3 by the President of the Republic.
4 Third point: His Secretary-General, whom I referred to earlier, who spoke on the
5 radio, said that the offenders would be court-martialled. Where did he get that
6 information? He was Secretary-General, and Jean-Pierre Bemba was President. I
7 don't think that he decided of his own accord to make that statement.
8 And then Mr Jean-Pierre Bemba wrote to the representative of the Secretary-General
9 of the United Nations, and in that letter, which I mentioned earlier, he said that he
10 was asking the United Nations to help him carry out investigations to find cases of
11 violence so that he could court-martial the offenders. So where did he write, if he
12 didn't know about it, that -- if he didn't know that there'd been violence carried out?
13 The MLC was an organisation which existed already. There were troops, there were
14 troops near Zongo in the Équateur Province. In the Democratic Republic of the
15 Congo it was the MLC troops that controlled the area. And the troops that came to
16 Bangui went through Zongo and there, there is a base for MLC soldiers too. The
17 foam rubber mattresses, the television sets and various other items that were carried
18 across as booty were there. Did they arrest people? Did they take them to court?
19 And did they need another investigation? Did the MLC need another investigation?
20 I say they were perfectly well aware of everything that was going on, unless of course
21 the chain of command was not operating, and even if it was not operating properly, at
22 least there are some men, there are leaders who had seen everything that happened.
23 Now, I'd say look, look at the booty. The booty was transported in vehicles. The
24 vehicles were made available to the MLC men and then they crossed the city,
25 transporting the looted goods and went to the port, and it wasn't in the middle of the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 night, it was day time; that was when they crossed over.

2 How could the MLC leaders not know what was happening? How could the
3 President of the MLC, who had sent men off there, not be following what was
4 happening out in the field? I say that from the President down to the military
5 leaders, they were all informed of what was happening. Thank you.

6 Q. Sir, you've provided detailed elements on why you say Mr -- on why you say
7 Jean-Pierre Bemba was aware of the crimes committed by his troops. In one of the
8 elements you mentioned his visits. You also spoke earlier about his, Bemba's visits
9 to review his troops. Are you in a position to tell the Court, at least from the
10 investigations you carried out, what the date of these visits was, or the time period?

11 A. I can't give you the exact date, but I think it was four or five days or a week after
12 stories were going around of everything that was happening in Bangui. That was
13 when he came. He often came to Bangui, and sometimes he'd just go through and
14 go outside the city, continuing on his way. But on this occasion which I mentioned,
15 he came there and I told you, he reviewed his troops. And what does it mean to
16 review troops? It means going and having contact with the men, perhaps trying to
17 boost their morale or give them instructions for operations. It wasn't a month after,
18 it was fairly soon after, four or five days, one week after. He came there and
19 reviewed his men. Surely that was because he was informed of everything that was
20 happening and he wanted to fix things up.

21 Q. Sir, I would like to follow up the response that you've just given a little bit and
22 ask: You said he often came to Bangui. I would ask you to confine yourself during
23 the relevant period to the events and ask you to explain, if you can approximate from
24 what you know, either from the case file or from what you heard, or from what you
25 saw yourself, if I ask you to give me an approximation of what this "often" mean?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 How many times can you tell the Court that he came to Bangui during this period?

2 A. Well, perhaps I can be accurate. When I say "often" that's just to explain the
3 way he came in and went out, but for the events themselves, I can tell you that it was
4 just a few days later; it wasn't a week. It wasn't more than a week. After four or
5 five days, maybe just a week. He came to review his troops. He came. Then after
6 that there was general confusion. There was no -- no stable situation between public
7 authorities, between the local community, between the social professional
8 organisations, human rights organisations. Everyone was going around in their own
9 direction, and that was when the situation became confused. But he came.

10 Of course when he came before I didn't attach much importance to him coming in or
11 going out but I can point out that immediately after the events he was there and he
12 reviewed his troops. Why did he review his troops? It's because he heard about
13 what had happened out there. Thank you.

14 Q. Sir, I would also like to follow that up again and ask whether from the
15 information available to you -- you told us earlier about a speech made by President
16 Patassé, you've told the Court that. Now, are you able to provide information on
17 whether in fact during the period relevant to the events, that is October 2002 to
18 March 2003, whether you have information on any speech related to the events by
19 Mr Bemba?

20 A. No. No, I don't know of any speech that he himself gave. What I told the
21 Court, or the evidence I gave the Court, was the sound recording of the international
22 station RFI, and that was in relation to his statement to the Secretary-General. But
23 any speech he gave, no, no, I didn't hear any such speech.

24 Q. That's okay, sir. I told you just before we went on the break about your
25 military -- you spoke about your military training that you underwent, compulsory

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 military training. Now, from your knowledge derived from your compulsory
2 military training, assessing the information that was available to you from the
3 investigations, do you know whether the MLC, whilst operating in the ground, on the
4 ground in the Central African Republic, do you have information on whether they
5 established structures to prevent and punish their troops on the ground in the Central
6 African Republic? Do you have information on that?

7 PRESIDING JUDGE STEINER: Mr Witness, just one moment. Mr Haynes.

8 MR HAYNES: It seems to me that this is a question being posed to the witness as a
9 military expert. I don't mind that but if it's posed on the basis of his compulsory
10 military training, perhaps we'd better explore a little more how detailed his military
11 training was, before we qualify him as an expert to deal with structures to deal with
12 punishment of soldiers. It's one thing if he's a general, it's quite another if he's done
13 six months national service, I think.

14 PRESIDING JUDGE STEINER: As a matter of fact, the question put by the
15 Prosecution includes not only the compulsory military training, but the result of his
16 investigations. So I think both combined are quite reasonable questions, so I will
17 allow the Prosecution to continue.

18 MR YILLAH: We're grateful, Madam President.

19 Q. Sir, do you want me to repeat the question, or do you understand the question,
20 before the intervention of learned counsel for the Defence?

21 A. Yes, I understood the question. I can give you the answer. There was no
22 disciplinary organisation for MLC troops. I don't know of any structure for
23 disciplining them. We didn't find any of that in our dossier. Otherwise, we should
24 have some pieces of information on what happened to these men, which -- who,
25 rather, did not behave in accordance with the fundamental principles of human rights

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 and who committed offences. We should have some information on them, and I
2 think that with my knowledge of the people of the Central African Republic, if the
3 people had known about such a disciplinary organisation or entity being there, I think
4 that a number of the victims concerned would have got in touch with that
5 organisation to make complaints, but there wasn't any. There was no structure, or
6 organisation, for disciplinary sanctions.

