

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

5 - ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Thursday, 14 November 2013

10 (The hearing starts in open session at 9.08 a.m.)

11 THE COURT USHER: All rise. The International Criminal Court is

12 now in session. Please be seated.

13 PRESIDING JUDGE STEINER: Good morning and welcome.

14 Could please court officer call the case.

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

16 Central African Republic in the case of The Prosecutor versus Jean Pierre

17 Bemba Gombo, ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much.

19 Good morning and welcome, the Prosecution team,

20 Legal Representatives of Victims, Defence team, Mr Jean-Pierre Bemba

21 Gombo.

22 Good morning to our interpreters. Good morning, court reporters.

23 Good morning, Mr Rojas.

24 THE COURT OFFICER (Via video-link): Good morning,

25 Madam President.

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1 WITNESS: CAR-D04-PPPP-0013 (On former oath)

2 (The witness gives evidence via video link)

3 (The witness speaks Lingala)

4 PRESIDING JUDGE STEINER: And good morning, Mr Witness. How are
5 you today?

6 THE WITNESS: (Interpretation) Good morning. I feel fine.

7 PRESIDING JUDGE STEINER: Mr Witness, it's very likely that we
8 will conclude with your testimony, maybe even this morning, but in any
9 case today. But before you continue giving your testimony, I need to
10 remind you that you are still under oath. Do you understand that, sir?

11 THE WITNESS: (Interpretation) Yes, I understand. Thank you.

12 PRESIDING JUDGE STEINER: So we'll start this morning with
13 Legal Representatives of Victims that were authorised by the Chamber to
14 put some questions to you. Therefore, I'll give the floor to
15 Maître Zarambaud.

16 Maître, and please remain seated if you so prefer.

17 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. Thank
18 you, your Honours.

19 QUESTIONED BY MR ZARAMBAUD:

20 Q. (Interpretation) Mr Witness, my name is

21 Maître Zarambaud Assingambi and I am a lawyer in the Central African

22 Republic bar. Here I am the Legal Representative of Victims. I have a

23 few questions for you, questions that were authorised by the Chamber as

24 well as a few follow-up questions related to the answers that you have

25 already given so far.

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1 Mr Witness, as you have already been told, you need to speak
2 slowly. After I put my question to you, you have to observe a
3 five-second pause before giving me your answer. Were the ALC and FACA
4 troops fighting together or were they side by side?

5 A. Thank you for the question. We were fighting together jointly.

6 Q. Thank you, Mr Witness. Does that mean that units were mixed or
7 were the units together but side by side, each unit having its command
8 based on nationality?

9 A. As from the time they were in Camp Béal, the units were mixed.

10 Q. And who was in command of those joint units?

11 A. The joint unit was under the command of the chief of general
12 staff, André Mazi. In their organisation, Colonel Mustapha was his
13 deputy. The Chief of Staff was the commander of operations. The deputy
14 commander of operations, Colonel Mustapha, was responsible for tactics in
15 the field.

16 Q. Did General Mazi also go to the field?

17 A. General Mazi issued orders from a distance. It was
18 Colonel Thierry Lengbe who provided intelligence. Sometimes he would
19 pass by and visit Mustapha. They would discuss, but Colonel Mustapha was
20 in charge of operations in the field.

21 Q. Did Colonel Mazi also give orders to Mustapha when the forces
22 were inside the country?

23 A. It was not Colonel Mazi, it was General Mazi. He was the one who
24 gave the orders because Mustapha was not familiar with the field, that
25 is, Bangui town.

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1 Q. I was not referring to Bangui town. My question to you was
2 whether it was also General Mazi who gave orders to Colonel Mustapha when
3 they were -- when the troops -- ALC troops were in the interior of the
4 country, for example, in Sibut, Damara, and other locations.

5 A. He was the one who gave the orders. From Bossembélé, that is
6 after Colonel Thierry Lengbe had fled, it was the former commander of the
7 presidential guard who was trusted. Orders were given from Bossembélé,
8 Damara, and Sibut right up to the end of the operations. It was
9 General Bombayake who was the trusted commander.

10 Q. Does that mean that according to you, General Bombayake started
11 giving orders to the troops only as from Bossembélé?

12 A. That is correct. As from Bossembélé, Damara, Sibut, Bozoum, and
13 right up to Bossangoa.

14 Q. From Bangui to PK12, and even up to Damara, are you saying that
15 General Bombayake did not give any orders?

16 A. I have just said that from Camp Béal to Bossembélé, it was
17 General André Mazi who gave the orders. When Colonel Thierry Lengbe
18 disappeared, it was General Bombayake who was trusted by the authorities.

19 Q. Mr Witness, in transcript 350, realtime, of the 12th of November,
20 page 45, lines 7 to 10, you said that when we went to PK12, they set up a
21 co-ordination commission. The commander -- the sector commander,
22 Colonel Mondonga was responsible for co-ordination. (Redacted)
23 (Redacted). So what was the role of this co-ordinator in relation to the
24 role of Mazi, Lengbe, and Bombayake?

25 A. The co-ordinator that I knew prepared reports on the difficulties
26

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1 of the ALC and he also went to meet with the FACA authorities. He was
2 the one who came to visit people on the six front lines and also he went
3 to the staff headquarters. He was not with us, but he was based in
4 Bangui. I do not know precisely where.

5 Q. Mr Witness, do you know that at the support regiment where the
6 first ALC soldiers were lodged, they completely looted the premises, are
7 you aware of that?

8 A. I do not know because I did not witness that.

9 Q. Mr Witness, do you know that still at the support regiment the
10 FACA intelligence officer disappeared and Colonel Lengbe assisted by
11 Lieutenant Damango who were searching for his body had been chased away
12 from the area by the ALC soldiers?

13 A. I did not quite understand you. Can you kindly repeat. Were you
14 referring to Lieutenant Damango or to Thierry Lengbe?

15 Q. Thank you, Mr Witness. I'm talking about both
16 Colonel Thierry Lengbe and Lieutenant Damango, they were carrying out a
17 search in the support regiment to look for the body of the intelligence
18 officer of the FACA who had disappeared, but at one point they were
19 chased away from the premises. Did you ever learn that information?

20 A. I never heard about that. All I know is that the departure of
21 Colonel Thierry Lengbe was regrettable because he visited the soldiers,
22 but during the day and at night he provided a lot of information about
23 the enemy.

