

Trial Hearing  
Witness: CAR-D04-PPPP-0054

(Open Session)

ICC-01/05-01/08

1 International Criminal Court  
2 Trial Chamber III - Courtroom 2  
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, 30 October 2013  
9 (The hearing starts in open session at 9.07 a.m.)  
10 THE COURT USHER: All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE STEINER: Good morning and welcome.  
14 Could, please, court officer call the case.  
15 THE COURT OFFICER: Thank you, Madam President.  
16 Situation in the Central African Republic, in the case of The Prosecutor versus  
17 Jean-Pierre Bemba Gombo, ICC-01/05-01/08.  
18 PRESIDING JUDGE STEINER: Thank you very much.  
19 I welcome the Prosecution team, legal representatives of victims, the Defence team,  
20 Mr Jean-Pierre Bemba Gombo. I welcome our court reporters, our interpreters.  
21 Today the Defence will continue the presentation of its evidence by calling Witness  
22 CAR-D04-PPPP-0054.  
23 In accordance with the Chamber's decision of 17 September 2013, decision 2818, the  
24 testimony of Witness D04-54 will be heard by means of video technology.  
25 Before we commence with the testimony of the witness, the Chamber has a short oral  
26

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1 decision to deliver.

2 First, good morning, Ms Bossette. I'm sorry.

3 THE COURT OFFICER (via video link): (Interpretation) Good morning, your  
4 Honour.

5 PRESIDING JUDGE STEINER: The Chamber has an oral decision on the  
6 applications to question Witness D04-54 by the legal representatives of victims.

7 On 17 September 2013, the Chamber received an application from Maître Douzima  
8 Lawson on behalf of the victims that she represents to question Witness D04-54, filing  
9 2817. The application contains a list of nine sets of questions.

10 On 20 September 2013, the Chamber received an application from Maître Zarambaud  
11 on behalf of the victims that he represents, filing 2819. The application contains a list  
12 of 21 questions.

13 Having considered the reasons given by both Maître Douzima and Maître  
14 Zarambaud as to why the personal interests of the victims they represent are affected,  
15 the Chamber allows the respective applications to question Witness D04-54.

16 Turning to the questions, both legal representatives are allowed to put all of their  
17 proposed questions as set out in their aforementioned filings.

18 Pursuant to Chamber's decision 2852 issued on 29 October 2013, Witness D04-54 was  
19 granted protective measures consistent in giving his testimony in full closed session.

20 Therefore I would ask, please, the court officer to turn into closed session and then  
21 turn on the video feed.

22 \*(Closed session at 9.11 a.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

25 WITNESS: CAR-D04-PPPP-0054

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- 1 (The witness speaks French)
- 2 (The witness gives evidence via video link)
- 3 THE WITNESS: (Interpretation) Good morning.
- 4 THE INTERPRETER: The witness taps the microphone.
- 5 PRESIDING JUDGE STEINER: We can hear you, Mr Witness.
- 6 Mr Witness, welcome, and thank you for being here with us.
- 7 THE WITNESS: (Interpretation) Good morning. Thank you.
- 8 PRESIDING JUDGE STEINER: Mr Witness, before we start, I will ask the parties
- 9 and participants to this hearing to introduce themselves and their teams, starting by
- 10 the Prosecution.
- 11 MR SCALIOTTI: Good morning, Madam President, your Honours, and good
- 12 morning, Mr Witness.
- 13 For the Prosecution today we have Mr Jean-Jacques Badibanga, trial lawyer; Mr Eric
- 14 Iverson, trial lawyers; Mrs Sylvie Vidinha, case manager; and myself,
- 15 Massimo Scaliotti, trial lawyer. Thank you.
- 16 PRESIDING JUDGE STEINER: Thank you.
- 17 Legal representatives of victims, please?
- 18 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. Witness, I
- 19 am Counsel Marie-Edith Douzima Lawson and I am a representative of the victims in
- 20 this case.
- 21 MR ZARAMBAUD: (Interpretation) Your Honour, I am Counsel Zarambaud
- 22 Assingambi and I am a legal representative of victims in the proceedings and we have
- 23 Madam Carine Pinaud, who is our case manager. Thank you.
- 24 PRESIDING JUDGE STEINER: Defence, please?
- 25 MR KILOLO: (Interpretation) Good morning, your Honour, your Honours. The

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1 Defence is represented today on my right by Mr Peter Haynes, co-counsel; Maître  
2 Jean-Jacques Kabongo Mangenda, who is the case manager; Madam Cindy Josseran,  
3 as well as Madam Natacha Lebaindre, both pro bono members of the team; as well as  
4 myself, Maître Aimé Kilolo, principal counsel.

5 PRESIDING JUDGE STEINER: Thank you very much.

6 And, Mr Witness, just for your information also --

7 THE WITNESS: (Interpretation) Yes, I am listening.

8 PRESIDING JUDGE STEINER: Just for your information, also Mr Jean-Pierre Bemba  
9 Gombo is present at the hearing. I will ask please --

10 THE WITNESS: (Interpretation) Okay.

11 PRESIDING JUDGE STEINER: -- Ms Bossette to facilitate the witness taking the oath  
12 by reading out the words of the oath on the printed card that has to be in front of the  
13 witness.

14 THE WITNESS: (Interpretation) Thank you. I solemnly declare that I will tell the  
15 truth, the whole truth and nothing but the truth.

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

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

19 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give  
20 answers to questions asked of you that are true and accurate, to the best of your  
21 knowledge and belief?

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

23 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by  
24 the Victims and Witnesses Unit during the familiarisation process, you will be  
25 questioned first by the Defence, then by the Prosecution, then by legal representatives

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1 of victims, and finally Defence is allowed to question you again in order to put some  
2 follow-up questions, if needed.

3 THE WITNESS: (Interpretation) Thank you.

4 PRESIDING JUDGE STEINER: The Chamber also may at any time put some  
5 questions to you.

6 As you know, the Chamber has put in place measures to protect your identity from  
7 the public. The Chamber allowed the entirety of your evidence to be given in full  
8 closed session, which means that your testimony will not be broadcast to the outside.  
9 Only the persons inside this courtroom will be able to hear your testimony.

10 THE WITNESS: (Interpretation) Thank you. I am very pleased.

11 PRESIDING JUDGE STEINER: Mr Witness, it is important for you to bear in mind  
12 that because we speak different languages, there is interpretation so that we can  
13 understand each other. Because of the interpretation and the fact that you are giving  
14 your testimony by video link, it is very important, Mr Witness, that you speak slower  
15 than normal in order to allow the interpreters to --

16 THE WITNESS: (Interpretation) Thank you.

17 PRESIDING JUDGE STEINER: -- in order to allow the interpreters to do their job.

18 It's also important, Mr Witness, that after a question is put to you, that you wait five  
19 seconds before you start giving your answer, in order to allow the interpreters to  
20 conclude the translation of the question. We call that "the five-seconds golden rule."  
21 Because it must seem unnatural to speak so slow and to give the five seconds before  
22 answering, it is very likely that you will start speeding up. In that case, Mr Witness,  
23 I will have to interrupt you to remind you to slow down and to remind you about the  
24 five-seconds golden rule. Please don't take offence. It should not discourage you  
25 from speaking. It's just for practical reasons.

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1 It's also very important, Mr Witness, that you don't interrupt anyone while the person  
2 is talking, in order to avoid overlapping.

3 Do you understand our ground rules, Mr Witness?

4 THE WITNESS: (Interpretation) I do. I've understood, your Honour.

5 PRESIDING JUDGE STEINER: (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 Mr Witness, is that correct, that you (Redacted)

19 (Redacted)

20 (Redacted)

21 THE WITNESS: (Interpretation) I confirm.

22 PRESIDING JUDGE STEINER: Witness, please do not interrupt me when I'm  
23 speaking. I will repeat the question: Is it correct that (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)? Now you can answer, Mr Witness.

2 THE WITNESS: (Interpretation) I confirm that.

3 PRESIDING JUDGE STEINER: Mr Witness, in case you have any doubts about the  
4 information you received (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Is that clear, Mr Witness?

13 THE WITNESS: (Interpretation) It is. I've understood, your Honour.

14 PRESIDING JUDGE STEINER: Finally, I would like to assure you that whenever  
15 you would like to (Redacted)

16 (Redacted)

17 (Redacted)

18 Is that agreeable for you, Mr Witness?

19 THE WITNESS: (Interpretation) Yes, I've understood, your Honour.

20 PRESIDING JUDGE STEINER: For your information, we'll have three sessions  
21 today of two hours each: Two sessions in the morning with a break of 30 minutes in  
22 between and one session of two hours in the afternoon after the lunch-break. The  
23 next session should therefore start at 11.30 (Redacted), while the  
24 afternoon session will start at 3 o'clock.

25 If for any reasons, Mr Witness, you need a break, you just let us know and a break

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1 will be given.

2 Do you have any questions, sir?

3 THE WITNESS: (Interpretation) No questions for the moment, but (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE STEINER: (Redacted)

7 (Redacted)

8 (Redacted) May I ask, please, the Prosecution (Redacted)

9 (Redacted)?

10 MR SCALIOTTI: Yes, Madam President. (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Is that clear for you, Mr Witness?

14 THE WITNESS: (Interpretation) I did not quite understand. Can you kindly

15 repeat?

16 PRESIDING JUDGE STEINER: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 THE WITNESS: (Interpretation) Yes, he did explain to me. I would also like to

22 ask the Court to guarantee my security during the hearings and thereafter.

23 Yesterday I spoke at length with the representative (Redacted) and they told me

24 that they were going to write to the Court, but I have not had any response. That is

25 why I would like you to confirm the guarantee of my safety and the safety of my



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1 family both during and after the hearings.

2 PRESIDING JUDGE STEINER: Mr Witness, you are giving your testimony in full  
3 closed session. The parties that are here in the courtroom are bound by  
4 confidentiality obligations, so not a word of what you say inside the courtroom  
5 during your testimony will be known outside the courtroom. Nobody will know  
6 that you are testifying and what you are saying.

7 Apart of that, in terms of your personal security, the security officer of Victims and  
8 Witnesses Unit will give you all information you need in order for you to understand  
9 the available protective measures that can be granted if needed.

10 You have already talked to the security officer of VWU - the Chamber is aware of  
11 that - and Victims and Witnesses Unit is the organ of the Court in charge of protecting  
12 witnesses and their families on account of their contacts with the Court. So, if you  
13 have any doubts, you can discuss it with the security officer of the Victims and  
14 Witnesses Unit.

15 Is that fine with you, Mr Witness?

16 THE WITNESS: (Interpretation) Yes, thank you. That's fine with me.

17 PRESIDING JUDGE STEINER: Thank you very much.

18 We will start now with your testimony. I just would like to inform the parties and  
19 participants that mainly today we are counting on the goodwill of just one court  
20 reporter, which means that our ground rules are even more strict. The court reporter  
21 kindly agreed, although being in sick leave, to come and follow the hearing in order  
22 to ensure the English transcript, and the Chamber is very grateful for that, but that  
23 means that working alone we need to be even more attentive with the speed in order  
24 to allow the court reporter to follow us.

25 With these recommendations, I now give the floor to Maître Kilolo in order to start

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1 questioning the witness.

2 MR KILOLO: (Interpretation) Thank you, Madam President, for giving me the  
3 floor. With your leave, I would like to remain seated while I question the witness.

4 PRESIDING JUDGE STEINER: I'm so sorry, please feel free to remain seated, Maître  
5 Kilolo.

6 QUESTIONED BY MR KILOLO: (Interpretation)

7 Q. Good morning, Mr Witness.

8 A. Good morning.

9 Q. I will introduce myself to you. I am Maître Aimé Kilolo, one of Mr Jean-Pierre  
10 Bemba's lawyers. On behalf of the Defence, I will be putting to you a certain number  
11 of questions related to the situation in the Central African Republic. Do you  
12 understand me?

13 A. Yes, I understand you, Counsel.

14 Q. The Presiding Judge has already told you that your testimony will take place in  
15 complete closed session, so you should have no fear regarding what happens  
16 amongst the members of the public because the public will not have access to the  
17 exchanges that will take place during the entirety of your testimony. Do you  
18 understand that?

19 A. Yes, I understand that and I'm very happy about it.

20 Q. Let me recall to you what the Presiding Judge just said. Given that both of us  
21 are speaking French, there are interpreters who have to interpret what we are saying  
22 into English. This means that you should not only try to speak slowly, but also, each  
23 time I complete my question to you, take the time to count to five before giving me  
24 your answer so as to enable the interpreters to complete their interpretation. I will  
25 do the same thing by waiting five seconds before speaking after you give me your

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1 answer. Is that clear to you?

2 A. It is clear, but it is the lawyer.

3 THE INTERPRETER: Says the witness.

4 THE WITNESS: (Interpretation) It is clear, Counsel.

5 MR KILOLO: (Interpretation)

6 Q. I would like to ask you to introduce yourself, Mr Witness, and that should  
7 include your name and date of birth and civil status.

8 A. My name is (Redacted)

9 Q. Can you state the names of your parents, your father and your mother, as well  
10 as tell us how many brothers and sisters you have?

11 A. (Redacted)

12 (Redacted)

13 Q. How many brothers and sisters do you have; that is out of the eleven?

14 A. (Redacted)

15 Q. Can you tell us about your academic and professional background, please?

16 A. Yes. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. Just for the record, when you mentioned (Redacted), which country is that in?