7 Q. Sir, we're now approaching the last part of this process for the open session, and
8 after that we shall be going into private session for you to provide the names that you
9 had promised earlier. I now want to direct your attention to your findings on the
10 criminal responsibility of the various actors that were operating in the Central African
11 Republic at the material time. From the information available to you from the
12 dossier and from what you know, do you know if MLC troops -- from what you
13 know and from the dossier, from those sources, do you know if MLC troops were
14 punished for the crimes of rapes, pillaging and murder that they perpetrated in the
15 Central African Republic?

16 A. Thank you. Well, if the MLC troops who had committed multiple acts of
17 violence and multiple abuses had been punished, well, there would have been some
18 kind of outcome. If some kind of jurisdiction or court of some kind had punished
19 them there would have been some kind of ruling, but where is the ruling? Whom
20 were they -- who were they punished by? Even the MLC, which spoke of a
21 court-martial, did not produce any ruling stating that these people, these soldiers,
22 these rebel soldiers, had been punished. Where is there any proof that punishment
23 occurred?

24 As for the Central African courts, I explained to you here. I explained the entire way
25 the proceedings unfolded. When the order for a partial discharge, the order of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 dismissal, I filed an appeal of that decision on a number of points of law that were
2 unsatisfactory and this is what happened with the appeal. This is how the matter
3 continued. It was sent to the Office of the General Prosecutor of the Court of Bangui,
4 which took the matter before the chambre d'accusation, which responded. The
5 Chamber of Accusation issued a ruling in which there was a disjoinder. That is to
6 say the financial aspects were set aside from the other aspects; namely, the crimes
7 involving bloodshed, the rapes, et cetera. So part of the case was sent to the ministry,
8 the public ministry, and in turn it was sent to the Cour de cassation. In 2006 that
9 court issued a ruling in which the court said that the Central African Republic was a
10 party to the Rome Treaty, and consequently because it was impossible or because
11 there were not sufficient resources for the Central African courts to deal with the
12 matter, the case had to be referred to the International Criminal Court and there was
13 not a single actual ruling in Bangui.

14 I do remember, I believe it was last year or perhaps two years ago, there was an
15 appeal - a delaying appeal - that was filed after the time limit by a lawyer acting on
16 behalf of Mr Bemba and the matter was dismissed. So in practical terms to explain
17 to you -- well, there was no form of punishment inflicted upon these soldiers, nor did
18 the victims have any satisfaction. There was no ruling, not even a token ruling or a
19 token punishment of the various crimes that they were victims of. I thank you.

20 Q. Sir, you've provided a detailed explanation in response to my question.

21 There's one issue I want to follow up on here and that is are you in a position -- based
22 on your knowledge of the dossier, are you able to provide the Court with information
23 on what was the importance of Bangui and the Central African Republic to
24 Mr Bemba's MLC? Are you able to provide the Court with information on that; on
25 the importance?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 A. Could you be more specific when asking your question so I can provide a more
2 targeted answer?

3 Q. My apologies, sir. You told the Court in evidence earlier that Bangui shares a
4 border with a town in the Democratic Republic of Congo, or a place known as Zongo.
5 Now, at the time of the events the first -- I will split the question. At the time of the
6 event, do you know who was in control of that area of the Democratic Republic of
7 Congo; the Zongo area?

8 A. The Zongo area is part -- within the Democratic Republic of Congo is part of the
9 Équateur Province, and that province was under the control of the MLC and its
10 troops and under the control of Mr Jean-Pierre Bemba. This province, Équateur
11 Province, is truly on the border with the Central African Republic. The existing
12 border is a natural one, that is to say it is made up of the Ubangi River, and the length
13 of this border is 1,500 kilometres and all of the Équateur Province was controlled by
14 Jean-Pierre Bemba and the MLC. The town of Zongo was part of Équateur Province.

15 Q. So having laid that foundation, are you in a position -- based on the information
16 you collected and based on what you have just said, are you in a position to tell the
17 Court what you know from the information available to you about the importance of
18 Bangui and the Central African Republic to Bemba's MLC?

19 A. Thank you. You see, because of the good understanding between President
20 Patassé and the President of the MLC, Jean-Pierre Bemba, the territory of the Central
21 African Republic, if I may put things in a general manner, that was a fundamental
22 element for the MLC. I can even say that this area - this territory - was sort of a rear
23 base, because there was an agreement. President Patassé called upon
24 Mr Jean-Pierre -- correction, referred to Jean-Pierre Bemba as his son, so that shows
25 you just how close these two men were. That's the first thing.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 *Secondly, Mr Jean-Pierre Bemba had his helicopter parked on the tarmac of the
2 Bangui airport, the helicopter that he travelled in often. Now I don't know exactly
3 when that helicopter took off but the helicopter was there. He would travel in that
4 helicopter and I think that he would also leave his helicopter and then take a plane
5 somewhere else. So Bangui was sort of a rear base, so to speak, for Mr Bemba.
6 Since the border wasn't closed, most of the general commodities would also go by
7 way of Port Beach in Bangui and then would be sent to Zongo and on to Équateur, or
8 goods would go by -- would go by a port that also faces the town Mobaye in Bongo,
9 immediately opposite Gbadolite, beside that place, where the MLC had it's
10 headquarters. So I can tell you that Bangui was not the only place, but really the
11 entire country was almost the rear base of Mr Bemba. He would come and go as he
12 wished and, because of this very close relationship between him and Mr Patassé,
13 everything went very smoothly for him.

14 Q. And how do you know this, sir?

15 A. Well, I learned these things because, well, I'm a person from the Central African
16 Republic and I followed the events that occurred in my home. I also took a
17 particular interest in the information, the news, about these events. As an
18 intellectual I also have done my own analysis of the situation.

19 Furthermore, other analysis has been done by other intellectuals, and these analyses
20 have been published, have taken the form of books, and so this is how I have been
21 able to come here and provide this information to the Court. Now, I'll be specific.
22 We did not necessarily always deal with this information within the inquiry itself.