24 Q. Mr Witness, did you hear that at PK12 the ALC soldiers arrested,
25 undressed, disarmed, and tied up two FACA soldiers and that the Chief of
26

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1 Staff, Mazi, and Colonel Lengbe had to negotiate with Mustapha for the
2 release of their soldiers?

3 A. I did not hear about that and I did not witness it either.

4 Q. Mr Witness, you stated, you testified in transcript 351, page 83,

5 (Redacted)

6 (Redacted)?

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. If I'm not mistaken, there was a house just before the tollgate
12 at PK12. There was a commander of the FACA who gave the house to
13 Colonel Mustapha for him to live there. There were some civilians living
14 near the house and there were also some Chadians. Of an evening
15 Colonel Mustapha came and he said that he could not remain in that
16 location, as it might be an area with land-mines present, so he suggested
17 that he leave that location.

18 He talked to Thierry Lengbe and it was suggested that they go to
19 a field next to a school. (Redacted)

20 (Redacted)

21 (Redacted) And this

22 road to Damara is in fact on the right-hand side and there is another
23 road that continues on to Bossembélé.

24 Q. So according to your testimony, at PK12 Colonel Mustapha changed
25 his residence at a given moment in time?

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1 A. No. I would not say that he changed his residence. He was given
2 a residence (Redacted), and the location of the
3 residence ensured that the enemy could not attack (Redacted) at
4 the residence, there were household goods that were all over the place.
5 There were mattresses, there were pots and pans, there was clothing, and
6 a neighbour said to us that the people from Chad had been living in this
7 house. This is how Colonel Mustapha decided to leave that place and said
8 that (Redacted) would not spend the night there. That is why we were given the
9 field where we could then spend the night. (Redacted)
10 (Redacted)

11 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me to
12 interrupt you, just I need a clarification and for that purpose I would
13 ask, please, court officer to go very briefly into private session.

14 *(Private session at 9.36 a.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: Mr Witness, I got the impression that
17 Maître Zarambaud asked you a question and you answered to something
18 different, and the question asked by Maître Zarambaud was a question that
19 I was waiting to put to you as well. Yesterday you said that a
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 THE WITNESS: (Interpretation) Thank you for the question,
2 Madam President. The small house was located on the field that I
3 mentioned in PK12. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)

8 PRESIDING JUDGE STEINER: Thank you for the clarification.

9 Court officer, please turn back into public session.

10 (Open session at 9.38 a.m.)

11 THE COURT OFFICER: We're in open session, Madam President.

12 PRESIDING JUDGE STEINER: Maître Zarambaud.

13 MR ZARAMBAUD: (Interpretation)

14 Q. Mr Witness, during your testimony of the 12th you talked about
15 Oscar making the crossing with the equipment that he used to use, his
16 crossing over to the other side, and you also talked about other
17 equipment that was used in Zongo. Subsequently you said that this
18 equipment had burnt. So was that the equipment that remained in Zongo
19 that had burnt or was it the equipment that Oscar took with him?

20 A. I told you that the equipment that Oscar had taken with him was
21 the equipment that burnt.

22 Q. Witness, at transcript 350, realtime, dated the 12th of November,
23 2013, page 69, lines 6 to 14, you were shown a message from
24 Colonel Mustapha to the Chief of Staff of the ALC with information to the
25 chairman dated the 26th of December, 2002. In this message the request

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1 was made for, and I quote, a radio and a microphone to facilitate
2 co-ordination between the various units. Now, which units are we
3 referring to here?

4 A. I said that some units had been sent to the various main roads.
5 There was a battalion that did not have any radio system, and when the
6 radio systems were distributed they did not receive one. When the
7 question was put to him, he said that they would send -- he would send
8 one. Then Colonel Mustapha requested that Colonel Amuli send the radio
9 because it was required. He asked Colonel Amuli to talk to his colleague
10 to ensure that the radio system be sent through as rapidly as possible.

11 Q. And did this message sent transit via the FACA? And what I mean
12 thereby is: Could they be aware of the contents of this message, yes or
13 no?

14 A. Before the message was transmitted, they all came together; that
15 is to say, the Congolese and Central Africans were together.

16 Q. So before the Central Africans were in front of them, the ALC was
17 actually requested to put pressure on these Central Africans in their
18 presence?

19 A. Yes, indeed, in a sense that a request was being made that did
20 not result in anything.

21 Q. Mr Witness, I had a number of questions to put to you on the
22 looted property and on rapes, but in view of the fact that you have
23 already answered by saying that you're not at all aware about any of this
24 I shall refrain from putting these questions to you. And as a result, I
25 have no further questions for you and I would like to thank you very much

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1 for having answered my questions.

2 MR ZARAMBAUD: (Interpretation) And I have finished with my
3 questions, Madam President.

4 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

5 Now I'll give the floor to Maître Douzima Lawson, who also is
6 authorised to remain seated if you so prefer.

7 Maître Douzima.

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

9 And I thank you and I shall do like everyone else and remain seated.

10 QUESTIONED BY MS DOUZIMA LAWSON:

11 Q. (Interpretation) Mr Witness, good morning.

12 A. Good morning.

13 Q. Mr Witness, as Maître Zarambaud, I am Legal Representative of
14 Victims, and I shall be putting a number of questions to you authorised
15 by the Chamber in addition to a number of follow-up questions with regard
16 to the testimony you gave to the Court since last Tuesday.

17 Now, Mr Witness, you stated in the transcript of 350, edited
18 version, page 10, line 5, dated (Redacted)
19 (Redacted).

20 THE INTERPRETER: The interpreter missed the date of the
21 transcript, it was said at such speed.

22 MS DOUZIMA LAWSON: (Interpretation) Madam President, I would like
23 to know whether I can put this kind of question in open session or not.

24 PRESIDING JUDGE STEINER: If it is just this one, no problem.

25 MS DOUZIMA LAWSON: (Interpretation)

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1 Q. And you went into the army or joined the army on the (Redacted)
2 (Redacted); is that correct?

3 PRESIDING JUDGE STEINER: We go into private session.
4 Court officer, please.

5 *(Private session at 9.48 a.m.) Reclassified as Open session

6 THE COURT OFFICER: We're in private session, Madam President.

7 MS DOUZIMA LAWSON: (Interpretation)

8 Q. So I shall repeat my question, Mr Witness. You stated last
9 Tuesday that you were born on the (Redacted) and that you
10 joined the army on the (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted) What does "kadogo" mean,
14 Mr Witness?