22 A. (Redacted)

23 (Redacted)

24 Q. Now, regarding your career (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 A. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 Q. Just a moment, Mr Witness. For purposes of clarification, I believe you said

3 that (Redacted)

4 (Redacted)

5 (Redacted) is that correct?

6 A. No, Counsel. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Mr Witness, without going into too many details about the various places where

13 you were (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) We simply need to understand

18 the chronology here.

19 A. Can you kindly repeat, Counsel?

20 Q. (Redacted)

21 (Redacted)

22 A. Very well. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 Q. (Redacted)
- 2 A. (Redacted)
- 3 Q. (Redacted)
- 4 A. (Redacted)
- 5 Q. (Redacted)
- 6 A. (Redacted)
- 7 (Redacted)
- 8 Q. (Redacted)
- 9 A. (Redacted)
- 10 (Redacted)
- 11 Q. (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 A. Counsel, can you hear me?
- 15 Q. Yes, I can hear you very well, Mr Witness.
- 16 A. Very well. I was saying that I was (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. (Redacted)
- 20 (Redacted)
- 21 A. It was around October 1998, right up to the end of '98, early '99. (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 A. Counsel, did you understand me?

4 Q. I will repeat my question. When (Redacted)

5 (Redacted), which year was that?

6 A. 1999.

7 Q. (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. This was more than ten years ago. I cannot remember the precise date. I  
14 think it was in early 2001.

15 Q. (Redacted)

16 A. (Redacted)

17 Q. Mr Witness, is there a difference between the Gemena sector and the sector  
18 south of Bangui? Are they two different sectors?

19 A. Gemena is the état-major. That was where the état-major was based, south of  
20 Bangui. And from Businga on to Zongo, Zongo and Libenge, and Libenge to Zongo,  
21 that was the extent of the sector south of Bangui, and the état-major was based in  
22 Gemena.

23 Q. And what are the different brigades that were (Redacted)?

24 A. (Redacted) Brigade A that was going along the river and (Redacted) a  
25 brigade - I think it was A or E, if I didn't get it wrong - which was along the river in

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1 Bangui and the état-major was based in Imese, which is a village. It's a village on the  
2 Ubangi River and it's on the border with the Brazzaville Congo.

3 Q. Who was the commander of Brigade E at the time?

4 A. I'll repeat what I said. I was saying that the sector to the south of Bangui, the  
5 scope that I just mentioned, had two brigades. One was going along the Congo  
6 River, that section, and the état-major was based in Makanza, and then there was the  
7 Echo Brigade, if I've got it right, and that was a brigade going along the Ubangi River,  
8 and the état-major was based in Imese. Imese is a village which is on the Ubangi  
9 River and it's on the border with the Republic of Congo, the Brazzaville Congo.

10 Q. Who was the commander of Brigade E, which was on the river south of Bangui,  
11 as you say?

12 A. South of Bangui, it was Colonel Moustapha at the time.

13 Q. Just a clarification, Mr Witness. Which country bordered the area that was  
14 occupied by the Echo Brigade?

15 A. The bordering country was the Central African Republic. That area there was  
16 the Brigade E and that's along the Ubangi River, and the Ubangi River is a river which  
17 divides two countries: You've got the Democratic Republic of Congo and the  
18 Central African Republic.

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)



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1 (Redacted)

2 Q. In practical terms, in everyday routine, how did you ensure that (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted) There were patrols. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. And when there was an event of some sort, say if something went wrong, if a  
9 soldier did not behave properly towards a civilian, (Redacted)

10 (Redacted)?

11 A. (Redacted) Code of

12 Conduct. It had been drawn up by the headquarters, by the general état-major. (Redacted)

13 (Redacted). It was a document, a military justice document. So, if a

14 soldier did something wrong, he was arrested and he was put in the hands of the

15 intelligence officer to be heard. And, if need be, he was tried. It depended on the

16 offence. And if it were a criminal offence, then in the headquarters (Redacted) a

17 court-martial and the court would try the soldiers who committed offences.

18 Q. In concrete terms, with the ALC in Congolese territory, who was managing the  
19 Congolese Liberation Army?

20 A. Yes, in the Congolese Liberation Army, (Redacted)

21 (Redacted) the head of the état-major general, (Redacted) an officer of

22 the état-major general who was in charge of administration, in charge of operations, a

23 person in charge of logistics, a person in charge of intelligence, and that was the

24 organisation for the état-major general. And then going down, there were sectors

25 and brigades out in the field. So the Congolese Liberation Army was managed by

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1 the Chief of General Staff and in the army there was a political area. There were  
2 general secretaries, (Redacted).

3 (Redacted) And above the army, there was political organisation and there  
4 were a number of politicians there, but the army was managed by the Chief of  
5 General Staff.

6 Q. In everyday routine of the Congolese Liberation Army, what authority gave the  
7 operational orders on an everyday basis; operational orders which were given to the  
8 commanders of the units with the ALC?

9 A. The orders came from the Chief of General Staff. That was the authority. He  
10 was the authority who gave (Redacted) the orders.

11 Q. Could you give us his name, please?

12 A. Could you repeat, Counsel?

13 Q. My question is: For the record of the hearing, could you give us the name of  
14 the Chief of General Staff of the ALC who gave (Redacted) the orders - the operational  
15 orders - on an everyday basis?

16 A. Yes. It was Colonel Amuli Bahigwa Dieudonné. He was the Chief of General  
17 Staff of the Congolese Liberation Army.

18 Q. Mr Witness, did Mr Jean-Pierre Bemba give operational orders to the  
19 commanders of the units with the ALC?

20 A. No operational orders were given by Mr Jean-Pierre Bemba. It was his Chief of  
21 General Staff who gave the orders (Redacted).

22 MR KILOLO: (Interpretation) I would like to ask the court officer to give the  
23 witness document number 3 on the Defence list, page CAR-D04-0002-1580.

24 Q. Mr Witness, I would like to ask you to read a message which is on the document,  
25 to your left at the top. It's a document which starts with, "From: Chairman."

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1 I think you can see it to your left. I would just like to ask you to read it and then I  
2 shall ask my question.

3 THE COURT OFFICER (via video link): The witness has been given the document,  
4 your Honour.

5 MR KILOLO: (Interpretation)

6 Q. Mr Witness, I can help you. Perhaps I shall read to save time.

7 A. Yes, I can read it out loud.

8 Q. Yes, please do. You can read it out loud, please.

9 A. Counsel, I can read this out loud. I've read the message.

10 Q. Yes, Witness, you may read the message out loud.

11 A. I'll repeat this, Counsel. I can read this out loud, but I have already read the  
12 message.

13 Q. I don't know if we have a problem with transmission but, Mr Witness, have you  
14 heard everything I have said to you?

15 A. Could you please repeat it?

16 Q. Mr Witness, I shall try to read this message out loud myself and then I shall ask  
17 you my question. So we are talking about the document CAR-D04-0002-1580:

18 "From: Chairman. To: Ngalimo number 104/CC/CT/2002. Do not move. There  
19 is no progression towards Bafwasende and Banalia. Be prepared to make a  
20 movement towards Mambasa. Out 7 October 2002 at 7.42 Alpha."

21 My question, Mr Witness, is as follows: In the light of this message, did  
22 Mr Jean-Pierre Bemba give operational orders to the commanders of operational units  
23 with the ALC?

24 A. Counsel, I shall start by saying that (Redacted). It is a message  
25 written by Mr Jean-Pierre Bemba. I have seen the number of the message (Redacted). I

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1 have seen who it's addressed to and the orders given, but I would say that we need to  
2 look at the situation.

3 From the time when the ALC was set up, in the log-book there are some 5,000  
4 messages, and that's one example that's been taken to see who else other than the  
5 Chief of General Staff sends messages, and you will have noticed that of the 500  
6 messages, 499 of them or 497 of them are messages written by, or orders given by, the  
7 Chief of General Staff. And in this case, which you've just cited for your question, I  
8 would say that the Chief of General Staff was there as adviser to Mr Bemba, and if  
9 there's a problem, they got together and discussed it.

10 Mr Bemba was commander-in-chief. At the end of the meeting and as  
11 commander-in-chief, he could give an order to one of the officers concerned or one of  
12 the departments concerned for a message to be given to be sent to a unit. And for  
13 the tracking of these messages, it wasn't Mr Bemba who monitored them. The  
14 messages were known by the Chief of General Staff and it was the Chief of General  
15 Staff who followed through on the messages.

16 So here you cannot conclude that Mr Bemba gave orders on a regular basis to the  
17 units that were in action and being supervised and knew what was happening. No,  
18 it was the Chief of General Staff who followed all that, and such cases are just isolated  
19 ones.

20 Q. Mr Witness, did Mr -- was Mr Jean-Pierre Bemba a military officer with the  
21 ALC?

22 A. Mr Jean-Pierre Bemba was a civilian. The one who was the technician and  
23 military man was the Chief of General Staff. There were good reasons for that choice  
24 being made, because he knew he was a trained officer and that he met all the criteria  
25 needed to become Chief of General Staff.

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1 Mr Bemba was a civilian. Even if you see him in military uniform, it wasn't because  
2 he was a military man that he was wearing the uniform. It was because it was  
3 during the hostilities, for camouflage and to avoid being seen by the enemy, being  
4 seen at a distance by the enemy, and that's why he was in camouflage gear, in  
5 military gear, but he was actually a civilian.

6 Q. Mr Witness, have you heard about ALC troops intervening outside the  
7 Democratic Republic of Congo?

8 A. Yes, Counsel.

9 Q. Do you know in which country the intervention or interventions were done by  
10 ALC troops?

11 A. In Central African Republic.

12 Q. What year was that?

13 A. First it was in 2001 and then in 2002.

14 Q. I would like to focus on the intervention in 2002. Do you know exactly what  
15 happened in Central African Republic, what happened for ALC troops to intervene in  
16 that country in 2002?

17 A. Well, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) Militia were present

22 there, Bozizé's militia. They were 500 metres from the residence of Mr Patassé. (Redacted),

23 (Redacted) On the 26th. Now, there was a crossing of a

24 commando company who went there with ten officers and some soldiers to ensure

25 their security. They crossed over. They crossed over to Bangui to take up contacts

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1 with the Central African authorities, the military authorities there, and they also went  
2 on the -- went back on the same day.

3 Now, what I saw was that, on the 27th, I saw the arrival of ALC troops, a battalion of  
4 Major Seguin. He was the battalion commander. I saw there were Libenge troops  
5 who arrived in Zongo on the 27th, and on the 28th I also saw the arrival of MLC  
6 troops in Zongo. And on the 29th there was a crossing and I saw the military  
7 operation. (Redacted) They crossed over on the 29th, and on the 30th the  
8 brigade commander, Moustapha, crossed over with other troops as well. And I  
9 understood that something was happening there and the order was given for the  
10 troops to cross over there.

11 THE INTERPRETER: The interpreters corrects: It wasn't MLC's troops on the 28th,  
12 but Imese's troops on the 28th.

13 MR KILOLO: (Interpretation)

14 Q. Who was present when the ALC troops crossed over to the Central African  
15 Republic? Mr Bemba, was he there?

16 A. I did not understand your question.

17 Q. Was Mr Jean-Pierre Bemba present in Zongo at the time that the ALC troops  
18 crossed over to the Central African Republic?

19 A. The sound keeps cutting. Please, Counsel, if you could ask the question again.

20 Q. Did Mr Jean-Pierre Bemba -- was Mr Jean-Pierre Bemba present in Zongo when  
21 the ALC troops crossed over into Bangui?

22 A. No. No, I didn't see him on that day.

23 Q. Did you hear anyone speaking about an ethical speech with -- held by  
24 Mr Bemba with the ALC troops before they crossed over to go to the Central African  
25 Republic?

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1 A. I think you're asking the same question, but if you listen to me, I said that when  
2 they crossed over to the Central African Republic, in Bangui in particular, ALC  
3 troops -- well, if I've followed, what you've asked me is if Mr Bemba was present in  
4 Zongo, and I told you, no, he wasn't. I didn't see him.

5 Q. Witness, just for the record here, so things be clear, when the troops of the ALC  
6 were crossing over from Zongo to the Central African Republic, you personally,  
7 where were you physically? Where were you at that time?

8 A. Well, I've just told you. (Redacted)  
9 tour. Now, when I arrived in Zongo, we also heard -- in the Central African  
10 Republic, we heard firing. We heard the firing of weapons. So, physically, I was  
11 present myself, I'm talking here. I was physically present in Zongo.

12 Q. Would you be able to tell us when you arrived in Zongo?

13 A. It was on the same day, the 25th. 25 October 2002.

14 Q. Could you clarify? Now, you stayed in Zongo until when? From  
15 25 October 2002, how long did you stay for?

16 A. Yes, well, after the ALC troops crossed over to Bangui, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR KILOLO: (Interpretation) Very well, Witness. Well, I would just like to go  
9 back somewhat in the timescale, 26 October 2002, but I would ask the court officer to  
10 show the witness the document number 4 of the Defence list and, namely, page  
11 CAR-D04-0002-1631.

12 THE COURT OFFICER (via video link): (Interpretation) Please, could you repeat  
13 the reference for the -- please, could you repeat the page reference, if you would be so  
14 kind?

15 MR KILOLO: (Interpretation) The first page of the document of  
16 number -- document number 4 is CAR-D04-0002-1641. I'm sorry, no, it's the third  
17 document on the Defence list, CAR-D04-0002-1514 and page CAR-D04-0002-1631.