23 Q. Sir, I need not repeat because you have provided detailed explanation on the
24 criminal responsibility, the conclusions you reached on the criminal responsibility of
25 Mr Bemba and others. You've already provided the Court with sufficient

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 information from your point of view. But today, before the break, you made a
2 statement in your evidence about the criminal responsibility of Mr -- of MLC
3 commanders, and that is, for the record, your Honours, it's page 41 of today's
4 real-time transcript, and I'm referring here from lines 5 to 9. And with your
5 permission, I'll quote, sir. You said, "The officers were perfectly aware of the acts of
6 violence and abuse being perpetrated and they did not take the necessary measures to
7 put an end to such acts of violence or to punish those who perpetrated such acts."
8 Now, I have two questions flowing from this evidence that you have provided. The
9 first question is: What do you mean by this evidence? I can slowly quote the
10 statement again, if you like. Why do you say that they did not take the necessary
11 measures to put an end to such acts of violence or to punish those who perpetrated
12 such acts?
13 A. Thank you. I put it this way: Why? Because the mandate that was given to
14 the MLC troops in Bangui was not to come and rape people. It was not to come and
15 loot goods. It was not to destroy property and to kill.
16 If I understand properly, the MLC had come to support Patassé's regime and was to
17 put an end to the violence and the abuse by the rebels, to protect the institutions of
18 the Republic. Now, protecting the institutions of the Republic, is that -- can that be
19 likened to rape, to killing people, to looting goods? So that's the fundamental
20 question.
21 The commanders of the MLC knew what their mandate was, the mandate they had
22 been entrusted with. So, quite naturally, when a mandate has been given and not
23 carried out either - or it was done poorly - what should the reaction be on the part of
24 the commander-in-chief? What sort of reaction should there be? What happened
25 in Bangui, rapes and looting, or was the mandate to defend the institutions of the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Republic?

2 So with that information at hand, I concluded that they were entirely aware of
3 what -- he was entirely aware of what had happened and he did not take any
4 measures.

5 When you give a mandate to someone --

6 Q. Sir, just to clarify the record, you said, and I quote, page 57 of today's real-time
7 transcript, in the answer you were giving just now, "I concluded that they were
8 entirely aware of what -- he was entirely aware of what has happened." Who do you
9 refer to as "he" in this context?

10 A. The commanders-in-chief of the MLC, the President of the MLC, the chain of
11 command of the MLC.

12 Q. Do you have -- sorry for my interruption, I just wanted to clear that point for the
13 record. Do you have anything else to add to the question that I posed? I can put
14 the question again, if you like.

15 A. I'm afraid I've lost the thread of your question. Perhaps you could remind me
16 of your question, and I can continue. If you could perhaps put the question again so
17 that I can refresh my memory.

18 Q. Very well, sir. I was quoting from an evidence you gave this morning, and
19 that is on page 41 of today's real-time transcript, lines 5 to 9, in which you said that
20 the officers were perfectly aware of the acts of violence and abuse being perpetrated
21 and they did not take the necessary measures to put an end to such acts of violence or
22 to punish those who perpetrated such acts. I ask you what do you mean by this
23 evidence? Why do you say they did not take the necessary measures to put an end
24 to such acts? That was my question that you were responding to before I
25 interrupted to clear the record.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 A. I think I had already begun to answer that question. Let me be more specific.
2 The MLC troops came to Bangui and they had a specific objective, namely, they were
3 to defend the institutions of the Republic. They were to halt the actions taken by
4 General Bozizé's rebels. That was their mandate.
5 They left the MLC base - I don't know where it was but I think in Équateur
6 Province - to go to Bangui and that was their objective.
7 The commander-in-chief came to Bangui to lead the troops in this regard, to carry out
8 this mandate. They arrived in Bangui and something else happened, and what
9 happened did not occur in the space of one single day. The 29th, the 30th, the 31st,
10 the 1st, and somewhat later, as they moved inland or to the interior of the country.
11 The soldiers came back to the base, then they went out again.
12 The goods they looted, did the chief not see those goods? Where were the soldiers
13 sleeping? Where was the chief sleeping? They were human beings, and a human
14 body can't operate 24/7. There's all - you always have to take some rest. People
15 become tired. You have to allow for a relief team, so to speak.
16 So when the soldiers came back, did the chief not see them? And this chief, this
17 leader who was leading the troops, did he not realise what they were doing? Did he
18 not have reports through the hierarchy? The head of the MLC, because of his
19 position, did he not monitor the unfolding of operations in the field? Did he not ask
20 for reports from his Chief of Staff? So because of all of these elements, I've
21 concluded that they were entirely aware. These facts were not -- these events were
22 not isolated events. The cases of rape, the rape -- there were not isolated cases; it
23 was widespread. So if they were not isolated cases, so they knew. They knew.
24 And so what was done? What did they do to stop that? Nothing was done. So
25 that is what I'm telling you. I don't know whether I've been clear.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Q. You have been, sir. Sir, you also, during the course of testimony yesterday and
2 today, you also spoke about the criminal responsibility of other persons other than
3 Mr Bemba, according to your conclusion and according to the file, the dossier. Now,
4 apart from Mr Bemba you mentioned two other names regarding the conclusions you
5 reached. You mentioned Patassé, the former president. Now I would like to
6 explore with you on what basis you attributed responsibility to Patassé, I mean in
7 respect of the actions of the MLC troops? On what basis did you reach that
8 conclusion?

9 A. Thank you. President Patassé was the sitting president. He was a duly
10 democratically elected president. Before he came to power he was sworn in; he gave
11 an oath. He said he would respect the constitution. He said he would protect the
12 institutions of the country, the territory, the goods and possessions of the people, and
13 to ensure stability, to ensure safety of the country and of the people.
14 When he was having a difficult time of things as president of the Republic, well, the
15 constitution afforded him broad powers to deal with other states. He had those
16 powers. He was in a position to deal with other countries. He was allowed to ask
17 another state for support. If there were domestic security problems, he could have
18 asked -- he could ask for support, for troops to help him within a very specific
19 framework, and yet he set aside that obligation. He went off and he entered into an
20 agreement with a rebel movement, a rebel movement that did not exist at the
21 international level, that could not be recognised as a partner of a sovereign state. It
22 was a movement that was looking for its own identity, so to speak. He entered into
23 a alliance with that movement. That's the first reason.
24 Now, secondly, by dealing with a rebel movement, which really didn't have the
25 proper tools in terms of training, in terms of upkeep, well, he did not imagine the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 excesses that were carried out by the MLC.