15 A. Thank you, Witness (* as interpreted). "Kadogo" is a Swahili
16 term, meaning a small person or something small.

17 Q. Thank you, Mr Witness. Now, were there any kadogos amongst the
18 troops of the MLC?

19 A. No, I did not see any. The recruitment conditions for the MLC
20 took the age of an individual into account; that means that they were
21 recruited from the age of 18 onwards.

22 Q. I thank you, Mr Witness.

23 MS DOUZIMA LAWSON: (Interpretation) I believe we can go back into
24 open session, Madam President.

25 PRESIDING JUDGE STEINER: Court officer, please turn into open

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1 session.

2 (Open session at 9.51 a.m.)

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

4 MS DOUZIMA LAWSON: (Interpretation)

5 Q. Mr Witness, you say, therefore, that there were no kadogos within
6 the ALC; is that your statement?

7 A. Yes, that is what I just stated.

8 Q. Now, Mr Witness, still transcript 350 during Tuesday's hearing at
9 page 25, you talked of a meeting on the 26th of October, 2002, at the
10 officers' mess which was chaired up by Colonel Thierry Lengbe. And at
11 page 26 you went on to say that Colonel Lengbe said that they had come
12 under attack and that the ALC was called upon to assist them to drive out
13 the enemy that had come from Chad. And then on page 31 you confirm that
14 when the operations commenced out in the field on the 30th of October,
15 2002, the aim or the objective of the ALC was to drive out the enemy in
16 compliance with the instructions received from authorities present. So
17 my question was to ascertain whether or not the FACA managed to drive out
18 of the -- drive out the enemy and whether they needed to call upon others
19 to assist them, upon the ALC specifically?

20 A. If a request for intervention is made, this means that the person
21 requesting is not in a position to contain the enemy. Had they been in
22 that position, they would not have made such a request.

23 Q. And according to the response you provided, what was the state of
24 the Central African army, the FACA, that is, when the ALC came to drive
25 out the enemy at its behest?

26

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1 A. According to (Redacted) to whom I often spoke because
2 we would sleep together, he said that the FACA troops were deserting in
3 great numbers. They were fleeing the fighting. And when we made the
4 crossing, we saw in a warehouse that there were some deserters that had
5 been arrested and detained in the warehouse, but two days later they were
6 released. These were troops -- well, it was only the troops of the
7 presidential guard that did not desert. The infantry and FACA troops
8 were deserting in great numbers.

9 Q. In view of the fact that they were deserting in great numbers, do
10 you know how many men there were in the FACA at the time? How many were
11 there?

12 A. I am not in a position to know that. I was not part of the
13 command structure.

14 Q. And what about the ALC? How many men from the ALC came to drive
15 the enemy away?

16 A. I do know how many battalions there were, but with regard to how
17 many men or troops there were only the commander of operations and the S1
18 would be in a position to answer your question. Some remained in Zongo
19 to protect the rear base, so I cannot tell you precisely how many ALC
20 troops made the crossing.

21 Q. Mr Witness, still during the hearing of Tuesday, and this is page
22 31 now, you stated that the chief of operations was General André Mazi,
23 that was who was the deputy Chief of Staff, and he was standing in for
24 his substantive who was sick. Could you please give us the name of that
25 individual who was sick?

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1 A. No, I do not know his name. I never laid eyes on him.

2 Q. Regarding the role of General Bombayake, you testified that he
3 was the one in charge of resupplies in medicine, weapons, and ammunition.
4 You added that towards the end while you were in Bossembélé the FACA
5 elements had started fleeing and going towards the enemy and that it was
6 Bombayake who replaced André Mazi. Did he replace him at that position
7 of Cema?

8 A. I did not understand the end of your question, head of what?

9 Q. Let me repeat, Mr Witness. You testified that towards the end it
10 was Bombayake who replaced André Mazi. And you stated that André Mazi
11 was the interim chief of general staff. Now, my question is: Did
12 Bombayake replace Mazi as chief of general staff? That is, did he take
13 up that position of chief of general staff in order to continue directing
14 the operations?

15 A. On that issue, this is what I said: Regarding his replacement,
16 orders had been given by General André Mazi. At that time, it was no
17 longer Mazi, it was Bombayake who started giving orders. I do not know
18 whether it was at that time that he replaced him, but I simply observed
19 that he was the one issuing the orders that General Mazi had been giving
20 previously.

21 Q. Was Bombayake in the field during that period?

22 A. I observed that he came to visit Colonel Mustapha in the field in
23 Damara. I also observed that he frequently sent the major that I
24 referred to as Ouragan, that is Tutu Kuese. He was the one who came to
25 the field frequently.

26

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1 Q. Was Tutu Kuese a member of the presidential guard or of the FACA?

2 A. Tutu Kuese was the battalion commander of the presidential guard.

3 He wore a green beret like all the other soldiers of the presidential
4 guard. If I remember correctly, the Prosecutor showed me a photograph
5 and I believe I saw him next to Major Kamisi.

6 PRESIDING JUDGE STEINER: Maître Douzima, if you allow me a
7 clarification.

8 Mr Witness, Maître Douzima asked you: Was Bombayake in the field
9 during that period? And you answered that you observed that he came to
10 visit Colonel Mustapha in the field in Damara. I would like to clarify,
11 was Bombayake fighting in the field, conducting attacks, or he went to
12 the field only to visit Colonel Mustapha?

13 THE WITNESS: (Interpretation) I just said that he gave orders
14 from where he was based, but in the field it was Mustapha.

15 PRESIDING JUDGE STEINER: Thank you.

16 Maitre Douzima.

17 MS DOUZIMA LAWSON: (Interpretation)

18 Q. Mr Witness, still during Tuesday's hearing, on page 53, you
19 stated that you heard from your Central African colleagues that
20 Colonel Lengbe had fled to Cameroon. Were you told why he fled to
21 Cameroon?

22 A. No, I do not know. Some people said that he was having problems
23 at his place of work, but I really do not know why he fled.

24 Q. Mr Witness, let me move on to something else. I would like to
25 know whether the MLC soldiers received monthly salaries before, during,
26

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1 and after the events in Bangui and in the Central African Republic in
2 general.

3 A. During that period, none of the soldiers received their salaries;
4 however, they received an allowance.

5 Q. And what about those such as yourself who had families, wives and
6 children, how did they meet the needs of their families?