18 THE COURT OFFICER (via video link): (Interpretation) The document is being  
19 presented to the witness, madam.

20 MR KILOLO: (Interpretation)

21 Q. Witness, I would like you to read the message -- the message in the middle of  
22 the document, on the left. This is a document of the 26th.

23 A. I am reading the document. It says, "Urgent," dated 26th, 6.30 Alpha.

24 THE INTERPRETER: Inaudible.

25 THE WITNESS: (Interpretation) "From: Commander sector Gemena, Zongo."



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- 1 (Redacted) "To: Chief of General Staff ALC. Info," so, for information, "To:  
2 The Chairman, number 001/EM commander/sector South Bangui/RTE/2002. I'm  
3 pleased" -- I'm sorry, "I'm pleased to transmit the situation of 26 October 2002.  
4 Calm. Military situation: One company of 151 soldiers crossed the Bangui side  
5 under the command of the commander Captain René Abongo, military ..." --  
6 THE INTERPRETER: Or "soldiers," corrects the interpreter.  
7 THE WITNESS: (Interpretation) -- "... have met the conditions required for a  
8 soldier, the will and the ability to fight. Moral authorities, company police  
9 national -- police of Zongo have been mobilised and are ensuring effective  
10 patrols -- effective security patrols." Yes, "Other situation and miscellaneous. The  
11 morale of the officers and troops is very good -- is good. 26 October 2002. 10.27,"  
12 and at the end it's the name of the operator, "YG," Golf.  
13 Counsel, I've read it.  
14 Q. Witness, what was the aim, the precise objective, of this mission of  
15 26 October 2002 to Bangui?  
16 PRESIDING JUDGE STEINER: Yes, Mr Witness? Do you want to say something?  
17 THE WITNESS: (Interpretation) Counsel, I didn't hear your question.  
18 MR KILOLO: (Interpretation)  
19 Q. Witness, what was the aim of the mission during this crossing of  
20 26 October 2002 to Bangui?  
21 A. Well, we have a problem with the sound. Please repeat. Could you be so  
22 kind as -- I'm getting a cut sound here.  
23 Q. I would like to know the aim of the mission of 26 October 2002 to Bangui.  
24 A. The 26th? The commander crossed over in order to enter into contact with the  
25 Central African military authorities and they made a -- they went back the same day.

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1 Q. Do you know who gave the order for a mission with troops to go over to Bangui  
2 on 26 October 2002?

3 A. (Redacted) I don't know who gave the order,  
4 but according to the military hierarchy, it is the Chief of General Staff who always  
5 gives the orders. So that's the person -- that's the person, and even in the sitrep you  
6 read, you can see (Redacted)

7 (Redacted) So the company that was in place in Zongo cannot move  
8 unless the battalion commander orders it. So he crossed over because he received  
9 the order from his battalion commander, and the battalion commander cannot invent  
10 orders to be given to the soldiers. He also must have received an order from his  
11 brigade commander, Moustapha. That is the chain of command.

12 Q. Do you know who the commander of the battalion in question was?

13 A. The battalion commander was Major Seguin and the staff HQ was based in  
14 Libenge.

15 Q. Witness, here I see 151 soldiers. Why is it necessary to have 151 soldiers in  
16 order to take up contacts in Bangui?

17 A. Counsel, well, I'm just going give you a clarification in that regard. 151  
18 soldiers. Well, it's not the 151 who can go to war? No, I don't think so. Bangui  
19 is -- or Bangui had already been attacked. The enemy, well, Bozizé's militia, they  
20 were 500 metres away from the residence of Patassé, so when the enemy arrives 500  
21 metres away from the palace of the assembly, or just behind it, and a short distance  
22 from the residence, well, it's in a straight line, it's 500 metres. So that was the danger.  
23 So the assessment was made by the commander and he felt there was a danger and  
24 there couldn't be a section and the road could be cut off. So he had to act with his  
25 troops to ensure the security and the security of officers making up the delegation

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1 and the men were there to carry out security. So I thought it was normal that an  
2 officer would act in that way. It's normal because the enemy was already in the  
3 town of Bangui.

4 THE INTERPRETER: The interpreter requests that the witness slow down.

5 THE WITNESS: (Interpretation) (Redacted)

6 (Redacted)

7 MR KILOLO: (Interpretation)

8 Q. Witness, could we have a clarification? (Redacted)

9 (Redacted)

10 (Redacted)

11 A. Thank you, Counsel. Thank you, Counsel. (Redacted)

12 (Redacted) When you make a

13 report, you also have to give the situation of the soldiers. Do they have good morale?

14 Are they well-trained? As we see them, are they able to fulfil a mission? And that's

15 a routine report; that is to say the sitrep is a report which is given every day. And

16 also outside of this report you'll see other messages, whether at the level of Zongo,

17 Libenge or at the staff HQ, Gemena, Businga or Akula, you will see that in all the

18 reports (Redacted). If the -- if the witnesses (sic)

19 don't have good morale then, no, the --

20 PRESIDING JUDGE STEINER: Mr Witness, I'm really sorry to interrupt you, but

21 you need to slow down. You are speaking too fast and the interpreter cannot follow

22 you. So, please, speak a little bit slower. Thank you.

23 THE WITNESS: (Interpretation) What I was saying was as follows: If you look, it

24 was a report that (Redacted) commanders, (Redacted) made on a daily basis and sent to the

25 hierarchy.

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1 Now, when you make the unit report, you have to take into account the state of the  
2 soldiers, their morale, their level of combativeness, their will and their ability. (Redacted)  
3 (Redacted)

4 (Redacted) They had good morale and they had the  
5 ability to fight. (Redacted)

6 (Redacted)

7 (Redacted)

8 MR KILOLO: (Interpretation)

9 Q. Witness, how do you know that these soldiers who crossed over, so the 151  
10 soldiers who crossed over on 26 October to Bangui, how did you know that they  
11 returned on the same day to Zongo? How do you know that?

12 A. Counsel, when you're in Zongo, Zongo and Bangui, well, you can see -- see both  
13 of them. So if you can be in Zongo, you can see Bangui. You can be in Bangui, you  
14 can see Zongo. Even if somebody's walking over there, you can see them. There's a  
15 port in both of them. So even in a small office, you can see -- for example, even a  
16 six-year-old child can go into a pirogue and you can see that it's not far, and they  
17 went and they came back, and I think that was something that was seen by  
18 everybody.

19 MR KILOLO: (Interpretation) Thank you, Witness.

20 PRESIDING JUDGE STEINER: Mr Witness, it is now 11 o'clock. We'll have  
21 half-an-hour break. We -- you have the opportunity to have a cup of coffee, cup of  
22 tea, to take some rest. We'll be back at 11.30.

23 The hearing is suspended.

24 THE COURT USHER: All rise.

25 (Recess taken at 10.59 a.m.)

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- 1 \*(Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE STEINER: Welcome back.
- 5 Welcome back, Mr Witness.
- 6 THE WITNESS: (Interpretation) Good morning once again.
- 7 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 8 THE WITNESS: (Interpretation) Yes, I'm ready.
- 9 PRESIDING JUDGE STEINER: Then, Maître Kilolo, you have the floor.
- 10 MR KILOLO: (Interpretation)
- 11 Q. Mr Witness, I would like to come back to the mission of 26 October to Bangui,
- 12 and my question is still related to (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 the morale of the national police in Zongo? What is the relevance here in this
- 16 context?
- 17 A. The national police form part of the security services. That said, the
- 18 republic -- the Central African Republic was threatened by war and the rebels, so
- 19 there were security meetings on security, meetings to reinforce security along the
- 20 border. So the patrols (Redacted) were intended to reinforce security so as to
- 21 prevent any possible infiltrations (Redacted). For its part, the police also carried
- 22 out patrols to ensure the security of the population, and in case of any information
- 23 about the infiltration of the enemy to the sector, they would be informed. So the
- 24 police had also taken measures to reinforce patrols, (Redacted)
- 25 (Redacted).

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1 Even though there was a war on the other side, the police could not also go to sleep.  
2 They had to carry out patrols as part of their daily occupations. In the night the  
3 members of the population would be asleep, so it was the duty of the police to carry  
4 out patrols in Zongo. (Redacted)

5 (Redacted)

6 Q. Mr Witness, I have fully understood what you said about the return trip on the  
7 same day of 26 October, but I would like to put to you the following: The 151  
8 soldiers who crossed over to Bangui on 26 October never returned to Zongo the same  
9 day. They stayed to fight in Bangui and, in fact, that is the reason (Redacted)  
10 (Redacted)

11 (Redacted). What is your response?

12 A. (Redacted), I can say that if you submit a report on the unit to the  
13 hierarchy, that is, you state that the soldiers fulfilled the criteria of willingness and  
14 ability to fight, as I have said, this is a routine administrative report. (Redacted)  
15 (Redacted) And when you look at the orders given to soldiers, it includes  
16 various elements, (Redacted). That is an order that is given  
17 to a soldier who is about to go and fight. "O" means orientation, "S" refers to the  
18 situation of the enemy, "M" is the mission of the unit, then you have execution, that is  
19 the mission of the sub-units, "A" is the administration, "L" is liaison, and then at the  
20 end you have a question.

21 Now, these are orders given to soldiers going to fight, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 I do not know whether you can see that from there. That is a military order. You  
3 have the "O" which refers to direction or orientation. So, from your location, where  
4 is the enemy? To the north? To the south? That is when orders are given to  
5 soldiers.

6 So "S" is general situation or location, the co-ordinates of the enemy. Then "M" refers  
7 to mission, and I'm going into details here to distinguish between an order and an  
8 administrative message. So here you will see that the units received orders and you  
9 have the resources made available to those soldiers before they go into battle. And  
10 then we have administration, which involves logistics for the soldiers who have  
11 received orders to go and fight. Then liaison, you have radio communications and  
12 so on and so forth, and then at the end questions are asked by the soldiers. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 I would like to repeat once again for better understanding. I was simply  
17 distinguishing between the orders that are given to soldiers and the daily  
18 reports -- daily situation reports. From a technical point of view, (Redacted)  
19 the orders issued to soldiers have to be of a technical nature and they have to be  
20 complete, so they should include the location of the enemy, activities of the enemy,  
21 the intentions of the enemy as well as the enemy's strength, the possible -- the  
22 possibility of enemy infiltrations. That is what is referred to as the six elements of  
23 manoeuvres and the four factors of appreciation. These are established after  
24 reconnaissance missions, when the commander is in possession of all the information  
25 about the enemy and that commander decides to send the forces on mission.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. Thank you, Mr Witness. One last question on this matter. Let us assume that  
7 the 151 soldiers did not return to Zongo on that day and that they remained in Bangui  
8 to fight. Would the wording of the message (Redacted) to General Amuli  
9 have been the same, or would the wording have been different?

10 A. Yes, Counsel. As you have said, let us suppose, for example, (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)



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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) The following orders were issued

9 before the advance," (Redacted)

10 (Redacted) the orders have to be very clear so as to prevent errors in execution.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 that is the substance of the message (Redacted)

16 (Redacted)

17 Q. Thank you, Mr Witness. Now, another question. Let me mention a name to  
18 you: Willy Bomengo. Does that name ring a bell?

19 A. Willy Bomengo? Yes. He was the S2 of Seguin's battalion.

20 Q. Can you tell us about Willy Bomengo's movements between Zongo and Bangui?  
21 In other words, when did he go to Bangui for the first time, that is after leaving Zongo,  
22 in case that is what he did?

23 A. Regarding this officer, in fact, he was even arrested. He was arrested amongst  
24 many others who were arrested over there. He crossed over to Bangui for the first  
25 time on the 26th, to carry out reconnaissance and establish contacts. He returned

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1 with his commander. On the 29th he went back with his battalion commander.

2 Upon arrival there, he was immediately arrested. He was amongst the soldiers  
3 arrested in Bangui and repatriated to Congo. He was arrested by the brigade  
4 commander.

5 After his arrest, he was sent to Gbadolite. The brigade commander arrested him  
6 after abuses and he was handed over to the Central African Republic authorities, who  
7 felt that his conduct was not positive and he sent him back to Congo so as to serve as  
8 an example to the others. I know that he was the S2 and that he was arrested.

9 Q. I would like some clarification. You have stated that on the 26th Mr Bomengo  
10 crossed over to Bangui as part of the mission of 26 October. My question is as  
11 follows: Where was Mr Bomengo on 27 October and on 28 October? You have  
12 mentioned another trip by Mr Bomengo on 29 October in the company of his battalion  
13 commander. So, to your knowledge, where was Willy Bomengo on 27 and  
14 28 October?

15 A. As far as I know, when the Dongo and Imese units arrived, from 27 to  
16 28 October 2002 they came together in Zongo for a briefing by their commander, who  
17 was Colonel Moustapha. It was on the 29th that the battalion commander crossed  
18 over with some soldiers. It was on the 29th. I was still in Zongo. I was physically  
19 present in Zongo.

20 Given that there were no Congolese soldiers in Bangui, there were no ALC soldiers  
21 because the reconnaissance team had returned, on the 29th, Seguin and his men  
22 crossed over. On 30 October 2002, the brigade commander also crossed over with  
23 the rest of the unit since he was the brigade commander.

24 Q. For things to be clear, let's take the date of 26 October, 27 October, 28 October  
25 and 29 October, and we'll stop there. Those four dates there, could you tell us for

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1 each one in which country Mr Willy Bomengo was at that time, going through them  
2 date by date so that the explanation is very clear in the record of the hearing. Let's  
3 start with the 26th.