2 Thirdly, President Patassé, who was responsible for ensuring the protection of people
3 and of goods, of property, when he was informed of the violence and the abuse by the
4 MLC troops, he said officially that the people "... lived in harmony with the men of
5 my son, Jean-Pierre Bemba." There was no harmony. That means President Patassé
6 was in agreement with everything that was going on. He was in agreement. He
7 endorsed what was going on, he said. He said so.

8 Therefore -- well, my fourth line of argument. When all of these acts of violence and
9 abuse were committed, did the President take any measures to put an end to them?
10 Did he take any measures to make sure that the perpetrators were duly punished?
11 No, the people were left to their own sad fate. I believe, therefore, that the liability
12 resting with the President is manifest, because you're not elected President in order to
13 allow your people to be raped, but to be protected, and you're not elected President to
14 make sure that you have a wolf come into the hen house. You're elected President in
15 order to serve the people; to serve the people well. These are the reasons why I have
16 concluded that there is liability in the eyes of the law.

17 May I remind you that, in my concluding arguments, I had also included the violation
18 of an understanding with a non-conventional foreign power. I had also included
19 that particular charge of entente with a non-conventional foreign power. I had
20 included that in my concluding arguments, and it is on the basis of that that I came to
21 the conclusion of liability.

22 Q. Sir, you also mentioned a third person and the name you provided was Miskine.
23 Did you have occasion from your investigations to make recommendations on the
24 accountability - on the criminal responsibility - of Miskine?

25 A. Indeed, I did. Where Miskine is concerned, I had concluded he was

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 responsible in reference to the mass graves found at the cattle market. I described to
2 you who this man was. He was not really a military man. He just, by a twist of fate,
3 ended up wearing a military uniform and found himself entrusted with the
4 responsibility of controlling the highway robbers and trying to halt the growing
5 rebellion of General Bozizé.

6 This man, Miskine, when General Bozizé's troops entered Bangui on 25 October 2002
7 and after their departure, that is when Miskine's rise began. There had been some
8 very heavy fighting, but when the fighting subdued that is when they began
9 advancing and Miskine came back in all calmness. He would seek out Central
10 Africans, who manned kiosks at PK12 on the outskirts of Bangui. These were
11 Muslim Central Africans and, since General Bozizé also had in his ranks some
12 Muslim Central Africans or perhaps Chadian people, Miskine without any kind of
13 investigation just went into these kiosks, where there were people in their stalls
14 selling their wares, had these people picked up and transported on a vehicle in the
15 direction of the cattle market. When they got close to the cattle market he ordered
16 for these trucks to halt and he asked these people to go back home, and as the people
17 alighted there were shots fired by Miskine's soldiers at these citizens, who were thus
18 killed.

19 At the time of President Patassé, these people were shown as rebels - rebels of General
20 Bozizé - who were killed, but they were not rebels. These were law abiding citizens,
21 tradesmen who had their own shops, who had been kidnapped from these shops and
22 who were killed without any form of trial at all. I wonder, sir, whether I have been
23 sufficiently clear in my answer to you?

24 Q. Indeed, sir. Just one point to clear. You told the Court during the course of
25 your evidence that you did not investigate as Prosecutor, you did not make on-site

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 inspections in the field, that you did not go far enough because of lack of resources,
2 insecurity and other reasons that you provided in evidence. Now, these difficulties,
3 did they affect the legal conclusion that you reached on the criminal responsibility of
4 the various persons you have elaborated to the Court just now; that is on Bemba,
5 Patassé and Miskine? Did it affect your legal conclusions that you reached
6 those -- reached on those, rather?

7 A. Well, I do not actually think that that would be the case. The one impediment
8 I had was trying to go and conduct on-site investigations. Had I been able to
9 overcome that impediment I think I would have had a much more exhaustive view of
10 the situation, particularly in reference to rapes, assassinations, et cetera, and that is
11 precisely what I regretted because I was not able to have a detailed grasp of
12 everything that had happened in its full scope. However, on the basis of such
13 elements as I was able to gather in Bangui and around Bangui, the various violations
14 that had been committed and which these people had been reproached for, all of that
15 I was able to establish clearly. What I do deplore - what I do regret - is that I do not
16 have an exhaustive list of the victims and I have not been able to investigate the other
17 cases of violations committed. That is all.

18 Q. Sir, just briefly, I would like to explore with you together what has been the
19 effect. Firstly, are you in a position to tell the Court from -- you told the Court that
20 you were born and bred in Central African Republic and that you have lived there for
21 40 years. What type of society is it? Is it a conservative society? Is it a liberal
22 society? Is it a poor country? Is it a rich country? Can you -- I'm just giving those
23 as pointers for you to be able to briefly - not in greater detail, but just
24 briefly - elaborate on the Court -- for the Court, rather.

25 A. Very well. First of all, the Central African Republic is a country whose position

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 is very strong in Central Africa. However, it lives in a state of what I would call
2 generalised contrast. I will explain what I mean. The country is in the very
3 heartland of Africa and it has so many assets on all kinds of levels: Minerals, raw
4 materials. It is geographically rich. However, such wealth as the country contains
5 has not been exploited rationally and for the benefit of the people and the population
6 is poor.
7 Now, as to whether Central Africans are conservative, I wouldn't go that far. I think
8 that they are very open-minded. They are open-minded and they speak their minds
9 easily and as they wish. Even in the harshest of times, when the country has gone
10 through the harshest periods, the Central Africans have always been very
11 forthcoming people. These are people who can easily withstand difficulty, but just
12 as easily also revolt. When you take a look at the history of the country, there have
13 been many revolutions that Central Africans have staged, every single time with the
14 same purpose to get better living -- better living conditions for Central Africans.
15 Central Africans, whenever their interests are at stake, show tremendous solidarity
16 with each other. So, no, I would not say that they are a conservative people.
17 Now, if you please, sir, there were two other points to your question. I'm afraid I
18 cannot remember them.

19 Q. Yes, the point was relating to the economic standing of, you know, the average
20 Central African. Is it a poor country in terms of standard of living, gross domestic
21 product?