7 A. There were no women where we were. They were in Zongo. The
8 soldiers' wives received rations where they were. (Redacted)
9 (Redacted)

10 (Redacted). The logistics officers, the S4s, would buy beans and meat.
11 During that period, the soldiers said they were tired, they needed food,
12 particularly beans. So the logistics officers received money from
13 Commander René to buy beans.

14 THE INTERPRETER: The Lingala interpreter did not hear the last
15 part of the witness's answer.

16 MS DOUZIMA LAWSON: (Interpretation)

17 Q. Are you saying that the soldiers' wives who were in Zongo
18 received only rations? Is that what you stated?

19 A. Yes, that is what I said.

20 Q. Mr Witness, according to the same transcript, page 61, you stated
21 that you never heard of any rapes perpetrated by ALC soldiers in the CAR.
22 You never heard of them, you never witnessed any, and yet you are
23 aware -- you observed that prostitutes came to you to share or benefit
24 from the rations given to MLC soldiers. What specifically were those
25 rations? What were they precisely?

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1 A. The ration included 2 kilogrammes of rice per day, oil, and
2 tomatoes. We received Thompson (* phon) or Bolongo (* phon) varieties of
3 fish. We would receive -- when we received that, we would receive six
4 pieces. If it was beef, which was known as Bagara (* phon), we would
5 receive half a kilo or 1 kilo per day. I do not remember the exact
6 quantity of meat.

7 Q. The prostitutes would come for you simply for that?

8 A. We received 20 CFA francs every two weeks, so they came for that
9 money.

10 Q. So you would share your (Redacted) with those women,
11 prostitutes?

12 A. It depended on each individual. The one who wanted to do so
13 would do it, and those who did not want to would keep their money for
14 themselves.

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. You see, given the work that I was doing -- (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MS DOUZIMA LAWSON (Interpretation): Can we move into private

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1 session, Madam President?

2 PRESIDING JUDGE STEINER: Maître Douzima, first I need to
3 recommend you to wait a little bit after the answer is given in order to
4 allow the English interpretation to be concluded. We have been having
5 overlapping speakers here.

6 Court officer, please turn into private session.

7 *(Private session at 10.18 a.m.) Reclassified as Open session

8 THE COURT OFFICER: We're in private session, Madam President.

9 MS DOUZIMA LAWSON: (Interpretation)

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 THE INTERPRETER: And the Lingala interpreter did not get the
19 amount.

20 THE WITNESS: (Interpretation) It was an amount that was given to
21 them at that time. (Redacted)

22 (Redacted)

23 MS DOUZIMA LAWSON: (Interpretation)

24 Q. So it was that woman prostitute who came and took your rations
25 back to her home. Was that your testimony?

26

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1 A. Yes, indeed.

2 Q. You even visited her family on two occasions; is that correct?

3 A. Yes.

4 Q. And when she took your rations away, how did you yourself cope?

5 A. I believe I just told you. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Since you visited her on two occasions, it means you know her
11 well. Can you tell us her name?

12 A. Yes, I know her name.

13 Q. And what is the name?

14 A. Her name is (Redacted). She was living on the road to (Redacted).

15 Q. And where were you based for you to be able to visit her at
16 (Redacted)

17 A. During our stay at PK12, she had given me her address (Redacted)
18 (Redacted)

19 (Redacted)

20 Q. On page 63, you said that there was some sort of agreement or
21 contract between you and her. What was that specifically?

22 A. I do not believe that I mentioned any contract between the two of
23 us.

24 Q. I believe that when you mentioned (Redacted)
25 is that correct?

26

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1 A. Yes.

2 Q. You went to other towns in the CAR; correct?

3 A. Yes.

4 Q. Did the practice of prostitution also exist in the other towns?

5 Did you observe that?

6 A. Yes, I observed that practice in Damara also. Those who married
7 women and who accompanied them, most of those women came from
8 Bossembélé.

9 In fact, there is one of my colleagues who married one of those women and
10 who is (Redacted).

11 Q. And apart from Damara, did you observe that practice in other
12 towns also?

13 A. I did not observe that in Sibut because we did not stay there for
14 long.

15 Q. Mr Witness, still in transcript 350, page 65, while speaking
16 about Willy Bomengo, et al., you stated that they were arrested and taken
17 to Gbadolite. Now, what happened to them in Gbadolite?

18 PRESIDING JUDGE STEINER: Maître Douzima, I'm sorry.

19 Just one moment, Mr Witness.

20 Should we continue in private session for this set questions,
21 Maître?

22 MS DOUZIMA LAWSON: (Interpretation) You're quite correct,
23 Madam President. We can go to open session.

24 PRESIDING JUDGE STEINER: Court officer, please turn back into
25 public session.

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1 (Open session at 10.30 a.m.)

2 THE COURT OFFICER: We're in open session, Madam President.

3 PRESIDING JUDGE STEINER: Can you please repeat the question,
4 Maître Douzima.

5 MS DOUZIMA LAWSON: (Interpretation) Yes, of course,
6 Madam President.

7 Q. Mr Witness, as I was saying, at page 65 of transcript 350, when
8 talking of Willy Bomengo, et al., you stated that they were arrested and
9 taken to Gbadolite. Can you tell us what was done with them in
10 Gbadolite?

11 A. Well, I am aware of the following: They were tried and the
12 military prosecutor's office tried them and put them behind bars.

13 Q. And were there any plaintiffs?

14 A. Well, I don't have many details in the matter. The investigators
15 arrested them or arrested him when he robbed property from the vehicles.
16 The investigator said that he might have hidden some of the property. I
17 do not know whether there were any plaintiffs or complainants.

18 Q. Mr Witness, at page 69 of one and the same transcript, you stated
19 that you had never heard anything said about crimes committed in the
20 Central African Republic by troops, whether it be from the ALC or any
21 other force. Did you not even hear anything through the press about
22 crimes committed out in the field during that period of time by any
23 troops at all.

24 A. I never watched the television nor did I have any radio. I just
25 took care of my job. That was all.

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1 Q. So were the press to have spoken about violent acts committed by
2 ALC troops in the Central African Republic, you would not have been aware
3 to the extent that you did not listen to the radio, nor did you read the
4 papers, nor did you watch the television; is that what you are stating?