4 A. Could you please repeat, Counsel?

5 Q. We're going to take the date of 26 October. Where was Willy Bomengo on  
6 26 October 2002?

7 A. The sound has been cutting out, Counsel.

8 Q. I'm going to ask you questions date by date, or rather day by day. On  
9 26 October 2002, where was Mr Bomengo on the day of 26 October 2002, or at least in  
10 which country as far as you know, or in which town?

11 A. The 26th, 26 October 2002, Commander Abongo crossed over -- the commander  
12 crossed over with Bomengo, with the team, as I just described, going to Bangui.  
13 They established contact and went back on the same day.

14 On the 27th, the units came -- the Dongo units came, and on the 28th there were the  
15 rest of Dongo and Imese units. So the 25th -- no, with the exception of the 26th, they  
16 went back and forth and that was on the 27th. Then 28 October, members of the  
17 ALC were there in Zongo, and it was from 29 October on that the first group crossed  
18 over to carry out the mission which it had been given.

19 MR KILOLO: (Interpretation) Thank you, Witness. I would now like to ask the  
20 court officer to provide the witness with the sixth document on the list of the Defence.  
21 The first page is CAR-DEF-0002-0001. And I would ask the court officer to show him  
22 page CAR-DEF-0002-0002, please.

23 THE COURT OFFICER (via video link): (Interpretation) Your Honour, the  
24 document has been shown to the witness.

25 MR KILOLO: (Interpretation)

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1 Q. Witness, I will leave you time to become familiar with the document.

2 A. Yes, I have seen the note. It's a written record.

3 Q. Very good. Could you tell us who this has been sent to?

4 A. This record is sent to the attention to the chief of general -- General Chief of  
5 Forces of the Army for the Liberation of the Congo.

6 Q. When was this record drawn up and where?

7 A. The sound has been breaking up. I would just like to say that this written  
8 record was sent to the Chief of General Staff of the ALC.

9 Q. When was this written record drawn up, what date, and where?

10 THE COURT OFFICER (via video link): (Interpretation) Mr Kilolo, could you please  
11 repeat your question?

12 MR KILOLO: (Interpretation)

13 Q. To help you, could you look at the top right of the document, just under the  
14 name of the addressee, where it says, "To the Chief of General Staff of the ALC."  
15 When you read this document, can you work out when it was written and where?

16 A. Yes, I can see that here. I can get an idea here. (Redacted) This was after  
17 the arrest of these people. So they were arrested and it was transferred to Zongo on  
18 instructions from the military authorities of the Central African Republic. So  
19 nothing had been done in Bangui, no record. And this is an authorised legal  
20 policeman who did this and it was Tobanganga Malaka Oscar. And in Bangui these  
21 people were in prison and told they had to get them. They were taken back to  
22 Zongo. And he was a specialist and he drew up the written record. I don't know  
23 how many pages. There was a lot. I can only see one page here, but there were a  
24 lot. A lot.

25 So he crossed over to Zongo, (Redacted) and he started a hearing

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1 there and the written record. After completing that, he prepared it all and  
2 forwarded it all and went to Bangui, where I was, and presented it to me and I signed  
3 it, and he left again. He went back to Zongo and put it in the envelope and sent it  
4 with the document to the headquarters, which was based in Gbadolite. (Redacted)  
5 (Redacted)

6 Q. Can you see on the top right where it says, "To the Chief of General Staff of ALC,  
7 Zongo, 17 November 2002"? Can you see that written at the top?

8 A. Yes, I can.

9 Q. Can you see where it says, "In the year 2000, the 17th day of the month of  
10 November, around 8 o'clock, in front of us, Tobanganga Malaka Oscar, officer of  
11 intelligence services and office of the judicial police with general jurisdiction residing  
12 here where we are in Zongo in a mission as part of the OPS Bangui"? Can you see  
13 that?

14 A. The sound has been breaking up. Could you repeat that, please?

15 Q. What I'm interested in here is to make sure that you have seen the part which  
16 says, "In front of us, Tobanganga Malaka Oscar, officer of intelligence services and  
17 officer of the judicial police with general jurisdiction residing here and where were in  
18 Zongo as mission as part of the Bangui Ops." Can you see that?

19 A. Well, in my humble opinion, (Redacted)

20 (Redacted) this is what (Redacted) call a slip. This officer was in

21 Zongo. He's an officer. He's known. He was a captain, or a lieutenant, and he  
22 was not concerned with this operation. He was on the other side. He was on  
23 secondment for working. So I think this is the problem with military people who are  
24 arrested.

25 When the soldiers were arrested, it was part of the Bangui operations and it was the

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1 commander of the brigade who had been made available to their operational  
2 commander in Bangui, and the authorities in Bangui saw that their behaviour was not  
3 acceptable and they thought it was a good idea to bring them back to Zongo. (Redacted)  
4 (Redacted) He was not part of the unit. (Redacted)  
5 (Redacted)  
6 He was the part of the staff. He wasn't part of Colonel Moustapha's staff. (Redacted)  
7 (Redacted), and so when he went over to Bangui, well, he  
8 put that as part of operations, (Redacted). So  
9 this is a slip here. It's an error that should not be there, and the fact that it was sent  
10 to draw up the written record, he did that and he -- (Redacted)  
11 (Redacted). It was not like that. It should have been like that. He  
12 went back and he wanted to make a clean copy and he presented it to be signed.  
13 And there are other cases. (Redacted)  
14 (Redacted) But if you look at it carefully, the operations were not in  
15 Zongo. No operations were organised in Zongo. So there I would ask the Court to  
16 understand that they wrote "Zongo," but he couldn't be there, (Redacted)  
17 (Redacted).  
18 Q. Very well, Witness. Now, you talked about being in Bangui. My question is:  
19 (Redacted)  
20 (Redacted)  
21 A. Well, there in Bangui, (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)  
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. I would like this to be very clear, Witness. You say that it was the liaison  
13 between the staff headquarters and the units that were out in the field. Which staff  
14 and which units?

15 A. When I was in Bangui, Moustapha's unit or troops were Central African and  
16 CAR troops were at PK12 (Redacted) and there were also movements  
17 going up to PK12 and there were other investigations there. (Redacted)  
18 (Redacted)

19 (Redacted) There was Colonel Moustapha, who was the commander on the front line.  
20 So you could say that was with the FACA and their allies.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Well, for things to be clear, why were certain orders or certain messages sent in

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1 writing? Why did they have to be sent in writing? Why couldn't they be sent from  
2 the staff headquarters in Bangui by telephone, if they were for Moustapha or for other  
3 members on the front, in the field?

4 A. Counsel, could you please repeat that?

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. Well, for the staff headquarters, the operational commander was there. I'll talk  
12 about the organisation to start. And so the orders were sent in and so André Mazi,  
13 the commander in charge of operations, was there, and they had set up a  
14 co-ordination centre for operations, and that's a technical entity. And that was  
15 where they got the information to say if there was an enemy situation or friendly  
16 situation, a situation out in the field. And they would then make a submission to the  
17 commander for it to be signed, and so this was a technical entity which kept the  
18 orders or draft orders, or proposed instructions to be given and they were to be given  
19 or forwarded to the Chief of Operations, the commander of operations, who had to  
20 sign them. And then there were secret orders, where it had to be put into writing.  
21 That's why for all the operations the orders were not just by cell phone or Thuraya or  
22 telephone or radio. (Redacted) For example, if there were -- there was  
23 an order given to the units in action and there was a change in the situation  
24 information, or there were changes in movements or in enemy positions, or if the  
25 enemy had changed its position, that information was studied at the CCO and the



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1 commander, Eric Lengbe, who was in charge of co-ordination at the CCO, could then  
2 do a second map. This is just an example I'm giving. And in technical terms, in  
3 military terms, we called this an overlay. It means there's a change in the  
4 information on the situation in the field. It's another map. And so this information  
5 couldn't be sent by cell phone or Thuraya. These were documents which had to be  
6 forwarded and given to the commander to provide information on the situation, and  
7 that was on paper. And that's just an example which I've given there.

8 Q. Could you tell us how the staff of the command was set up when there were  
9 operations led by Moustapha in Central African Republic between October 2002 and  
10 March 2003?

11 A. For the organisational set-up of operations, the organisation was as follows:  
12 There's a commander in charge of operations, who was usually Mazi, André Mazi,  
13 and there was a co-ordination centre for operations and that mission there was to get  
14 all the information and then to devise or propose ideas for orders to be given, to be  
15 presented to the commander in charge of operations for him to sign.  
16 So the co-ordination centre was a logistics unit. It was a logistics unit which was run  
17 by General Bombayake. He was in charge of operation logistics. And from then on  
18 it would go on and that was what we would call the logistics chain. It would go  
19 from the Chief of General Staff down. (Redacted)  
20 (Redacted) They would provide the resources  
21 requested by the unit and send them to the front. That was the organisational  
22 set-up.  
23 And under that you have the units. You have the FACA units, backed by ALC men,  
24 and there were also Libyans because Libyans were also in that area. I said that.  
25 And they were mainly involved with heavy weapons. So you can see the

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1 organisation there.

2 And so you've got the ALC and FACA, it's an army - that was a regular army - with  
3 additional troops from ALC under the orders of the commander in charge of  
4 operations, directly under his orders. So you had ALC men who got the orders from  
5 General André Mazi. So if there were orders from here or a document, then you  
6 could find a way to get it all the way through to the units on the front who were  
7 fighting.

8 That was the organisation. And as well, for the purposes of uniformity, well, I saw  
9 that everybody had the same uniform here. So they had the same food. They got  
10 the same supplies. They also had the same payments to make it possible for them to  
11 go into the field, or supplies to make it possible for them to go into the field. They  
12 had uniforms and -- that came from the Congo and everybody had new uniforms.  
13 They were really all the same, so it was quite difficult to distinguish whether it was an  
14 ALC troop or whether it was a FACA troop, but as far as the Libyans are concerned,  
15 they were there with their uniforms from their country. And what I saw as an  
16 observer, (Redacted).

17 Q. Witness, (Redacted), were there (Redacted) liaison officers, ALC liaison  
18 officers, with the ALC/FACA, or not?

19 A. ALC officers? (Redacted) I saw Mr Bemba arrive one day in  
20 Bangui. (Redacted)  
21 (Redacted)  
22 (Redacted)

23 THE INTERPRETER: The witness says something in Lingala.

24 THE WITNESS: (Interpretation) "So those who are in front of you, those -- you can  
25 see the authorities. You can see the military authorities, they are in front of you."

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1 He spoke in Lingala and he also spoke in French and he said (Lingala spoken) ... to  
2 President Patassé."

3 THE INTERPRETER: More Lingala is spoken by the witness.

4 THE WITNESS: (Interpretation) That was at PK12, if I'm not mistaken. So --

5 THE INTERPRETER: More Lingala spoken.

6 PRESIDING JUDGE STEINER: Mr Witness, I'm really sorry, but we don't have  
7 interpretation from Lingala. So whatever you said in Lingala is not being translated.

8 THE WITNESS: (Interpretation) Thank you.

9 MR KILOLO: (Interpretation)

10 Q. Witness, for reasons of facility, or rather to facilitate matters, could you say once  
11 again in French --

12 PRESIDING JUDGE STEINER: Maître Kilolo, I'm sorry. I'm just informed that  
13 there are interpreters in Lingala on stand-by, so in case the witness prefers to continue  
14 his testimony in Lingala, there will be no problem, just for the information.

15 MR KILOLO: (Interpretation) It would seem to me, your Honour, that we didn't  
16 receive the translation in French of the words that the witness said in Lingala, with  
17 the exception of the last end of the sentence. Perhaps I would ask him to repeat  
18 what he said in Lingala so that we can follow it in French.

19 PRESIDING JUDGE STEINER: Maître Kilolo, I just mentioned that there was no  
20 Lingala interpretation. We have Lingala interpreters on stand-by. If need be, we  
21 can suspend for a few minutes and call them to the booth. But since the witness  
22 mentioned he was going to testify in French, the Lingala interpreters are not really  
23 ready. But it can be at any time, if you prefer.

24 THE INTERPRETER: Madam President, the interpreters are in the booth. The  
25 Lingala interpreters are in the booth.

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1 MR KILOLO: (Interpretation) In that case, your Honour, I would leave it up to  
2 your wisdom, because the witness was giving a quote of words said by Mr Bemba in  
3 Lingala, but it would be interesting for the record and the transcript that we have  
4 them in one of the languages of the Court, either in French or in English. So either  
5 he can say it himself again in French, or alternatively he can say them in Lingala, but  
6 with the assistance of an interpreter who can put it into French.

7 PRESIDING JUDGE STEINER: The interpreters are already in the booth, so the  
8 witness can repeat if he prefers in Lingala and there will be interpretation.

9 Maître Kilolo, it would be better if you asked the witness to repeat what he said.

10 MR KILOLO: (Interpretation) Your Honour, just before continuing, I'm very  
11 concerned with regard to the equity of the proceedings. The quality of the  
12 interpretation is really very poor because on several times we've been asked to repeat,  
13 and I am asking him a question if (Redacted) there were (Redacted) officers in  
14 Bangui, ALC officers, and so with the quality - the poor quality - of the interpretation,  
15 I've got the impression that he answered the question of whether he had seen other  
16 officials.

17 PRESIDING JUDGE STEINER: Maître Kilolo, we are having problems with the  
18 sound, but if there are any problems with the French transcript, you can point it out  
19 and the court reporters will make all necessary rectifications when preparing the  
20 edited version.