22 A. It is really a poor country. I believe that the paper on poverty and reduction of
23 poverty published in 2008 places the country as the 177th on GDP ranking. 177th.
24 The means available to the population for their livelihood are precarious to this day.

25 Q. The reason I'm asking will become obvious, sir. Can you help the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Court -- from your assessment of the dossier and from what you know, can you help
2 the Court with information firstly on what has been the effect, if any, of the rapes on
3 the Central African Republic and on the victims?

4 A. The impact of the rapes on the country and on the victims, let's take the country
5 first. It's the very first time in history, the very first time. Central Africans, even
6 when they do not agree with each other, had never reached that stage, ever. And
7 even when there were the riots and the war that dragged on, if you look at the figures,
8 if you look at the statistics, you see that there was a lot of noise but killing each other?

9 No. Really, the number of victims was also -- was always minimal, always minimal.

10 In Central Africa there's a tremendous mixture of populations. The peoples and
11 populations of the south get married with those of the east, the west, the north, the
12 south itself. All of these populations mix with each other and it would be very
13 difficult for a Central African simply to take it out on another Central African in a
14 violent way because, otherwise, if he were to do that, everybody around him would
15 react negatively. So in fact, these rapes constitute a first experience of that nature for
16 Central Africans.

17 Earlier on we were talking about Central African soldiers and Central African
18 members of the military. They could not commit that kind of act because, otherwise,
19 it would be immediately known. Remember, I answered that to one of your
20 questions. So for us, this came as a total shock that people who were coming to the
21 country, supposedly in order to help us out, would perpetrate such acts. People
22 were totally shocked.

23 Now, as to the victims, let me put it this way: When you have your property taken
24 away from you, when your property is damaged, time heals and you tend to forget
25 with time. But a woman who is raped, time will not heal. She will never forget.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 She is totally destabilised, traumatised.

2 A family man who is killed brutally in front of his children because he's shot at, shot

3 to death, or stabbed to death, this is a shock to the family that they will never forget.

4 I said, and I repeat, firmly, I'm convinced of this; the victims are suffering. They are

5 suffering. And since in my country there are not many psychologists who could

6 provide the necessary psychological support, these people are left to their own

7 devices to overcome this very severe trauma.

8 Take the case of a rape victim who after the rape has been infected with HIV. You

9 know that we are a country where at one point the HIV rate was actually 14 per cent.

10 Due to poverty, it is very difficult for a people with HIV to look after themselves and

11 to obtain appropriate therapy. So again, all of this was a tremendous shock, and if I

12 step into the shoes of the victims, it seems to me that to this very day, even though

13 perhaps we're not really so much referring to it as we were in the past, these victims

14 carry that heavy burden still in their hearts. And this is my answer to you, sir, on

15 both counts, the country and the victims. And there are people also, may I add,

16 that -- whose families came to nought, where the man repudiated the wife because the

17 wife had been raped. This has also happened.

18 Q. Sir, I just want to, together with you, to clarify the record. You told the Court

19 in the course of your evidence that you were a victim as well. You explained it to the

20 Court, the circumstances and the source of your information. You also explained

21 what you saw when you were travelling, when you were asked to come down. But

22 what is not clear on the record, on the trial record, is that you have not specified for

23 the Court what items were looted by the MLC from your home. Do you understand

24 my question?

25 A. Yes. I will endeavour to answer because, well, it goes a little bit back in time.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 They took a television set, a television set, a hi-fi set, one telephone, items of clothing,
2 shoes, and what else could I add? The car, Sunny B13 car that was parked outside
3 the house, that was also taken and a few other things, but I think I have forgotten. In
4 any case, these are the basic things that they took. Items of clothing. When I say
5 this, it's my own clothing, my wife's as well, shoes as well belonging to her, belonging
6 to me.

7 I'm saying this because when I was in my post of destination, my family had not
8 joined me. My family had stayed behind in Bangui, and it was I who had alone
9 moved to that new assignment, which meant obviously that I left all my essential
10 things back home, and I would go back to visit my family frequently. So these are
11 the items of information I can give you now.

12 Q. Sir, I have just three more questions, roughly, to come to the end of this open
13 session. I would like to take your mind back a little bit because you have told the
14 Court in sufficient detail about why you reached legal conclusion on the criminal
15 responsibility for both Bemba and Patassé regarding the conduct of the MLC troops in
16 the Central African Republic. Do you recall having given extensive detail to the
17 Court about that?

18 A. Yes, I do. Yes, I do.

19 Q. Now, in your analysis of the information, of the information collected in the
20 dossier, and in light of the law which you applied, does the liability, the criminal
21 responsibility of Patassé, does it exclude, at least in terms of application of Central
22 African law --

23 PRESIDING JUDGE STEINER: Witness. Mr Haynes.

24 MR HAYNES: I've allowed this to go on. I've shown a great degree of tolerance
25 but the witness is being invited by the Prosecution to usurp your exclusive function to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 determine criminal liability, and this is not a proper question to ask a witness. This
2 is your job and yours alone.

3 PRESIDING JUDGE STEINER: As far as I could see from the record of the case, the
4 Prosecution was interrupted exactly when he was saying at least in terms of
5 application of Central African law.

6 MR HAYNES: And what is the relevance of that in this Court?

7 PRESIDING JUDGE STEINER: We have been trying not to ask for relevance for all
8 questions that are asked, but I can -- if for the Defence it is so important, I ask
9 Prosecution to explain the relevance of the views of the witness in relation to the facts
10 before Central African law and courts.

11 MR YILLAH: Thank you, Madam President, your Honours. Firstly, Madam
12 President, the Prosecution resists this intervention by the Defence on several grounds.
13 Firstly, let me explain the relevance of this question. The Defence is on notice, based
14 on this witness's statement, as to what this witness, the conclusion that this witness
15 reached on both Bemba, Patassé and other actors. And the question I've put to the
16 witness as well is contained in the statement of the witness. The Defence has notice
17 of that.

18 Now, to the particular relevance, your Honour, the Prosecution draws a fine line
19 between the ultimate issues which are set out in the facts in the charging document,
20 on which your Honours have to rule.