5 A. Yes, indeed. I did not have a television nor did I have a radio.
6 I never met any journalist.

7 Q. Mr Witness, this morning in response to a question put to you by
8 Maître Zarambaud at page 3 of today's transcript from line 6, you
9 answered by saying that the ALC and FACA troops would fight together.
10 And transcript 351, lines 6 to 9, you stated as follows:

11 "We were with our colleagues and when they spoke in the Sango
12 language we could not understand what they were saying. And these were
13 the type of difficulties that we had until we reached PK10."

14 So as the language was a source of difficulty for you, could you
15 say that co-operation between the ALC and the FACA was good?

16 A. Well, if you glance at the transcript of my statement of the
17 first day of the hearing, I stated that some of the ALC troops such as
18 the Ngbandi -- those of Ngbandi ethnic origin could understand the Sango
19 language because it is one and the same. Other ALC troops from the
20 Waka tribe could understand what the Mandja tribe in Central African
21 Republic spoke. There were also CAR troops who could understand Lingala,
22 and others said that they had followed training in Kotakoli in our
23 country. So the linguistic barrier was there only for some, whereas
24 others could understand each other.

25 Q. Well, I put this question to you because you said that this was a

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1 difficulty, but let us move on. Yesterday at page 61, lines 8 to 11, and
2 that is in the realtime version of the transcript, transcript 351, you
3 stated, Mr Witness, that there was a shop at Camp Béal that sold military
4 uniform and boots and that according to each and everyone's means they
5 could buy their own boots, uniform, and cap.

6 And it would seem when the ALC was invited by the CAR authorities
7 they were issued with a uniform by these authorities.

8 Mr Witness, did you understand my question?

9 A. I did not really understand your question.

10 Q. Mr Witness, at yesterday's hearing you stated that at Camp Béal
11 there was a shop selling military uniform and boots, and that according
12 to the means of each individual they could buy their uniform, boots, and
13 cap. So I would like to know how it came about that the ALC could buy
14 its own uniforms, whereas it was supposed to receive it free of charge
15 from the Central African authorities who had invited them.

16 A. The troops had been issued with a pair each, and then later they
17 gave them fatigues with pockets on either side. However, if I'm not
18 mistaken, the FACA had three or four different types of military uniform
19 and it was those different uniforms that the troops would buy. The FACA
20 had various different uniforms and they said that the shop had the
21 military equipment that the troops could go and buy. This was the first
22 time that I saw military uniform being sold in a country.

23 Q. And what was the price?

24 A. If my memory serves me correctly, the expensive uniform was the
25 khaki uniform that they called the French uniform, it costed 5.000

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1 francs. Other uniforms that were green in colour -- well, I do not
2 recall what they cost.

3 Q. Were the uniforms new?

4 A. Yes, they were new. They were issued in plastic bags.

5 Q. (Redacted)

6 A. (Redacted)

7 Q. And who was in charge of selling those uniforms at Camp Béal?

8 A. Well, they were Central Africans. It was in a large house, the
9 shop. It was an official shop.

10 Q. Well, there must have been somebody in charge. Was Bombayake in
11 charge of logistics?

12 A. I do not know. I'm telling you what I am aware of. I do not
13 know who was in charge of the shop.

14 MS DOUZIMA LAWSON: (Interpretation) Madam President, I would like
15 to put my last question to the witness in closed session, please.

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

18 *(Private session at 10.46 a.m.) Reclassified as Open session

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

20 MS DOUZIMA LAWSON: (Interpretation)

21 Q. Mr Witness, at yesterday's hearing the Prosecutor asked you why
22 you refused to meet with representatives of the Office of the Prosecutor,
23 to which you responded that (Redacted)
24 (Redacted). You also, at page 56, admitted to the fact that you refused
25 to be introduced to the OTP and to the Legal Representatives of Victims.

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
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Page 25

1 (Redacted)

2 (Redacted), but what are your fears regarding the Legal Representatives
3 of Victims?

4 A. (Redacted) I had
5 not yet received any guarantee regarding my security at the time, and as
6 I know and as Madam President is present -- well, that's a guarantee for
7 me for my security. And that is why I said I wanted to meet everybody
8 the same time, the day of my testimony, the day that I would testify
9 before the Court.

10 Q. Mr Witness, I do not believe that I received an answer to my
11 question, but I shall stop there. And I would like to thank you for
12 answering my questions.

13 MS DOUZIMA LAWSON: (Interpretation) Madam President, I have
14 finished.

15 QUESTIONED BY THE COURT:

16 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

17 Just in relation to this last answer given by the witness.

18 Mr Witness, you said that you satisfied to meet the Office of the
19 Prosecution and Legal Representatives of Victims because you would not
20 (Redacted). "I had not yet received any guarantee regarding
21 my security at the time..." (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. I thank you, Madam President. I was speaking to that individual
2 over the telephone.

3 PRESIDING JUDGE STEINER: Before you start testifying, the first
4 day, the first thing the Presiding Judge did was to confirm whether you
5 had been informed about (Redacted)
6 (Redacted). Is that
7 correct, Mr Witness?

8 A. Yes, that is correct.

9 PRESIDING JUDGE STEINER: So I still don't understand then why
10 you said that you were afraid (Redacted) and that's why you
11 refused to meet the Prosecution and Legal Representatives. But in any
12 case, it was not your obligation to meet them, so no consequences on
13 that.

14 Judge Aluoch also has a follow-up question that needs to be put
15 in private session.

16 Judge Aluoch.

17 JUDGE ALUOCH: Mr Witness, I want to follow-up testimony that you
18 gave yesterday. You remember that you -- Mr Iverson showed you some
19 pictures, some photographs, and asked you questions from that -- those
20 photographs. I want to read a part of the answer that you gave. That's
21 why I asked for private session. To one particular photograph you
22 answered that some people were bodyguards. Then you said:

23 "The Motorola belonged to their leader. They're holding their
24 leader's radios," and this is -- the next one is what I'm interested in.

25 (Redacted)

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1 (Redacted)

2 Now, I looked at -- I considered that answer you gave alongside
3 some answers you gave to Mr Kilolo on the 12th of November, that is,
4 transcript 350, edited, page 42. This is what you answered to
5 Mr Kilolo -- Mr Kilolo in fact asked you:

6 "Witness, I will repeat my question. As you moved from Camp Béal
7 to PK12, how were the various loyalist forces deployed on the ground at
8 the time of the fighting?"