21 MR KILOLO: (Interpretation) Just a correction, your Honour. I didn't want to  
22 speak about the quality of the interpretation. I wanted to talk about the link, in fact.  
23 That's what I meant. There is obviously a problem. Are we going to continue like  
24 this to the end, with a very poor link, which risks meaning that the witness will not  
25 understand the questions that I'm putting to the witness? Because when every time

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1 there's interference I can ask the questions, "Did you see an officer? Did you see an  
2 official?" It might end up being the same and, in accordance with that, maybe he  
3 won't answer the question - the exact question - that's being put to him at that time.  
4 PRESIDING JUDGE STEINER: Mr -- Maître Kilolo, we are doing our best in order to  
5 ensure that the testimony of the witness it's concluded by Friday afternoon. I have  
6 already ordered the technicians to come during the lunch-break to check again the  
7 problem with the sound transmission. So I suggest that we continue. I know it's  
8 quite worrying, the fact that you have to repeat so many times the same question, but  
9 I think this is better than just suspending for the time being.  
10 During the lunch-time it will be rechecked, the problem with the transmission, and if  
11 you notice any problems with the French transcript due to a misunderstanding from  
12 the part of the witness, please let us know. In principle, I'm following the audio in  
13 French and the transcript in English and I could not notice any important difference  
14 between what the witness says and what is coming into the transcript, but in any case  
15 feel free to point out to any discrepancies that you notice in the French transcript if  
16 needed.  
17 MR KILOLO: (Interpretation)  
18 Q. Witness, I would just like to have a clarification with regards to the exact words  
19 that were said by Mr Jean-Pierre Bemba when he went to Bangui. Who was present?  
20 What did he say exactly to the troops and also in what language, if you remember,  
21 did he speak? You can say it again in Lingala.  
22 I think that we will have simultaneous interpretation into French, if I have  
23 understood well, your Honour.  
24 PRESIDING JUDGE STEINER: There will be interpretation into French and English.  
25 Please, Mr Witness, you can answer.

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1 THE WITNESS: (Interpretation) In answer to the question that's just been put to  
2 me, what I saw with my own eyes was Jean-Pierre Bemba in Bangui. He was  
3 accompanied by the officer, or the officers, Mr Patassé's guard. He was  
4 accompanied by his Chief of General Staff and the authorities, or certain authorities,  
5 from Bangui, military authorities.

6 When he arrived there, he talked to these soldiers. He gave a speech to the  
7 soldiers -- some of the soldiers. Most of the soldiers were on the front, but he spoke  
8 to those who were there and he said in Lingala, "You see the authorities which are  
9 before you. I have just spoken to President Patassé. He told me that these  
10 authorities that he made available to you are going to assist you\* in your operations  
11 that these authorities are before you." That was General Mazi, General Bombayake  
12 was also present there, and the co-ordinator of the CCO, Eric Lengbe, was also  
13 present. "You have to obey them. You have to obey them." He said that in  
14 Lingala and he repeated it again in French.

15 He spoke in Lingala and he repeated it in French for the authorities, the Central  
16 African authorities who were present there.

17 THE INTERPRETER: And the interpreter corrects, it was not "insist," but it was  
18 "assist."

19 THE WITNESS: (Interpretation) He came back on the same day.

20 MR KILOLO: (Interpretation)

21 Q. Thank you, Witness. So I would also like to have clarifications with regard to  
22 the measures taken where it concerns the deployment of ALC troops in the field in  
23 the Central African Republic in relation to the other units - friendly units - during the  
24 operations in order to drive back the enemy outside Bangui. So how were the troops  
25 put into the field? How were they deployed?

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1 A. Well, I think that right at the start I said that the commission that was created  
2 went to PK12. Beyond PK12, it was a question of how the -- they were organised.  
3 The president of the commission sometimes gave a report on the information  
4 following the developments in the unit, and he was in the field and he said that (Redacted)  
5 troops who were on the front are divided up into two roads: The Bossembélé road  
6 and -- and Bossangoa road as well. So right and left. And that is the main -- and  
7 they continued to go up there in order to give you exactly the deployment. Beyond  
8 PK12, I wasn't able to see how the units were organised there.

9 Q. I'm just going to limit myself to the progression of loyalist soldiers between the  
10 centre of Bangui to PK12 and my question is to know the ALC soldiers, with regards  
11 to the soldiers - the FACA soldiers - how did they move forward in the field? Did  
12 they do it separately, each separately? Did they do it side by side? Were they  
13 mixed? How did they do so? How did this deployment in the field -- how did it  
14 look right the way up to PK12?

15 A. First of all, it was the organic units. From Zongo, from the departure of Zongo,  
16 it was organised by team, by section, platoon, company and battalion, right up to  
17 brigade level, and they also went as one unit.

18 Now, the company that was in place at the -- the company that was at the Bangui  
19 centre was still homogeneous, still together, that is to say the ALC units went forward  
20 as it was organised before coming. (Redacted)  
21 (Redacted)

22 Now, as far as the FACA is concerned, I don't know how they were organised.  
23 I don't know how they were organised, but I was curious to see how they were  
24 organised by section with their commander.

25 Q. When the ALC soldiers crossed over from Zongo to Bangui, did they cross over

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1 with weapons to the Central African Republic?

2 A. Certainly. Certainly, they did cross with light weapons. Some crossed  
3 without weapons, others without weapons. But they went with weapons, but some  
4 crossed over with weapons but they weren't in a good state, and when they crossed  
5 over recently I saw that everybody had a weapon in a good state and sometimes a  
6 new weapon. And quickly I understood that these soldiers really had been supplied  
7 with weapons and I also saw, when they crossed over, they didn't have support  
8 weapons. So these people were crossing over and I was thinking, how are they  
9 going to fight there?

10 Now, when I went for the commission, when I went to the commission, the  
11 commission - the investigation commission, that is - I saw that they had support  
12 weapons, PKM mortars, new weapons, and I quickly understood that, with new  
13 uniforms as well, I understood very quickly that these soldiers were well-supplied  
14 and that's really something that I found out, but they had a radio problem.  
15 They complained that their radios weren't working. There was a problem with the  
16 receivers. They had to be repaired. But when I arrived there (Redacted)  
17 (Redacted) and the ALC, like the  
18 FACA too, they had a radio, a receiver. They were making it function in the  
19 transmission centre.

20 MR KILOLO: (Interpretation) I would like to ask the court officer to show the  
21 witness document number 4 from the Defence list. The document number 4, the first  
22 page CAR-D04-0002-1641 and at page CAR-D04-0002-1726.

23 Q. Witness, here we are talking about messages or a message that's right at the  
24 bottom on the left of the document in front of you and which continues below on the  
25 right-hand side, or continues at the top on the right-hand side.



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1 Now, for speed reasons I propose to read the document for you. Now, I will read it:  
2 "Extremely urgent, the 20th at 9.40 Alpha. From: Colonel Moustapha. Central  
3 African Republic. To: Chief of General Staff of the ALC. Information: Chairman.  
4 Reference: Secret number 015 General Staff command operations, Central African  
5 Republic, 2003. Referring to my message number 9 of 11 January 2003, request  
6 matériels asking for the following: Munitions: SMG: 35 boxes, LMG: 20 belts,  
7 G2: 20 belts and 22 boxes. RPG: 40 boxes, mortars 60 millimetres: 25 boxes plus  
8 20 fuses. Mortars 22 millimetres: 40 boxes plus ten fuses. 14.5 millimetre: 20  
9 boxes. 12.7 millimetres: 20 crates plus six belts -- chargers. 107 millimetres: 50  
10 boxes plus 20 fuses. LG: 200 bombs. Send us at the first opportunity a  
11 microphone for the transmission. We hope to go to a higher level. 20 January 2003,  
12 11.25 Alpha."

13 Mr Witness, that is the message from Colonel Moustapha in Bangui to the Chief of  
14 Staff of the ALC in Gbadolite. In light of this message, can you tell us who provided  
15 logistics to the ALC troops in the Central African Republic and, as far as you know,  
16 how do you explain this message sent by Colonel Moustapha to Gbadolite?

17 A. First of all, (Redacted)  
18 (Redacted), when I look at this message, I can see that it is addressed to (Redacted)  
19 Chief of General Staff simply to ask him to put pressure on the Central African  
20 Republic authorities to resolve their problems. It is as if they needed a few things  
21 and they had been requesting and requesting, but nothing was being done. So this is  
22 a message of an administrative nature to inform the authorities, and specifically the  
23 Chief of Staff in Gbadolite, so that he should intercede with his counterpart to do  
24 everything to provide those needs. So this is an administrative matter.  
25 The message was being sent to the Chief of Staff in Gbadolite to intercede with

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1 General André Mazi so that he should respond to that request through his officers in  
2 Bangui. So that is what it is. (Redacted)  
3 (Redacted)

4 Q. Mr Witness, when leaving the Congolese territory, the ALC contingent, that is  
5 Colonel Moustapha's troops, did they go to the Central African Republic with a  
6 specific mission; that is orders to be executed in Bangui, to be implemented in  
7 Bangui?

8 A. (Redacted) there were no operational orders, because when they  
9 passed by I was present, and even regarding the briefing that Colonel Moustapha  
10 gave to his men before they crossed, it was an oral briefing. There were no written  
11 orders, so each commander mobilised his unit to cross over. So there were no  
12 written orders.

13 Q. And during his stay in Bangui, as far as you know, to whom did Colonel  
14 Moustapha address his operational reports?

15 A. While in Bangui, Moustapha, as the brigade commander, was under the orders  
16 of the Central African Republic military authorities. He addressed his reports to the  
17 operations commander, General André Mazi.

18 Q. To your knowledge, why were the ALC troops placed under the command of  
19 the Central African authorities?

20 A. The unit which was dispatched to Bangui was an ALC brigade. The MLC  
21 authorities had placed that brigade at the disposal of the Central African Republic  
22 government for the purpose of carrying out operations, and that unit was placed  
23 under the orders of the Chief of General Staff and the person responsible for  
24 operations. And you will realise that there were even meetings held at the General  
25 Staff and the commanders came together under the command of the operations

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1 commander, General André Mazi, and orders were transmitted to the various  
2 commanders, instructions were given, and after the meeting each commander went  
3 back to his unit to brief his troops and continue the operations.  
4 You will realise that the uniforms worn by the Congolese soldiers were the uniforms  
5 of the Central African Republic Army. They were also equipped with weapons.  
6 The logistics and the food rations came from General Bombayake. He was the one  
7 responsible for logistics. (Redacted)  
8 (Redacted)  
9 (Redacted)

10 Regarding logistics, weapons and munitions, food, I was still in Bangui and I saw  
11 with my own eyes. The ALC soldiers came there. They were very clean, and it was  
12 difficult to distinguish between the ALC soldiers and the FACA soldiers. They were  
13 wearing the same uniforms and carrying identical weapons: The SMGs and other  
14 weapons, the AK-47, Kalashnikov, there was the PKM, the 42-millimetre mortars. It  
15 was difficult to distinguish between the two groups of soldiers and this was because  
16 of the organisation and the logistics.

17 Q. As far as you know --

18 THE INTERPRETER: The witness continues.

19 THE WITNESS: (Interpretation) At one time there was -- for someone to come  
20 from Gbadolite to come and equip the soldiers there, no, but the Central African  
21 Army uniforms were worn by the ALC soldiers.

22 MR KILOLO: (Interpretation)

23 Q. As far as you know, could Mr Jean-Pierre Bemba issue orders to the Central  
24 African commanders, such as General Bombayake, Mazi - General Mazi - or Colonel  
25 Thierry Lengbe?