21 The question posed to the Prosecutor as a witness is that, for completeness of the
22 record, and he has explained already how he reached criminal responsibility. I was
23 wondering, I was asking myself, if the Defence had -- if the witness had taken hours
24 to explain criminal responsibility, the Defence is now coming up to say that the
25 question, you know, transgresses into the jurisdiction of the Bench.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 Your Honour, there's a very fine line. What I'm asking is confined to the witness's
2 case file and it's confined to the application of Central African law. It does not have
3 anything to do with the ultimate issues which your Honours would have to decide on
4 the criminal responsibility of the accused or whatever other person.

5 PRESIDING JUDGE STEINER: So maybe you could rephrase your question to be
6 more specific in relation to the conclusions reached in the national proceedings.

7 Mr Haynes.

8 MR HAYNES: I didn't hear an explanation as to the relevance in all of that, unless I
9 missed something. You invited Mr Yillah to explain what was the relevance of
10 Central African law and he specifically did not answer your question.

11 PRESIDING JUDGE STEINER: I asked Prosecution to rephrase his question and not
12 talk about relevance or about Central African law in general, but about the
13 conclusions reached in the specific procedure that took place in Central Africa in
14 which the witness participated actively. In this format I will allow the question.

15 MR YILLAH: Madam President, I will take the direction from the Bench. I will put
16 the question in another way.

17 Q. Mr Witness, as a result of the questioning and hearing, and the dossier
18 developed, were charges preferred against both Bemba and Patassé in relation to the
19 conduct of the Banyamulengues in the Central African Republic?

20 A. Very well. One cannot ask for one person to be referred to a court committed
21 for a trial without that person being charged. Now, as I do not have my ultimate
22 conclusions before me, however, I believe that my memory can serve me right here
23 and I remember a few things quite clearly.

24 The charges made were charges of rape, looting, theft, destruction of property,
25 arbitrary arrests and sequestration, assassination, so on and so forth. These were the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 charges made. Patassé was being charged as a co-perpetrator of these actions and
2 Jean-Pierre Bemba as well, as a co-perpetrator. As I explained, in our conclusions we
3 did not include any material responsibility, physical responsibility, but only
4 intellectual responsibility, and therefore he is considered to be a co-perpetrator, an
5 accomplice, in the eyes of Central African law.

6 Patassé, take his case, he would provide the equipment, the uniforms, the weapons, to
7 non-conventional forces, the vehicles, state money, fuel, et cetera, and he would even
8 ask some Central African Army officers to serve those soldiers as trailblazers, to help
9 them advance in the area. These are charges indeed against Patassé and also against
10 Jean-Pierre Bemba. Have I answered your question sufficiently, sir?

11 Q. Indeed, sir. Just one final question in relation to that issue. You've just told
12 the Court that you brought charges against both Bemba and Patassé for the conduct of
13 the Banyamulengue -- the MLC in the Central African Republic, and you've explained
14 the basis. Now, what is not clear from this answer and that you may want to assist
15 the Court with, why did you charge both of them?

16 A. Why did I make these charges? Could you rephrase that, please? Because as
17 I've understood it, I think I've already given these reasons. Could you please
18 rephrase your question?

19 Q. Let me carefully go over again what I said. The question I asked you before
20 the intervention of the Defence and the ruling by the Honourable Bench was whether
21 charges were brought against both Bemba and Patassé, and in answer you've just
22 provided an -- you provided a detailed explanation of the type of crimes, the type that
23 you charged them with, both of them. So that is very clear on the record. Now, my
24 question, why in your legal -- why, in your legal opinion and from your analysis of
25 the information, why did you charge both of them for the conduct of the MLC troops

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 in the Central African Republic? Why?

2 PRESIDING JUDGE STEINER: Again, Mr Haynes.

3 MR HAYNES: The question has been asked and answered.

4 THE WITNESS: (Interpretation) May I answer?

5 PRESIDING JUDGE STEINER: One moment, sir. Mr Yillah.

6 MR YILLAH: Madam President, the Prosecution regrets this intervention because,

7 based on the request of the witness, the question was put again at the behest of the

8 witness, who asked the Prosecution to kindly go over the question again. I asked the

9 answer which the witness had given, and that answer does not contain the answer to

10 this particular question that I have posed. I challenge Defence counsel to show me

11 where in the record that that question has been answered.

12 PRESIDING JUDGE STEINER: Would you like to answer to the challenge,

13 Mr Haynes?

14 MR HAYNES: Well, it would take me -- it would take a reference to about 50 pages

15 of transcript, but it has been asked and answered many times during the course of the

16 half-an-hour we have just had, and presumably what is sought to be elicited by this

17 question is a further answer from the witness that he charged them both because he

18 believed them both to be guilty of the offences he was investigating, and he's certainly

19 said that many times over. And I regret the rather limited explanation that it was a

20 repeat of the question that had been asked before, because this witness has answered

21 this question many, many times over.

22 PRESIDING JUDGE STEINER: Mr Witness, apart from the fact that you have

23 already said that you considered them as accomplices - accomplices - do you have

24 any further information in relation to what has been asked by the Prosecution?

25 THE WITNESS: (Interpretation) Thank you. The Prosecution has just asked me

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 why I formed charges against Mr Bemba and Mr Patassé. I asked for the question to
2 be rephrased, or made clearer, and I was asked what opinion I have. Now, if that is
3 the case, I can give my opinion of these cases of responsibility.

4 PRESIDING JUDGE STEINER: I don't think it would -- it is relevant in the case,
5 Mr Prosecution, to know about his personal opinion. Maybe the legal opinion that
6 he expressed in his investigation.

7 MR YILLAH: Very well, your Honour. As your Honour may recall, I was in the
8 process of formulation when counsel interrupted, but I will take the direction now
9 from the Bench.

10 Q. I'll put the question directly to you, Mr Witness. You've just heard what the
11 learned Presiding Judge just said. In your legal analysis of the information and in
12 your legal judgment, can you tell the Court why you brought charges - just why, a
13 straight answer - why you brought charges against both Bemba and Patassé in respect
14 of the conduct of the MLC troops in the Central African Republic? That's a simple
15 question.

16 JUDGE ALUOCH: Excuse me, Mr Prosecutor. Maybe you can qualify to the
17 witness if he feels that he has already given you an answer so that he does not have to
18 repeat the same answer.