9 And this is what you answered:

10 "At the time of the war, we had been merged together and we
11 worked together and they guided us to enable us to go as far as PK12.
12 When we arrived at PK12, there was another access or another road which
13 went towards the airport which the enemy had used. So we broke into
14 groups."

15 Now, when I read this part of your answer, Mr Witness, I'm not
16 clear as to whether you were amongst those who were fighting and you only
17 set up your base on arrival, or can you clarify? Because you had clearly
18 said yesterday that:

19 (Redacted)

20 (Redacted)

21 So can you clarify to me exactly what was happening, either you
22 remained in one location or you were in the front line and you were
23 moving with your colleagues? Can you clarify, please.

24 A. Thank you very much, your Honour.

25 I said the following. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 JUDGE ALUOCH: Thank you.

10 A. You're welcome.

11 PRESIDING JUDGE STEINER: (Previous translation continues)...

12 followed. The troops in two days, because in the second day you were

13 already in PK12; is that correct? After that you stayed in PK12?

14 A. Yes, that is correct.

15 JUDGE ALUOCH: A very quick question to you, Mr Witness. This is

16 just for my better understanding. Those commanders who have bodyguards,

17 as you were identifying them in the photograph, what happens with them

18 when the commander is on the front line? Are the bodyguards there

19 fighting? I just want to understand that part of it. What happens with

20 the bodyguards, where are they normally?

21 A. Within the ranks of the military, if somebody such as a battalion

22 commander -- well, he plays the role of supervisor and he moves about

23 with his bodyguards. The platoon commanders are in command out in the

24 field, so he might move around here and there. And it depends as to how

25 the attack is being led. So the bodyguards are always moving about with

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1 him when he travels.

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

4 (Open session at 10.59 a.m.)

5 THE COURT OFFICER: We're in open session, Madam President.

6 PRESIDING JUDGE STEINER: Mr Witness, Maître Douzima Lawson
7 concluded with your questioning. But the Chamber still has some
8 questions to put to you before the Chamber gives the opportunity to
9 Defence to re-direct. That means that we will suspend now for half an
10 hour, it's 11.00. We will resume at 11.30 in order to give you and our
11 interpreters and court reporters the opportunity to take some rest.

12 The hearing is suspended.

13 THE COURT USHER: All rise.

14 (Recess taken at 11.00 a.m.)

15 (Upon resuming in open session at 11.38 a.m.)

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

17 PRESIDING JUDGE STEINER: Welcome back.

18 Welcome back, Mr Witness.

19 THE WITNESS: (Interpretation) Thank you, Madam President.

20 PRESIDING JUDGE STEINER: Mr Witness, I have an issue that I
21 would like to deal with you, and for that purpose I ask, please,
22 court officer to turn into private session.

23 *(Private session at 11.39 a.m.) Reclassified as Open session

24 THE COURT OFFICER: We're in private session, your Honours.

25 PRESIDING JUDGE STEINER: Mr Witness, we are in private session

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Questioned by the Court

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1 and I just remind you that when we are in private session, nobody outside
2 the courtroom can listen to what you say. And those that are inside the
3 courtroom are bound by confidentiality obligation, so feel free to
4 express yourself as you've been doing during the whole of your testimony.

5 Mr Witness, the Chamber was informed and it was about (Redacted)
6 that when the request for your appearance before this Chamber was known
7 to your hierarchy, that you faced some problems. And the Chamber would
8 like to listen from you, to hear from you, what exactly happened in maybe
9 (Redacted) in relation to your notification to appear
10 before the Court.

11 A. Thank you very much, Madam President. The problem that I was
12 faced with arose when (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE STEINER: I'm so sorry to interrupt you. Just
2 for a matter of precision, (Redacted)
3 (Redacted)? We don't
4 know what that means, so please be more specific.

5 A. (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by the Court

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Page 32 redacted

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Page 33 redacted

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) So in a

13 nutshell, that is the problem that I was faced with.

14 PRESIDING JUDGE STEINER: Thank you, Mr Witness, for this

15 (Redacted).

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE STEINER: You said that you talked to

23 Maître Kilolo and he told you to calm down and that you should wait until

24 you feel fine. When did you have this conversation with Maître Kilolo?

25 A. I no longer remember the date. He called me to ask me whether I

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Questioned by the Court

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1 was ready to come and testify. I did not hide anything from him. I
2 simply wanted to tell him that I did not want to testify because of my
3 personal security, but it was around (Redacted).

4 PRESIDING JUDGE STEINER: And after this conversation with
5 Maître Kilolo (Redacted) that you mentioned that you didn't want to testify
6 anymore, did you have other contacts with Maître Kilolo or with anyone
7 from the Defence?

8 A. I didn't speak to anyone apart from Mr Kilolo, and furthermore I
9 didn't have the telephone number of the other members of the team. The
10 number didn't appear when he called me.

11 PRESIDING JUDGE STEINER: So after this conversation (Redacted),
12 when was the first time you talked to Maître Kilolo again?

13 A. Madam President, I didn't understand your question.

14 PRESIDING JUDGE STEINER: You said that you had a conversation
15 with Maître Kilolo (Redacted). Maître Kilolo asked you to calm down, that
16 you didn't want to testify or was afraid of testifying because of
17 security concerns. My question is: After that, when did you talk to
18 Maître Kilolo again?

19 A. I think we spoke -- well, the last call was about three weeks ago
20 or a month ago. I don't remember very well.

21 PRESIDING JUDGE STEINER: So just to conclude, (Redacted)
22 (Redacted), this one that you refer to (Redacted), and the last contact
23 that you had with Maître Kilolo about three weeks ago, were you or were
24 you not in regular contact with Mr Kilolo
25 or anyone from the Defence

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by Mr Kilolo (Continuing)

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1 team?

2 A. No, I didn't speak to anybody else.

3 PRESIDING JUDGE STEINER: So just for the parties, I'm referring
4 to filing 2862, paragraph 8.

5 Okay, Mr Witness, thank you for these clarifications in relation
6 to your security concerns. For sure, VWU will make a security assessment
7 as soon as you finish your testimony. But we'll turn back to that and
8 we'll explain to you how it works.

9 Court officer, please turn into public session.

10 (Open session at 12.05 p.m.)

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

12 PRESIDING JUDGE STEINER: Mr Witness, the Defence is entitled
13 after all questions are put to you to have the last word, and Defence has
14 expressed its intention to re-direct. So Maître Kilolo will have the
15 floor to put some clarification or follow-up questions to you.