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1 A. What do you mean by "giving orders," Counsel? Someone who was in  
2 Gbadolite, well, even from an organisational point of view, I have just demonstrated  
3 to you how orders were given. There was a whole array of circumstances. It  
4 wouldn't be someone 500 or 1,000 kilometres away who would be giving orders.  
5 This was the government of a different country. How would someone in Gbadolite  
6 organise an operation in a different country where there was a Chief of Staff, Deputy  
7 Chief of Staff and a General Staff as well as specialised services, police and  
8 gendarmerie? How could someone come from elsewhere to organise operations  
9 there? That is practically impossible. And he was also a civilian. If, for example,  
10 he gave instructions to his General Chief of Staff, that Chief of Staff would have to  
11 cross over to Bangui to be together with his counterpart, the Chief of Staff of the  
12 FACA, so that together they could organise operations, but to say that a civilian in  
13 Gbadolite was organising operations, that could not even be feasible.  
14 When it comes to the orders given to soldiers, there are many aspects. An order that  
15 is issued has to be a complete order. You have to first of all know the location of the  
16 enemy while on the field. That means you need to know the situation of the enemy,  
17 also the strength of the enemy, how are they organised. Are they organised in  
18 organic units or in small mobile groups that strike and withdraw? Then the enemy  
19 strength, the weapons in the possession of the enemies, the commander who issues  
20 orders have -- has to be aware of this, and to do that he has to send agents to the field  
21 to carry out reconnaissance and bring back information on the basis of which clear  
22 orders would be issued to the sub-units.  
23 The main position of the enemy, the road occupied by the enemy, there is a road, for  
24 example, from PK12 to Damara or Bossangoa or Bossembélé, so the -- you have to  
25 know where emphasis has been placed on this road. If you have -- if the enemy has

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1 heavy weaponry, they can position those weapons at a particular place. And as a  
2 commander, you also have to take measures to organise manoeuvres with weapons  
3 that have to be comparable to the enemy weapons and, as necessary, you also have to  
4 organise a reserve unit in case of attack. In case the soldiers who are fighting on the  
5 ground are tired, the others can come in to relieve them and continue the operations.  
6 You also have to know the intention of the enemy. You have to set up scouts, for  
7 example, disguised as civilians selling sweets, maybe sea salt. They can go into  
8 enemy territory, start their activities in order to collect information from the enemy.  
9 They will bring back that information.  
10 You also have to prepare a sketch that makes it possible for you to know that there is  
11 a road from here to there. Even if I am advancing, I have to be careful so that the  
12 enemy should not attack from the back. The enemy should not be able to trap you.  
13 And so this is all based on a whole lot of data, and when that data is all put together,  
14 it enables you to prepare an order to be issued to the units and to the sub-units, and  
15 these should be clear orders that make it possible for the commander to carry out his  
16 operations properly.  
17 Now, if you have someone who is in Gbadolite organising an operation in Bangui,  
18 well, I do not know. Even if there are former soldiers there in the court, you will  
19 realise that it is a reality. In principle, operational orders cannot be given without  
20 carrying out reconnaissance missions and knowing the situation of the enemy. So is  
21 it going to be by telephone that orders are given there, "Attack such-and-such a  
22 place"?  
23 The authority in Gbadolite, well, he would only have been interested in knowing  
24 what was happening there, what was happening with the authorities carrying out  
25 operations in Bangui. They would -- he would, for example, tell his commanders

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1 that, "We placed you under the command of those authorities there. You have to  
2 obey them. You have to be disciplined. You have to respect the population, and  
3 you are fully aware that the members of the population are our brothers and they are  
4 an effective weapon. So you cannot work without the population."  
5 So he would at least have given instructions to tell the soldiers that, "We are in this  
6 country, but there are military authorities directing these operations," but to say that  
7 someone 800, 500 or 1,000 kilometres away, using his small telephone to command an  
8 entire brigade, well, I have to point out that a brigade is made up of 3,500 men.  
9 This will always require the presence of the commanders. (Redacted)  
10 (Redacted)  
11 (Redacted) The General Staff -- in fact, the commander can  
12 go to the field to correct strategic errors, weapons handling, weapons maintenance,  
13 respect or compliance with international and humanitarian laws, because there are  
14 briefings that are held and instructions are given in view of carrying out proper  
15 operations. That is what I'm saying. But at the level of the operations commander,  
16 General André Mazi, General André Mazi could not himself carry a weapon and start  
17 looking for the enemy to shoot. So, most of the time, he was in the office and there  
18 was a co-ordination centre working under his authority.  
19 Even the person I have mentioned there, he could simply not call intelligence officers  
20 and ask them to provide information. There is somebody responsible for that who  
21 collects all the information related to the situation and position of the enemy.  
22 So the six elements of manoeuvres and the four factors of appreciation are put into  
23 effect here. For example, the commander at the front would have learned from his  
24 intelligence officers that the enemy is at such-and-such a position. What is the  
25 strength of the enemy? What is the morale of that enemy? (Redacted) have to go that far

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1 in order to know whether that enemy is really capable of fighting.  
2 It is possible that they are not well-paid, they are not well-fed, or they don't have  
3 good uniforms. His weapon is not good and sometimes if his friend falls on the  
4 battle-field, his morale will be low. So all this is taken into account. So it is not  
5 someone from hundreds of kilometres away that would be responsible for that.  
6 Furthermore, this was happening in a different country, in a friendly country. I was  
7 in Bangui. I observed what was happening. It was difficult. The population were  
8 there. They were speaking in Sango, but they were saying, "We are happy," and  
9 "The ALC soldiers who came to support chased out Bozizé's rebels and today we are  
10 very happy." I heard that myself (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 And so when it came to operations, as I have just demonstrated, even taking into  
16 account the modern communication means, what you can see on the maps is very  
17 different from what those of us commanders see in the field.  
18 Even when you use the sketches, you have to go to the field with all the risks that are  
19 there. You need to see the entire situation, which does not exist in the administrative  
20 maps that we have at our disposal. So it would be practically impossible for  
21 someone hundreds of thousands of kilometres away to issue orders. I never even  
22 heard anywhere that Mr Bemba was giving orders. I was there. (Redacted)  
23 (Redacted)  
24 When we went to PK12, (Redacted) the population, listen to them,  
25 and this was the civilian population. You could be told that a farm had been looted

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1 and members of the population could take away chickens, or fridges, and so on, and  
2 the chairman of the commission would say, "What is -- what would be our attitude,  
3 because you have civilians with freezers and so on?" And we simply said, "Well, we  
4 will report to the authorities." That is what happened, in a nutshell, to say that it  
5 was practically impossible.

6 MR KILOLO: (Interpretation) Thank you.

7 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. We have to go  
8 now into our lunch-break to give you the opportunity not only to have lunch, but take  
9 some rest. It's 1.30. We will suspend and resume at 3 o'clock.

10 The hearing is suspended.

11 THE COURT USHER: All rise.

12 (Recess taken at 1.28 p.m.)

13 \*(Upon resuming in closed session at 3.05 p.m.) Reclassified as Open session

14 THE COURT USHER: All rise.

15 Please be seated.

16 PRESIDING JUDGE STEINER: Good afternoon, everyone.

17 Good afternoon and welcome back, Mr Witness.

18 THE WITNESS: (Interpretation) Yes, please. Thank you.

19 PRESIDING JUDGE STEINER: Did you have the opportunity to take some rest  
20 during the lunch-break?

21 THE WITNESS: (Interpretation) Yes, thank you. I even had something to eat.  
22 I'm very happy.

23 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, Mr  
24 Witness?

25 THE WITNESS: (Interpretation) Yes, your Honour, I'm ready.



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1 PRESIDING JUDGE STEINER: Mr Kilolo, you may proceed.

2 MR KILOLO: (Interpretation)

3 Q. Good afternoon, Mr Witness.

4 A. Thank you, Counsel.

5 Q. Witness, before going to Central African Republic, I'd like to come back to

6 Congolese territory, and my question is: What was the state of discipline of the ALC  
7 troops in the Congo under MLC control?

8 A. Well, in all circumstances discipline was very good. (Redacted)

9 (Redacted) the soldiers were disciplined - highly  
10 disciplined - at the time.

11 Q. Was there an ALC policy to attack civilians?

12 A. No. In the MLC-controlled territory, (Redacted)

13 (Redacted) the fighters were fighting in

14 the interest of the population, the people who were suffering. The effective weapon  
15 was the -- was the population. You had to respect the civilian population and also to  
16 respect International Humanitarian Law, and (Redacted)

17 (Redacted). So the soldiers were disciplined.

18 Any infringements, any soldiers committing offences, were arrested and punished  
19 and this was in compliance with military regulations and the law according to the  
20 case in question.

21 PRESIDING JUDGE STEINER: Thank you. I noticed that the English transcript, at  
22 least mine, is not working. I don't know whether there is a problem. Sorry, it's only  
23 mine.

24 Maître Kilolo?

25 MR KILOLO: (Interpretation)

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1 Q. (Redacted)

2 (Redacted)

3 A. (Redacted) a document called the Code of Conduct and everything

4 related to discipline was in that. (Redacted)

5 that anyone who did not comply would be punished, and this was also backed up by

6 the Military Code of Conduct. If there were any offences shown, serious offences,

7 the person was arrested and forwarded to the staff headquarters to be tried and found

8 guilty in accordance with the law applying in the Democratic Republic of Congo.

9 Q. When you talk about soldiers who may have misbehaved and who were

10 arrested and tried according to the law applying in the Democratic Republic of the

11 Congo, are you talking about the MLC Code of Conduct, or are you talking about

12 other legal references?

13 A. Now, in the case of discipline, I am referring to, for example, the Code of

14 Conduct showed soldiers how they had to respect authorities, how they should be

15 properly disciplined. For example, a soldier has to comply with military regulations

16 and everything was stated in the code, but there are other offences that were different

17 kinds. They were both disciplinary offences and criminal offences, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted). And that was with the Code of Military Justice. There were cases

21 there. There were people who were qualified to judge military offences.

22 MR KILOLO: (Interpretation) I would like to ask the court officer to give the

23 witness document number 3 on the list of the Defence. The first page of the

24 document is CAR-D04-0002-1514, and please show him page CAR-D04-0002-1635.

25 THE COURT OFFICER (via video link): (Interpretation) The document has been

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1 shown to the witness, your Honour.

2 MR KILOLO: (Interpretation) Sorry, I would prefer to start with the fourth  
3 document on the list of the Defence. The first page is CAR-D04-0002-1641, and on  
4 page CAR-D04-0002-1673.

5 THE COURT OFFICER (via video link): (Interpretation) The document has been  
6 displayed for the witness, your Honour.

7 MR KILOLO: (Interpretation)

8 Q. Witness, I would like to ask you to read the message which is on the top left; the  
9 top left. Could you please read that message?

10 A. Yes. "Urgent. 04915 from commander sector South Équateur to the Chief of  
11 General Staff ALC. Information: Chairman. Commander of Charlie Brigade  
12 number 009, commander Chief of General Staff South Équateur sector 2002. Regret  
13 to inform you that Lieutenant Kashamura has been relieved of his functions at T1 for  
14 embezzlement. He has been appointed S1 10th battalion. Unfortunately he has  
15 fallen into the same situation. Stop. Suggest he be demoted and be imprisoned in  
16 Angenga. Stop. Sincerely. Stop. In 5th January 2003 at 15 hours 5 Alpha," and  
17 the name of the operator, Mberezi (phon).

18 Q. Witness, what does this message mean?

19 A. I'd just like to read it a second time, please.

20 Q. You don't need to read it again out loud, but could you just explain the content  
21 of the message in relation to disciplinary matters?

22 A. That's the background to the message. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Now, I'll explain it. For the case of people who committed such deeds, they were  
3 put in this cell in the prison before they could be dealt with and released. And  
4 Angenga is near Lisala. It's a town on the Congo River towards the north in the  
5 Équateur province in the Democratic Republic of the Congo. And when such people  
6 were held there, it was because Angenga hadn't been properly established as a prison.

7 (Redacted), if

8 there wasn't a solution, they were just put there and then they could be tried, for  
9 example, by the Chief of Staff to see what could be done. But Angenga hadn't been  
10 properly set up as a prison. And for the system of justice, with the organisation of  
11 the system of justice, you could put people there to keep the person in custody and  
12 this was in -- if they are in Lisala, and Angenga hadn't been organised to take  
13 prisoners who were found guilty, (Redacted)

14 (Redacted), and in Gemena, it was the same thing.

15 There's a prison in Gemena (Redacted). Those

16 who'd been arrested, (Redacted)

17 (Redacted)

18 I think this is the basic reasoning here.

19 Q. Witness, I would just like to ask you some questions about this. Now, you talk  
20 about -- about misappropriation of household funds. What exactly was it?

21 A. Well, it says, "misappropriation of household funds" and then at the end it says,  
22 "suggest to you -- propose to you." I'd like to know what the reaction was from the  
23 Chief of General Staff. He proposes, but this needs to be checked. Did the  
24 commander who wrote this message get any feedback from the Chief of General Staff?  
25 This means there's another version.

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1 If there's no feedback here, I don't know that I can say what happened. There was a  
2 proposal made, but you need to check what the reaction was from the Chief of  
3 General Staff. He may have said, "Okay, send him off to Gbadolite," for example.  
4 So you need to have the response of the Chief of General Staff, because it's his  
5 prerogative to deal with such cases. He didn't put him in prison, but he suggested  
6 he be imprisoned. Perhaps there was a technicality, in this case a technicality when  
7 he was arrested, but the authorities were requested or the proposal was made that  
8 something should be done and this proposal was made to the Chief of General Staff,  
9 and you need to see what the response was and that would be the guidance (Redacted)  
10 what (Redacted) to do with this soldier.

11 Q. One last question here, Witness, on this point. Now, we're dealing with an  
12 inferior officer, one of lower rank, who has been charged with a disciplinary offence  
13 and you can see that the commander for the sector in Southern Équateur is sending  
14 his message to the Chief of General Staff of the ALC and is suggesting that the person  
15 be demoted and imprisoned. That's for the soldier who has committed the  
16 disciplinary offence.

17 My question is, why has such a proposal been sent to the Chief of General Staff of the  
18 ALC? Could you tell us what his powers were or what his responsibilities were for  
19 dealing with disciplinary sanctions?

20 A. Yes. This was a case of a soldier who is on the front. Now, what happened  
21 here, in this case, the proposal was made that he be demoted, but when we're out on  
22 the field, there were respectable officers and other officers who perhaps hadn't been  
23 properly trained. That's what it was. (Redacted)  
24 (Redacted) the soldier to give an explanation, and there was a response  
25 to that request for an explanation and then there was an assessment made to see if the

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1 explanation was properly founded and then perhaps there could be a minor comment,  
2 or a reprimand, some sort of criticism, to say to the soldier, "Well, what you did is not  
3 a good thing to do and if you do it again, well, then you shall be punished. Either  
4 you'll have two weeks or three weeks in custody."

5 (Redacted)

6 (Redacted)

7 (Redacted) Now, when you see the message, the commander was

8 confronted with a dilemma. He had a soldier who had committed a certain deed,  
9 but as there was no prison for that Lisala organisational area, then this was the old  
10 prison of the republic, but it was in totally dilapidated condition or perhaps they  
11 couldn't hold people there.