19 MR YILLAH:

20 Q. Sir, you've just heard again what the learned Judge has just said. Now, do you
21 still recall the question I asked you about why? If you feel that you've already
22 answered the question, then please state that to the Court. Otherwise, if you feel
23 you've not answered that question, please go ahead and provide the information.

24 A. Thank you. Thank you. Now, why, why was the responsibility of both
25 Mr Patassé, Mr Jean-Pierre Bemba, taken into consideration in this case? Because

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 there were offences and the two were accomplices of the multiple offences committed
2 on persons and property, and that was the legal basis for them being considered to be
3 liable. I don't know if I've been clear enough.

4 Q. That is your evidence that's recorded to that question. Sir, you -- just one last
5 question now for this open session. You -- in the beginning of your testimony, the
6 learned Presiding Judge asked you about your statements, you know, about whether
7 you gave them voluntarily in all your statements to the Prosecution. I just want to
8 confirm for the record whether you consent, you agreed to the statement that you
9 provided to the Prosecution to be admitted into the record. Do you consent; do you
10 agree to that?

11 A. I had no pressure exerted on me with regard to the statement I made. I'm an
12 adult and I acted in complete freedom and abided by my conscience. That's what
13 I can say.

14 MR YILLAH: Madam President, your Honours --

15 PRESIDING JUDGE STEINER: I think, sorry, if you insist on the question that you
16 have been putting to all witnesses, the last part of your question was not answered.
17 So, you could repeat whether the witness agrees.

18 THE WITNESS: (Interpretation) Yes, I agree. If it's for a matter of making things
19 clear, fine, I'm in agreement.

20 MR YILLAH: Madam President, your Honours, as I indicated, we -- the Prosecution
21 has come to the end of its questioning for issues in open session, and given that the
22 witness indicated that he'll be providing some information in private session, may we
23 respectfully move the Chamber to move into private session.

24 PRESIDING JUDGE STEINER: Court officer, please.

25 *(Private session at 1.09 p.m.) Reclassified as Open session

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Private Session)

ICC-01/05-01/08

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

2 MR YILLAH:

3 Q. Sir, during the course of your testimony, do you recall stating that you would be
4 comfortable to provide certain names in private session? Do you recall that?

5 A. Yes, indeed.

6 Q. Sir, I referred to -- for the record, Madam President, your Honours, transcript
7 number 95, English edited version, page 14, lines 13 to 15.

8 Sir, you mentioned one army officer who was humiliated by the MLC. They took his
9 beret away from him. You said he was a colonel at the time but now a general. Do
10 you -- does that refresh your memory on that subject that you had spoken about, the
11 description I've given you?

12 A. Yes, yes, indeed. Can I give the name? It was Brigadier-General André Mazi.
13 He's certainly Chief of Staff of the Armed Forces.

14 Q. Sir you indicated that the names of certain victims came to mind after the
15 deployment of the MLC. You even give mention a lady at PK25 whose husband was
16 taken away by the MLC, whose husband disappeared, as you said.

17 And the reference, Madam President, your Honours, is transcript 95, page 15, lines 11
18 to 20.

19 Do you recall the names of either the lady or the husband in this context?

20 A. There was the event that occurred on the Boali-PK25 road, but I can't give you
21 the name. I explained that a woman we interviewed provided us with information
22 on her husband when he was walking along the side of the road, when the MLC
23 troops took him away to an unknown destination, but I don't have the name here.

24 However, on the other side, on the Damara road at PK22, there was Mr Sayo who was
25 killed, and there's also Mrs Sayo, who was raped. She is the President of the victims

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Private Session)

ICC-01/05-01/08

1 association OCODEFAD. So they're the names I can give you here. Perhaps you
2 could give me other references to other names and I may remember them.

3 Q. No, that's okay, sir. Do you recall stating -- telling the Court about a former
4 warrant officer who was retired and who was killed by the MLC at a makeshift prison
5 around Damara?

6 For the record, Madam President, your Honours, the transcript, transcript 95, page 15,
7 lines 21 to 25.

8 Do you recall the name of this former warrant officer, a retired warrant officer who
9 was killed by the MLC in the makeshift camp at Damara?

10 A. Yes. Yes, I remember that. It was warrant officer Yangaly, Gaston. He's
11 retired.

12 Q. I also draw your attention to the events that you told the court about. You
13 recall telling the Court that your house was pillaged, and do you recall saying the
14 source of your information was a neighbour of yours. The reference is transcript
15 number 95, lines 1 to 5. Are you in a position to tell the Court the name of that
16 neighbour of yours?

17 A. My neighbour was a mason, a tradesman. I don't know his family name but
18 his first name was Timothy, and he died of natural causes.

19 Q. That's okay. Sir, you also mention, when I asked you a question relating to the
20 bases of the MLC and the houses of individuals they occupied, you mentioned the
21 name of a private judge, or a judge in that connection. Do you recall?

22 A. Yes. It was Judge Mbata Flavien. He was the victim. He was the owner of
23 the house.

24 Q. Do you also recall telling the Court about the names of persons or prominent
25 persons whose interviews you attended or whose questioning you attended during

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Private Session)

ICC-01/05-01/08

1 hearings held by the examining judge? Do you understand, sir?

2 A. Yes, yes.

3 Q. Can you provide the Court with the names?

4 A. Personalities who were victims. Please, is that what you mean?

5 Distinguished persons who were victims? Or just distinguished persons who were
6 interviewed?

7 Q. We'll take it at two levels. First, the distinguished persons who were
8 interviewed, high personalities who were interviewed in the Central African Republic
9 or questioned by the examining judge in which you were in attendance, can you tell
10 the Court those people, the names of those people who were being questioned when
11 you attended?

12 A. Okay, there were a lot of them. We interviewed the former minister of defence,
13 Pierre Angoa. We interviewed Colonel -- I think his name was Gaston Oudane, who
14 was Deputy Director-General of the USP. We interviewed General Bombayake.
15 We interviewed the former (Redacted). Am I going too fast,
16 or is that slow enough? I think there are others. Who else was there? There was
17 also the (Redacted), who was interviewed, and (Redacted)
18 (Redacted). Who else was there? Well, in any case, there were lots of them
19 but I can't remember all the names. I need to go back through my memory to give
20 them all to you, but I couldn't give them all to you.