16 Maître Kilolo, you have the floor.

17 MR KILOLO: (Interpretation) Thank you, your Honour, for having
18 given me the floor.

19 QUESTIONED BY MR KILOLO: (Continuing)

20 Q. Witness, I would like to refer to a certain number of questions
21 that have been put to you by the Office of the Prosecutor, and in
22 particular a series of three photos that were shown to you. And here I'm
23 referring to transcript, French version, realtime, 13th November 2013,
24 T 351, page 61 to page 65. I'm also referring to transcript realtime
25 French version 14th November 2013, T 352, page 16, lines 12 to 13. I

Witness: CAR-D04-PPPP-0013 (On former oath) (Open Session)
Questioned by Mr Kilolo (Continuing)

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1 would like to ask the court officer to show the sixty-fifth document of
2 the Defence list to the witness –

3 THE INTERPRETER: Of the Prosecution list, corrects the
4 interpreter.

5 MR KILOLO: (Interpretation) CAR-OTP-0046-0217, if you would be
6 so kind.

7 THE COURT OFFICER: As this document is currently registered as
8 confidential, we will not show it to the public.

9 MR KILOLO: (Interpretation)

10 Q. Witness, do you remember that this document was shown to you by
11 the Office of the Prosecutor, and when you answered them you told them
12 there was a Central African soldier alongside Major Kamisi. Do you
13 remember that was your answer to the Office of the Prosecutor yesterday?

14 A. Yes, Counsel. When this photo was shown to me, that's what I
15 said. And I gave the same answer today. If you look at another photo
16 which was shown to me, you will see that this soldier is next to
17 Major Kamisi.

18 Q. Taking the photo that we've got before us into account, would you
19 be so kind as to indicate to us who the Central African soldier is on
20 this photo?

21 A. It's the person who Major Kamisi is looking at, so the person who
22 I call Ouragan, Major Tutu Kuese.

23 Q. Could you clearly describe Major Tutu Kuese on this photo? You
24 can start from the left. From the left you can see there is a soldier
25 with a red beret on in the background and more in the forefront going

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Questioned by Mr Kilolo (Continuing)

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1 right you see another soldier who's wearing a green beret. Thereafter,
2 you see a third soldier in the background who is short and then you see a
3 fourth soldier who has nothing on his head and he has no hair either. On
4 that basis, could you identify who exactly is Major Tutu Kuese and who is
5 Major Kamisi.

6 A. Thank you, Counsel. Right at the start towards the right there
7 is a person who is moving and he has a pistol, and he is also carrying a
8 weapon on a sling. And behind him there is a person who has a red beret
9 with a beard, and behind there is a short man and it was believed to be
10 me. So that's Major Tutu Kuese. He was carrying this weapon -- well, he
11 always carried this weapon during operations, and this weapon had -- or
12 he had a telescope which was used during operations. Now, Major Kamisi
13 was the person who had no hair and he has a beard and he's wearing a
14 military top.

15 PRESIDING JUDGE STEINER: Maître Kilolo, if you allow me.

16 Just to make it clear, the person, the small person, that is a
17 little bit behind, is Major Tutu Kuese?

18 THE WITNESS: (Interpretation) No. I'm speaking about the person
19 who's wearing a green beret, that's him, Major Tutu Kuese.

20 PRESIDING JUDGE STEINER: Yeah, because then we have a problem in
21 the transcript, in the English transcript, here it is said that there is
22 a person with a beard and behind there is a short man and it was believed
23 to be me, so that's Major Tutu Kuese. So the small man is not
24 Major Tutu Kuese?

25 THE WITNESS: (Interpretation) The small person is not

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Questioned by Mr Kilolo (Continuing)

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1 Major Tutu Kuese. Major Tutu Kuese is the person who is in front of the
2 other soldier with a red beret. Major Tutu Kuese is the person who looks
3 as if he is moving.

4 PRESIDING JUDGE STEINER: Thank you for the clarification. The
5 way it was in the transcript gave the idea that you said that the small
6 man was Tutu Kuese.

7 Thank you, Maître Kilolo. Sorry for the interruption.

8 MR KILOLO: (Interpretation) I would ask the court officer to
9 show the witness document 66 on the list of documents of the Office of
10 the Prosecutor, CAR-OTP-0046-0218.

11 Q. Witness, you have another photograph before you. Could you here
12 tell us if Major Tutu Kuese is on this photograph; and if that's the
13 case, please could you identify him clearly?

14 A. Thank you, Counsel. That's what I was saying before. On this
15 photo there are two people who are holding each other. One person has no
16 hair and the other one has a beret. If you look carefully, you will see
17 that this person has a weapon and there is a sign in the army we call
18 Win (* as interpreted), that is a merit insignia. But within our
19 movement, there were no merit insignia, but if you look at his head the
20 beret is leaning a bit towards the left side. That is the way in which
21 Central African soldiers would wear their berets, but we lean our beret
22 towards the right. A simple soldier could not hold a major in this way,
23 so this would have to be Major Kamisi.

24 MR KILOLO: (Interpretation) I'd like to ask the court officer to
25 show the witness document 63 on the Prosecution's list of documents,

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by Mr Kilolo (Continuing)

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1 CAR-OTP-0046-0199. I don't need the document on the screen. I would ask
2 your Honour if we could go into private session.

3 PRESIDING JUDGE STEINER: Court officer, please could we turn
4 into private session.

5 *(Private session at 12.21 p.m.) Reclassified as Open session

6 THE COURT OFFICER: We're in private session, Madam President.

7 MR KILOLO: (Interpretation)

8 Q. Witness, do you remember the question that was put to you by the
9 Judge before the break and there was a question that was put to you if
10 finally within the framework of your work (Redacted) in the
11 Central African Republic if you had been deployed into the field going
12 forward (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)? That's just a summary that I would like to allow
16 myself to make with regards to the question that was put to you.

17 Do you remember being asked this question?

18 A. Yes, this question was put to me.

19 Q. So do you remember having answered that (Redacted)
20 (Redacted)

21 (Redacted). Do you remember having said
22 that?

23 A. Yes, I said that.

24 Q. So I'm interested to know what happened on the 31st of October,
25 2002, when you arrived at PK12, that's the second day from the 30th of

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by Mr Kilolo (Continuing)

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1 October. At that time, what was happening with you? (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE INTERPRETER: The name was (Redacted), corrects the
15 interpreter.