12 Now, in such case the proposal was that the authorities would suggest that he be  
13 given to the Chief of General Staff to be tried there, to have a court martial, and I can  
14 see that that is what the idea -- that's the idea that the commander had. Otherwise,  
15 he just had to put him in the dilapidated prison in Angenga. But he asked this  
16 officer who had committed an offence and who hadn't been reprimanded at that level  
17 to be dealt with as I just described. This is when you have an offence which has two  
18 sides to it, both a disciplinary offence and a criminal offence, and perhaps not  
19 everything was available and that's why he wrote to the Chief of General Staff, to see  
20 what attitude should be adopted to deal with this problem. But this would need to  
21 be checked. You'd have to see what the response was from the Chief of General  
22 Staff.

23 Q. So just a last question on the subject of this message. Could you explain to the  
24 Chamber what this fund - this household fund - of the MLC was? What was that  
25 used for exactly?

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1 A. This household fund, budget, this was the money that was used by the staff HQ  
2 to buy foodstuffs for the soldiers and the ALC.

3 MR KILOLO: (Interpreter) So still with the fourth document in the Defence list,  
4 could we ask the court officer to show the witness the message on the previous page,  
5 CAR-D04-0002-1673?

6 THE INTERPRETER: 72, corrects the interpreter.

7 THE COURT OFFICER (via video link): (Interpretation) The document has been  
8 shown to the witness, your Honour.

9 MR KILOLO: (Interpretation)

10 Q. Yes, Witness, I would like to ask you to read the message which is on the right;  
11 that is to say on the right of the document in front of you, but which is in the middle.  
12 It is between two documents. It starts with, "Urgent: 5 January 12 o'clock Alpha  
13 from sector commander Southern Bangui." Please, could you read that document,  
14 please?

15 A. Yes, "Urgent. 5th at 12.30 Alpha. To -- From: Commander sector  
16 Southern Bangui to Chief of General Staff ALC. Info: Chairman. Number:  
17 009/Staff Commander/Southern Ubangi sector/2002. Greetings and the transmission  
18 of the situation of the detainees. Total 88 persons. Case of armed robbery. (1)  
19 dissipation of war munitions. (2)." I don't see this one. "Murder: Condemned to  
20 eight years in prison by court martial. Simple theft. (1) detained persons. BSF in  
21 Gemena. 38 of whom seven are ill in Libenge. 31 deserters. 14 soldiers. Class 1  
22 poses serious problems. Your intervention is necessary."

23 Q. Who does this message come from, Witness?

24 A. (Redacted)

25 Q. And who's the addressee thereof?

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1 A. It was addressed to the Chief of General Staff of the ALC.

2 Q. If I can read what's written on the third line, they talk about "corréité" of murder.

3 If I understand that word, this means "complicity." Corréité of murder, complicity of  
4 murder. "Condemned to eight years in prison by the court martial." Could you tell  
5 us what that is about here exactly, what this message is about?

6 A. The message is very clear here. The commander is just giving the situation:  
7 88 persons, case of armed robbery. One person -- this person was arrested and they  
8 are awaiting for evacuation of this person, or while awaiting evacuation, he was at the  
9 airport and he was being held awaiting evacuation to be tried or the higher level  
10 could decide to send him for a court martial, where the judge would come and sit  
11 in -- where the judges would sit in Gemena. That's a case in point.

12 And the disappearance of war munitions: In (Redacted) Code of Conduct, it is stressed that  
13 you cannot take one sole bullet unless you are ordered to, but it did happen that  
14 sometimes this would happen. This is an offence to take munitions, war munitions,  
15 and in this case the soldier or the commander -- the soldier would be disciplined, and  
16 he committed this act and that could be classified as aggravating circumstances.  
17 Now, certain -- you'd have a disciplinary officer who would be sitting there to see  
18 how to act in this regard and whether the person could be freed, and that's why they  
19 also need men.

20 Now, in the case of two people complicit in murder, sentenced to eight years by a  
21 court martial, well, these people have already been sentenced and that's the  
22 competence of the President of the Court Martial who can give examples and  
23 explanations to the court in that regard.

24 If somebody's been sentenced, well, the commander has just kept somebody. That  
25 person was sentenced. You can't say, "No, he did this or the other," and say how he



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1 was sentenced. For more information, that's really within the realm of the judicial  
2 officials. So the Presiding Judge of the court martial at the time, Major Mbule, now is  
3 a general, so he's better placed to give you ample explanations in this regard. (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted) -- you had the situation of the unit had to be reported, even if a soldier has  
9 reported in a case of simple theft.  
10 Now, what does that mean? That means that you take things without authorisation.  
11 So, taking into account everything, if you take something from a civilian by force or  
12 you take something without authorisation of the owner, that's theft. And in -- this is  
13 a case of simple theft.  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 BSF in Gemena, yes. Well, detained for the purposes of investigation. Now, you  
21 can be taken -- you can have your liberty taken from you for reasons of investigation,  
22 and this is what's pointed out, and after the investigation I can see that the person was  
23 freed. And to avoid problems where the abuses took place -- I don't know how they  
24 were also permitted. So nobody was imprisoned in this case.  
25 (Redacted) So the

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1 administration had to administer discipline. So there was a lot of rigor in this regard.

2 On a daily basis, the situation was pointed out, all the events, the morale of the

3 soldiers. If there were cases of any kind of abuses or anything, they all had to be

4 pointed out. So the commander carried out his work and pointed out the situation

5 to his unit.

6 Now, in the case of deserters, (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)

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1 (Redacted) They

2 would be put in the vehicle and they would be taken to the centre in Tudu (phon) or  
3 in Gbadolite, and from there, there would be some so-called recycling which would  
4 take place and then, after a certain time, if the people were still useful, they could be  
5 sent back to the front once they had been rehabilitated, as it were.

6 PRESIDING JUDGE STEINER: Maître Kilolo, have you finished with this message?

7 Yes? So, if you would allow me I would like to put a follow-up question.

8 MR KILOLO: (Interpretation) Please go ahead.

9 PRESIDING JUDGE STEINER: Mr Witness, after this message, there is another  
10 message, apparently sent (Redacted), one hour later, unless I'm mistaken.

11 If you could follow, please. You could read very quickly, please. Could you please  
12 read very quickly the last message in this page?

13 THE WITNESS: (Interpretation) "From -- 5th at 13.10 Alpha to" --

14 THE INTERPRETER: Could the reader slow down, please?

15 THE WITNESS: (Interpretation) "Chairman. Number 008. Chief of Staff.

16 Sector, Southern Bangui, 2003. Greetings. We inform you that the detained persons  
17 have asked to be heard for a small meeting with the sector commander of Southern  
18 Ubangi. They are asking for pardon from the chairman and propose to the  
19 commander-in-chief provisional release highlighting that they will respect" --

20 THE INTERPRETER: Says the witness.

21 THE WITNESS: (Interpretation) "They will always respect." I'm sorry, that "They  
22 will always stay behind the MLC. Your decision is binding. I remain subject to  
23 your orders."

24 PRESIDING JUDGE STEINER: Thank you, Mr Witness. My question is in relation  
25 to this part of the message in which it is informed that the detained people are asking

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1 the pardon of chairman, or Mr Bemba. My question is: To your knowledge, did  
2 Mr Bemba have the power to pardon persons accused of committing crimes or found  
3 guilty by the martial court?

4 THE WITNESS: (Interpretation) Thank you, Prosecutor. I would say to the Court  
5 that when you say "soldier," so you have a lack of knowledge as regards to  
6 proceedings, you see, such as you see it over there. It's not Mr Bemba who arrested  
7 the soldiers. (Redacted) I would repeat  
8 it's not Mr Bemba who arrested these soldiers. Nowhere did he give the order for  
9 these people to be arrested.

10 PRESIDING JUDGE STEINER: Mr Witness, please try to be more objective. My  
11 question was very simple. If we follow this message, my question is: Is of your  
12 knowledge whether Mr Bemba could pardon persons accused of committing crimes  
13 or found guilty by the court martial, or not? If you know, you give the answer. If  
14 you don't know, you say you don't know.

15 THE WITNESS: (Interpretation) Well, Mr Bemba didn't have the power to pardon  
16 the soldier who had committed an offence, so the only organ was the court martial  
17 which would rule in such a case and they would deal with such needs in that case.  
18 Here I'm saying to you that the soldiers, they didn't have knowledge of this.  
19 The commander-in-chief with regards to the ALC, they thought that, if there was a  
20 problem, that you could address that person and they would transmit their  
21 ideas - that's their ideas - and the message is addressed to (Redacted) chief to assess the  
22 case and he had to study the state of these people and to ask for the presence of the  
23 court martial in Gemena to rule on the case of each soldier and have the trial and a  
24 ruling.

25 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

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1 Maître Kilolo?

2 MR KILOLO: (Interpretation)

3 Q. Witness, could you provide us with information on the conduct and the  
4 reputation of Colonel Moustapha and the soldiers of Echo Brigade? How did he  
5 behave, generally?

6 A. Echo Brigade behaved well in the field. When you look at the map, (Redacted)  
7 (Redacted) Dongo, well, it's not far.  
8 You can see that. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) Nevertheless, there were certain

12 cases of indiscipline in the unit, and it's the commander himself who's responsible for  
13 discipline who would administer disciplinary sanctions then. So these troops were  
14 behaving like good soldiers; disciplined soldiers.

15 Q. Now, you spoke to us a moment ago about an investigation commission in  
16 Bangui. Could you tell us about the composition of this investigating commission?

17 A. Now, the composition, if you have a session with the authorities of the Central  
18 African Republic authorities, now a commission was organised composed of army  
19 troops, police and the gendarmerie. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 THE INTERPRETER: And the witness moves away from the mic.

3 MR KILOLO: (Interpretation)

4 Q. Could you speak to us about -- or describe how the investigations were? (Redacted)  
5 (Redacted)?

6 A. Yes. After the meeting which was held at the FACA staff HQ, there was an  
7 order given to have movement and the officers - the intelligence officers - were  
8 organised and they also deployed into the field. (Redacted)

9 (Redacted) And it was the president of

10 the commission who was asking questions as to how the situation -- as to the  
11 situation.

12 There were problems and they were asking about what information they had, and  
13 there we were writing everything down and we were listening. We listened to the  
14 soldiers and we listened to the population themselves. And here I am before the  
15 Court.

16 We really did what was necessary. Because I was a foreigner, perhaps I had  
17 difficulties because I wasn't able to speak Sango, but they were speaking sometimes in  
18 French, sometimes in Sango, and one of our troops was there and spoke to me in  
19 French, and when we entered, we asked the population questions and we tried to  
20 speak to people to get information with regards to the case of allegations that had  
21 been made. So, nothing was found. Nevertheless, the cases of goods which had  
22 been recovered, these goods, well, we asked about all this and we said, "Have you  
23 pillaged anything?" They said, "No, we haven't pillaged anything. We haven't  
24 pillaged from the population. That's a crime. That's not good. So the goods that  
25 (Redacted) you see, Bozizé's rebels were 500 metres away, so in the town itself, 500

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1 metres from Patassé's, and they came to drive him out and then they fled. They  
2 abandoned these goods which had been pillaged (Redacted)."

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) An official announcement

7 was -- announcement was broadcast over the radio and the television informing  
8 members of the public to go and collect their property at the police camp depot.

9 Q. Which neighbourhoods or towns (Redacted)

10 (Redacted)?

11 A. I'm not very familiar with Bangui. (Redacted)

12 I know the main road from the city centre to PK12. (Redacted)

13 (Redacted) Regarding the neighbourhoods, I

14 do not know them, (Redacted).

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. What types of crimes were involved as part of this commission of inquiry?

5 A. The Chief of Staff had mentioned accusations against (Redacted) soldiers: Looting,  
6 rapes, and so on. (Redacted)

7 Q. (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted) They

11 were all together and they were fighting together. (Redacted)

12 (Redacted)

13 The people that were being interviewed were supposed to (Redacted) determine what  
14 had been done and by whom. Unfortunately, (Redacted)

15 (Redacted), the population was very happy. They said that they were

16 happy about the support provided by the ALC soldiers and that is because with those  
17 reinforcements their army was able to chase out the rebels beyond PK12. The  
18 population - the members of the public - were very happy and I personally felt that  
19 joy.

20 Q. (Redacted)

21 (Redacted)

22 A. (No audible response)

23 (The video-link connection terminated)

24 (Pause in proceedings)

25 (The video-link was reconnected)



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1 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

2 THE WITNESS: (Interpretation) I can hear you, Madam Prosecutor.

3 PRESIDING JUDGE STEINER: Maître Kilolo, will you repeat your last question,  
4 please.

5 MR KILOLO: (Interpretation)

6 Q. (Redacted)

7 (Redacted) any complaint from a citizen of the Central African Republic  
8 complaining about being a victim of rape by Congolese soldiers?

9 A. None. The Court can cross-check with certain members of that commission. (Redacted)  
10 (Redacted) There was no complaint at all.

11 Q. (Redacted) complaints of a murder or murders perpetrated by ALC  
12 soldiers against a citizen of the CAR, or another country?

13 A. (Redacted) not have any such case in the commission.

14 Q. What was the outcome of the investigation? (Redacted)

15 A. (Redacted)

16 (Redacted) No complaints were  
17 received. Otherwise, the president of the commission would have informed (Redacted) that  
18 such complaints had been received and then that further investigations would have to  
19 be carried out, ending with the arrest of the perpetrators.