21 Q. That's fine, sir. Now I will take you to the other level that you mentioned.
22 You mentioned the name or names of very prominent individuals, a name of a very
23 prominent individual who was also a victim of MLC crimes. Still I'm referring to
24 transcript number 95, page 22, lines 20 to 21. Does that name come to mind now?

25 A. Yes. That was Mr (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Private Session)

ICC-01/05-01/08

1 (Redacted). And also (Redacted), who

2 (Redacted). There was the

3 former (Redacted), who also had the MLC men come to his place

4 (Redacted). So that's what I can tell you about the prominent

5 individuals. All of them were living in the (Redacted)

6 (Redacted)

7 (Redacted).

8 Q. Sir, just four more questions and then we should be coming to the end of the

9 examination. During your evidence today you gave the name of a military colonel

10 who was in charge of what we -- what you described as the coordination body. Are

11 you in a position to provide the name of that colonel?

12 A. It's Colonel Thierry Lengbe.

13 Q. Also during the course of your testimony today, you spoke about the treasury,

14 the national treasury, and I asked you whether you would be in a position during

15 private session to provide the names of persons who provided information about

16 monies paid from the national treasury to Moustapha. For the record, it's at page --

17 A. Yes, that's where I just can't remember the name. I can't remember it. But I

18 think I gave some details in my interview. There are so many changes of positions, I

19 can't remember the name for the moment. But if I remember it, I could perhaps ask

20 the Court to agree to me giving this additional information.

21 Q. That's okay. I'm mindful of the time, Madam President, your Honours. I

22 have just two more questions. I don't know if -- I will crave your indulgence to

23 complete that so we rest with the examination.

24 PRESIDING JUDGE STEINER: You have four minutes to complete.

25 MR YILLAH: Very well, Madam President.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Private Session)

ICC-01/05-01/08

1 Q. Sir, you also told the Court that you were informed by a general that the
2 Banyamulengue, when they arrived from the Democratic Republic of Congo, they
3 arrived at the Port Beach, which is in Bangui, before they were deployed to the
4 support regiment, the "regiment de soutien." Does the name of that general come to
5 mind?

6 A. It's General Ferdinand Bombayake.

7 Q. Sir, you also spoke about, when you were describing the occupation of the
8 house of the judge, you also said on the other side the house of a private individual
9 was also occupied. Do you now recall the name of that private individual?

10 A. I can't remember the name of the owner of the house, I don't have that name,
11 but I know that it was a lawyer living in the house, and the lawyer who was there
12 before, he had to run away, is (Redacted).

13 Q. And the final question, sir, is during the course of today's testimony, you
14 mentioned some interview in Radio France given by the Secretary-General, you say,
15 of the MLC and the learned -- I recall the learned Presiding Judge intervened, asked
16 you Secretary-General of what. You said Secretary-General of the MLC. Do you
17 happen to know the name of that Secretary-General of the MLC?

18 A. I'm not in a position to give you that name. This was broadcast on the radio,
19 and when Radio France gives you the news, it's very fast. I think I heard the name at
20 the end of the interview but I haven't remembered it. But the person introduced
21 himself as Secretary-General of the MLC, and it was the same person who also spoke
22 when the MLC troops withdrew from the Central African Republic.

23 MR YILLAH: Madam President, may I just have ten seconds to confer, because
24 we're almost at the end?

25 Mr Witness, the Prosecution thanks you very much for your time and patience.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 Madam President, your Honours, we're grateful for the time. Thank you.

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

3 (Open session at 1.26 p.m.)

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

5 PRESIDING JUDGE STEINER: Thank you very much. I would like to thank very

6 much Prosecution team, the legal representatives of victims, the Defence team,

7 Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters.

8 Mr Witness, we thank you very much for coming one more day, giving testimony

9 before this Chamber. We are going to adjourn now, and we'll resume tomorrow at

10 2.30 in the afternoon in this courtroom. In that moment that session, tomorrow's

11 session, you will be questioned first by legal representative of victims, Maître

12 Zarambaud, and after that Defence will start questioning you. So we hope you take

13 some rest, and we will resume tomorrow at 2.30 in the afternoon. I ask, please, the

14 court usher to take the witness outside the courtroom.

15 (The witness stands down)

16 PRESIDING JUDGE STEINER: The hearing is adjourned.

17 (The hearing ends at 1.28 p.m.)

18 CORRECTIONS REPORT

19 The Court Interpretation and Translation Section has made the following corrections

20 in the transcript:

21 * Page 10 lines 11 to 12:

22 "He did not keep charges in, against Jean-Pierre Bemba, for the prevention, but"

23 is corrected by "He did not retain charges against Jean-Pierre Bemba, but".

24 * Page 20 lines 10 to 12:

25 "the special representative to the United Nations, Lamine Cissé, he brought the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

1 matter to the attention of this gentleman, the special representative of the UN, in
2 Bangui. " is corrected by
3 "he brought the matter to the attention of the special representative of the United
4 Nations Secretary-General in Bangui, General Lamine Cissé"

5 * Page 29 lines 2 to 3:

6 "you simply buy cigarettes, even if you don't smoke just to give those cigarettes to
7 them, because they like that." is corrected by
8 "you would simply buy cigarettes, just so you could give those cigarettes to them,
9 because they liked that."

10 * Page 17 lines 15 to 17:

11 "one testimony that we received, he would receive 7 million Francs per day for the
12 upkeep of the troops 700 million Central African Republic Francs." is corrected by
13 "one statement in the casefile, he would receive 7 million Francs per day for the
14 upkeep of the troops 7 million CFA Francs."

15 * Page 42 lines 1 to 4:

16 "Secondly, Mr Jean-Pierre Bemba had left the tarmac in Zongo * aboard his helicopter
17 that he travelled in often. Now I don't know exactly when that helicopter took off but
18 the helicopter was there. He would travel in that helicopter and I would also perhaps
19 take his helicopter " is corrected by

20 "Secondly, Mr Jean-Pierre Bemba had his helicopter parked on the tarmac of the
21 Bangui airport, the helicopter that he travelled in often. Now I don't know exactly
22 when that helicopter took off but the helicopter was there. He would travel in that
23 helicopter and I think that he would also leave his helicopter"

24 RECLASSIFICATION REPORT

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

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0006

- 1 ICC-01/05-01/08-3038 and the instructions in the email dated 3 December 2014, the
- 2 version of the transcript with its redactions becomes Public