16 THE WITNESS: (Interpretation) (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by Mr Kilolo (Continuing)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR KILOLO: (Interpretation)

5 Q. Witness, in PK12 you spent about a month there; is that correct?

6 A. Yes, that's correct.

7 Q. And for the entire duration of your stay, one month in PK12, how
8 was it for you (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. No, that wasn't the case. I told you that (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by Mr Kilolo (Continuing)

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1 (Redacted)
2 A. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 Q. (Redacted)
10 A. (Redacted)
11 (Redacted)
12 Q. (Redacted)
13 A. (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 Q. (Redacted)
18 A. (Redacted)
19 (Redacted)
20 (Redacted)
21 Q. (Redacted)
22 (Redacted)
23 A. (Redacted)
24 (Redacted)
25 Q. (Redacted)

Witness: CAR-D04-PPPP-0013 (On former oath) (Private Session)
Questioned by Mr Kilolo (Continuing)

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1 (Redacted)
2 A. (Redacted)
3 Q. (Redacted)
4 A. (Redacted)
5 (Redacted)
6 Q. (Redacted)
7 A. (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 Q. (Redacted)
15 (Redacted)
16 A. (Redacted)
17 (Redacted)
18 (Redacted)
19 Q. (Redacted)
20 A. (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 Q. (Redacted)
25 (Redacted)

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MR KILOLO: (Interpretation) Madam President, can we revert to
6 open session, please.

7 PRESIDING JUDGE STEINER: Open session.

8 (Open session at 12.40 p.m.)

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

10 MR KILOLO: (Interpretation)

11 Q. Mr Witness, I have completed my re-direct and thank you for
12 accepting to answer the Defence's questions.

13 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

14 Mr Witness, this now concludes your evidence, and before you
15 leave the Court or the transmission room, I want, as with all other
16 witnesses in this case, to express the thanks of the Court, of the
17 Judges, for the time you have taken to give testimony, to give evidence
18 in this trial. In order for the Judges to find the truth, it's critical,
19 Mr Witness, that witnesses such as yourself are prepared and willing to
20 give evidence and assist the Judges on the relevant issues of a case. We
21 are aware that this may have been inconvenient for you. We heard about
22 events that happened and should not have happened. One more reason,
23 Mr Witness, for the Court to thank you very much for accepting to come
24 before the Judges and testify. As I mentioned before, any security
25 issues or any other issues that you want clarification or explanations,

1 you will be interviewed by security officers and other members of VWU,
2 the Victims and Witnesses Unit. So please feel free to tell them about
3 any kind of concern that you may have, and they will make the proper
4 assessment.

5 Before you leave us, Mr Witness, and as with all other witnesses
6 in this case, I would like to ask whether there is anything that you
7 would like to address to the Judges of this Chamber, just being aware
8 that we are in open session. Would you like to take the floor,
9 Mr Witness?

10 THE WITNESS: (Interpretation) Thank you, Madam President. I
11 have one last thing to say and I shall be brief. I would like to say
12 this in private session.

13 PRESIDING JUDGE STEINER: Of course, Mr Witness.

14 Court officer, please turn into private session.

15 *(Private session at 12.44 p.m.) Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: Please, Mr Witness, we are in private
18 session. You are -- you can speak freely.

19 THE WITNESS: (Interpretation) Thank you very much,
20 Madam President. I have just given you the reasons why I am afraid. To
21 begin with, there is my family. (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) so I have difficulties with housing. So I
25 would like some assistance to be able to find a house in town because I

1 no longer have any place to live in the (Redacted). And my wife is
2 living with my in-laws, so I cannot go to live there. So right now I
3 don't have a place of my own to live. That is the only request that I am
4 making to you.

5 I would like to do something to assist my family to be able to
6 find a place where they can live. That is all.

7 PRESIDING JUDGE STEINER: Mr Witness, what you're saying is in
8 the record of the case and it will be transmitted to VWU. At the same
9 time, as I told you, the representatives of VWU will be in charge now
10 when you complete your testimony of taking care of your security, to make
11 an assessment, and to explain to you what are the possibilities that the
12 Court has to offer if the assessment concludes, for instance, I'm just
13 giving an example, that someone needs to be included in the court
14 protection programme, what other security measures should be put
15 available to the witnesses, et cetera. It's not up to the Chamber to
16 take this decision. It's up to Victims and Witnesses Unit which is the
17 independent and neutral organ of the Court in charge of assess and assist
18 the witnesses before, during, and after their testimony. So you will
19 have the opportunity to explain your concerns, security concerns, housing
20 concerns, and it will be up to VWU to recommend to the Registrar of the
21 Court what measures are the ones that should be made available to you.

22 Do you understand that, Mr Witness?

23 THE WITNESS: (Interpretation) Yes, I have understood you well,
24 Madam President, and I would like to thank you very, very much.

25 PRESIDING JUDGE STEINER: Court officer, please turn back into

1 open session.

2 (Open session at 12.49 p.m.)

3 THE COURT OFFICER: We're in open session, Madam President.

4 PRESIDING JUDGE STEINER: Mr Witness, is there anything else that
5 you would like to address to the Chamber?

6 THE WITNESS: (Interpretation) I have nothing to add. I am now
7 very much aware of the work that you are doing. If there is someone who
8 did not have the experience in the field, you will understand immediately
9 that that person is lying, but if a person was actually present in the
10 field that person would testify and you will realise that the person was
11 present there. Thank you.

12 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

13 I'd like to thank very much the Prosecution team, Legal
14 Representatives of Victims, the Defence team, Mr Jean-Pierre Bemba Gombo;
15 to thank very much our interpreters, our court reporters.

16 Thank you very much, Mr Rojas.

17 THE COURT OFFICER (Via video-link): You're welcome,
18 Madam President.

19 PRESIDING JUDGE STEINER: Again, thank you very much, Mr Witness.
20 The parties and participants will be informed in due course on whether --
21 on when the Chamber will resume, in which courtroom, at what time,
22 et cetera.

23 Mr Witness, we wish you a safe trip back to your home, and I
24 declare that this hearing is adjourned.

25 THE COURT USHER: All rise.

1 (The hearing ends in open session at 12.52 p.m.)

2 RECLASSIFICATION REPORT

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

4 ICC-01/05-01/08-3038, the version of the transcript with its redactions

5 becomes Public.