20 The rare cases that were identified were FACA soldiers, not even ALC soldiers, and  
21 this involved property abandoned by Bozizé's soldiers who were fleeing from attacks  
22 launched by FACA and supported by ALC soldiers. This property was considered  
23 almost like boot -- loot from the war. The items were put together and an  
24 announcement was broadcast over the radio. The property was even videotaped  
25 and broadcast over the television and each member of the public was invited to come

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1 and identify their own property. It was the president of the commission who was  
2 responsible for handing back that property to the owners. Apart from that, there  
3 was nothing concrete that was identified.

4 Q. (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 However, the items picked up by FACA soldiers who had been reinforced by ALC  
15 soldiers, all that property was recovered and placed in the police camp depot.

16 Official announcements were made inviting members of the public to come and  
17 identify their property. Those announcements were broadcast over the radio and  
18 television. (Redacted)

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 And Colonel Moustapha was at the front, at PK12, and I was in the city centre. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 The members of the commission sent soldiers to recover everything, all the property  
6 that was in the houses in the neighbourhood. That property was recovered and  
7 loaded on to the jeeps. (Redacted) they filled up  
8 one jeep-and-a-half and there were also people in the jeeps. So all the property was  
9 loaded in the jeeps and taken to the police camp. That is what happened.

10 (Redacted) Colonel Moustapha, who, for his part, was also very  
11 strict. Some property had already been discovered in the vicinity and everything  
12 had been recovered and loaded on to the jeep to be taken to the police camp, and the  
13 radio and television stations broadcast an announcement for the members of the  
14 population to come and recover their goods and that is what they started to do.

15 Q. As part of that investigation, who decided which people were to be questioned  
16 or interviewed? Who took that decision?

17 A. It was the president of the commission who took the decision to question people.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) It was the president of that commission who questioned the members of the  
22 population and the soldiers who had been identified.

23 Q. For the record, can you tell us once again the name of that president or  
24 chairman of the commission of inquiry?

25 A. Yes. It was Damango Guy Bertrand of the gendarmerie.

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1 PRESIDING JUDGE STEINER: I just check that there is no question or answer in  
2 relation to which period this commission of inquiry was making its investigation. So  
3 my question to Mr Witness is when exactly this investigation took place.

4 THE WITNESS: (Interpretation) The investigation took place in early November.  
5 (Redacted) I no longer remember the  
6 precise date because this was eleven years ago, but I know that it was in the  
7 beginning of November right up to end of November/early December. That is when  
8 that investigation was carried out.

9 MR KILOLO: (Interpretation)

10 Q. A follow-up question, Mr Witness. You have said that the period of that  
11 inquiry (Redacted) extended up to early December. My  
12 question to you is as follows: When you left the CAR at that time, what happened  
13 thereafter? Was the commission of inquiry still operational, or not? And if "yes,"  
14 was there an ALC officer or member participating in that commission, or not?

15 A. Thank you, Madam Prosecutor.

16 THE INTERPRETER: Says the witness.

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 The president of that commission was still there and he even sent people into the field  
21 as the fighting moved away from the city centre.

22 (Redacted)

23 (Redacted)

24 MR KILOLO: (Interpretation)

25 Q. Mr Witness, is there a difference between this officer who is called Diku and

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1 another officer, Jean-Rémy Dikunduakila?

2 A. (Redacted), Diku was appointed as the Chief of Staff (Redacted)

3 (Redacted). He is an officer (Redacted). He is very disciplined and his

4 name is Diku something. He has a very long name. Diku is a short form of his

5 name, but his name is Dikunduakila.

6 Q. What happened after he arrived in the CAR? (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. Very well, Witness.

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Mr Witness, I know that you have already given us the name of the person who

24 decided who to question or interview, but now I want you to give us another detail.

25 Who decided or who selected the questions that had to be put to people during that

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1 inquiry?

2 A. First of all, Damango was a gendarmerie officer, the chief of bureau of  
3 investigations. So this was really his area of expertise, and it was based on the  
4 information received from agents that he selected the questions that would be put to  
5 the soldiers and to the civilians. So it was Damango who was responsible for that.

6 Q. Still for the record, who selected the locations that had to be visited as part of  
7 that investigation?

8 A. He himself decided on the locations, because he was very familiar with the town.  
9 He was well-informed. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. To your knowledge, could the MLC conduct its own independent investigation  
14 in Central African territory?

15 A. In my humble opinion, I think that, (Redacted) there were  
16 requests -- there could be requests from people within the MLC, but the MLC could  
17 not go after the Central African Republic from a legal point of view. They didn't  
18 have the legal right to go off and conduct an independent investigation, because the  
19 people made available to them were under operational orders. Logistics and  
20 everything was under the Central African government. Even when there was the  
21 case of the person arrested by Colonel Moustapha, you noted that Colonel Moustapha  
22 didn't make any reference to the possibility of sending the gentleman directly to  
23 Gbadolite and that was simply because Moustapha was aware then, (Redacted), that  
24 he depended on the operational command (Redacted)  
25 (Redacted).

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1 Men were made available to the Central African military operations and there were  
2 meetings at the higher level and they decided that these people who had committed  
3 disciplinary offences had to be sent back to the Congo because these men no longer  
4 served any purpose. They thought, well, perhaps they could be pardoned, and if  
5 they could continue with them, then they may commit offences. And that's why  
6 they thought it was best to send them back -- (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) And at the time it was Colonel or Major Mbule, general  
17 at the time.

18 MR KILOLO: (Interpretation) I would like to ask the court officer to display  
19 document number 6 on the list of the Defence for the witness, and the first page is  
20 CAR-DEF-0002-0001 and it is this page which I would ask you to display for the  
21 witness.

22 THE COURT OFFICER (via video link): (Interpretation) The document has been  
23 displayed for the witness.

24 MR KILOLO: (Interpretation) Would it be possible to show him the entire  
25 document so that he can see the bottom of it with the signature? You can see it says,

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1 "JR Mondonga."

2 Q. Witness, without going into all the details, does this document bring back a  
3 memory of something?

4 A. Well, it was a long time ago. If you could just give me time to think about this  
5 properly, because it's a few years ago (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Do you remember telling us that after (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)? Do you remember having said that?

12 A. Yes, I remember that.

13 Q. Can you see the part which says, "Ops Open Sky Bangui"? Can you see that,  
14 Witness?

15 A. I'm looking at it. Yes, I can see it. Yes, I think that's it. That was sent. It  
16 was sent. (Redacted)

17 Q. Can you also see the date at the top, 27 November 2002? Can you see that?

18 A. Yes, I can see 27 November 2002.

19 Q. Witness, do you remember saying that investigations (Redacted)  
20 were conducted by Colonel Diku?

21 A. Yes. Yes, and this was a report on the situation before he arrived so that he  
22 was aware of the situation, and with the instructions given, he was informed that  
23 there was an investigation being conducted before he arrived and that investigation  
24 was ongoing.

25 Q. My question now, Witness, is in the end which authority was responsible for



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1 writing and forwarding the official report of the joint commission of inquiry which  
2 was conducted in Central Africa at the time of these events?

3 A. The authority was with the president of the commission of inquiry.

4 Q. I therefore ask this question: Did the president of the joint commission of  
5 inquiry, or indeed the Central African authorities, provide the MLC administration or  
6 the ALC General Staff information from the overall investigation or from the final  
7 report on the investigations?

8 A. (Redacted)

9 (Redacted) The president of the commission drew up his report and  
10 forwarded it to his hierarchy, but that was in Gbadolite. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Now, so that it's clear for the record of this hearing, who, (Redacted) Colonel Diku,  
18 or the president of the commission, President Damango, who was responsible for  
19 writing the official report of the inquiry?

20 A. It was Damango who was the president of the commission. (Redacted)

21 (Redacted)

22 (Redacted) That was Damango Guy Bertrand  
23 who was the president of the commission of inquiry.

24 Q. (Redacted)

25 (Redacted)

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1 A. No. No, I think I've just explained that. No, the orders were given by the  
2 Chief of General Staff, who was in charge of operations. So whether it's Mr Bemba,  
3 or Colonel Amuli, who was the Chief of General Staff, no one in Gbadolite had the  
4 power or even the right to give orders to Damango for him to do this or that or to give  
5 instructions on how he should work. He wasn't in contact with -- in Bangui.

6 Q. Witness, we have less than 15 minutes left and I'd like to go through this quickly,  
7 and you could just give short answers. I'm looking at the document which you have  
8 on the screen. It's CAR-DEF-0002-0001. First question: (Redacted) it  
9 says, "Subject forwarding the pillaging report." (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted) People were there, intelligence people were  
13 there. They were deployed everywhere (Redacted), and they had  
14 information and they gave the information to the president of the commission. They  
15 gave all the information related to any misconduct (Redacted)  
16 (Redacted) that means FACA and ALC additional forces.

17 At the end of the investigations, (Redacted), there were cases of  
18 pillaging, looting, or rape or whatever, and that was what happened, (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) everything was put together.

22 And as there was war, there was a small problem. Perhaps it's a problem of  
23 terminology. But when you see this which says, "Sending the file on pillaging," well,  
24 pillaging -- well, what should be written here, it should be "Forwarding the report on  
25 investigation." (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Fine. We shall try to go through this quickly. Now, on the same page which  
20 you can see there, at the bottom of the document you see, "However, the operation is  
21 continuing to arrest anyone related to this closely or remotely." (Redacted)

22 (Redacted)

23 A. (Redacted) the commission was still

24 there and still had the same mission to carry out and throughout the investigations.

25 If a man, if an FACA or an ALC officer, could be cited in relation to an offence and

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1 could be arrested and this is information to the hierarchy saying, "We've arrested  
2 these men, but the investigations are continuing and anyone who is charged for such  
3 offences will be arrested as the others were." That's what that means there.

4 MR KILOLO: (Interpretation) Thank you, Witness.

5 I would like to ask the court officer for the same document, to show the witness page  
6 CAR-DEF-0002-0003.

7 THE COURT OFFICER (via video link): (Interpretation) The document has been  
8 displayed for the witness.

9 MR KILOLO: (Interpretation) Could you please display the previous page,  
10 CAR-DEF-0002-0002, before we come back to this one?

11 THE COURT OFFICER (via video link): (Interpretation) The document has been  
12 displayed for the witness.

13 MR KILOLO: (Interpretation)

14 Q. There, Witness, you have the written record of the requesting of Mr Willy  
15 Bomengo by (Redacted), Mr Tobanganga Malaka Oscar. Can you see the part  
16 which says, "Identification and questioning of suspects" and it's referring to the  
17 person named Willy Bomengo? Can you see that?

18 A. Yes.

19 MR KILOLO: (Interpretation) Could we please go on to the next page?

20 THE COURT OFFICER (via video link): (Interpretation) The document has been  
21 displayed for the witness.

22 MR KILOLO: (Interpretation)

23 Q. Witness, on this next page I would like to draw your attention to the last two  
24 lines at the bottom. There's part of Mr Bomengo's statement which says, "I was  
25 searched in public in front of the soldiers." What did he mean by that? What did

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1 that mean, that he was searched in public in front of the soldiers?

2 A. Well, the information received was that Bomengo was at his home at the time of  
3 the search. He was searched there where he was and all the property which was  
4 there was taken automatically. That's the first point.

5 Then perhaps there were other things in his pockets and the commission took  
6 that -- searched him to see what he had because he is a person who has been charged.  
7 If you commit an offence like that, you are a person who has been charged, and so he  
8 was searched to see what he had. Well, in public, I don't know. I don't know what  
9 "in public" means, but he was searched, that's standard practice, to see what was in  
10 his pockets. When you have a suspect, that's part of a -- part of taking a suspect into  
11 custody.

12 Q. Fine.

13 A. Or to see if he has any -- any weapons, or something which could harm another  
14 person, and these measures are available.

15 MR KILOLO: (Interpretation) Still with this same Defence document, I would ask  
16 the court officer to display page CAR-DEF-0002-0008.

17 THE COURT OFFICER (via video link): The document has been displayed for the  
18 witness.

19 MR KILOLO: (Interpretation)

20 Q. Witness, here again you can see, as I can see, on the top right it says, "Gbadolite,  
21 27 November 2002," and it says, "Additional report to the Officer of the Prosecutor  
22 with the martial court of Gbadolite." Can you see that?

23 A. I can see it.

24 Q. I'm interested in point 5. It says, "We are forwarding to your judicial authority  
25 these three soldiers who violated general instruction ordering that all property of the

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1 Central African Republic which had been lost or looted and found had to be given  
2 back." And my question is simply: What does that part of the sentence mean in  
3 relation to the inquiry (Redacted) in Bangui?

4 A. Could you please repeat the question so that I can hear it properly?

5 PRESIDING JUDGE STEINER: We have to stop there, Mr Kilolo. We have the  
6 problem with the tape. We don't have time enough in the tape for you to read again  
7 and for the witness to answer.

8 Mr Witness, we will adjourn for today. We hope you have a very restful evening  
9 and that you are ready to continue your testimony tomorrow starting at 9 in the  
10 morning.

11 I thank very much the Prosecution team, legal representatives of victims, Defence  
12 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters, our court  
13 reporters. We will adjourn and resume tomorrow morning at 9 o'clock.

14 The hearing is adjourned.

15 THE COURT USHER: All rise.

16 (The hearing ends in closed session at 5.00 p.m.) Reclassified into open session

17 CORRECTION REPORT

18 The Court Interpretation and Translation Section has made the following correction  
19 in the transcript:

20 \*Page 46 line 10:

21 "he made available to you are going to insist in your operations" is corrected by "he  
22 made available to you are going to assist you in your operations"

23 RECLASSIFICATION REPORT

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

25 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.