

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Tuesday, 5 April 2011
9 (The hearing starts in open session at 9.03 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Thank you. Could, please, the court officer call the
14 case.
15 THE COURT OFFICER: Yes, Madam President. The situation in the Central
16 African Republic in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
17 reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Good morning. I would like to welcome the
19 Prosecution team. Maître Douzima, I notice that Maître Zarambaud is absent. I
20 hopes it's nothing serious.
21 MS DOUZIMA-LAWSON: (No interpretation)
22 PRESIDING JUDGE STEINER: Welcome the Defence team, Mr Jean-Pierre Bemba
23 Gombo.
24 MS DOUZIMA-LAWSON: (Interpretation) I believe he's had a bit of a conflict
25 with his schedule.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Sorry. Welcome to the Defence team and
2 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
3 reporters. We will continue today with the questioning of Witness 06, and for that
4 purpose I ask, please, the court usher to bring the witness in.

5 (The witness enters the courtroom)

6 WITNESS: CAR-OTP-PPPP-0006 (On former oath)

7 (The witness speaks French)

8 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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

10 PRESIDING JUDGE STEINER: Welcome back to this Court. We hope you have
11 rested during the night and that you are ready to continue giving your testimony.

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

13 PRESIDING JUDGE STEINER: I must remind you that you are under oath. Do
14 you understand that, sir?

15 THE WITNESS: (Interpretation) Very well.

16 PRESIDING JUDGE STEINER: Thank you. So I give the floor to the Prosecution to
17 continue its questioning.

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

19 QUESTIONED BY MR YILLAH: (Continuing)

20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 Q. I will continue questioning you from where we stopped off yesterday. Is that
23 an acceptable way to proceed?

24 A. I am totally in agreement.

25 Q. Sir, yesterday we were speaking about the questioning and hearing of witnesses

1 and victims during the investigations in the Central African Republic. I want to take
2 off the examination by asking you for those interviews that you attended and upon
3 receipt of the dossier from the examining judge, how were you able to determine the
4 credibility of these witnesses and victims?

5 A. I think I explained yesterday how I assessed the veracity of the key elements
6 that came out of this procedure. First, we had the basic file, the medical report, and
7 the report of the investigating committee done by UNDP and UNICEF with support
8 from the Ministry of Social Affairs, and on the basis of those documents the victims
9 and witnesses were called in by the examining judge and, when they came in, as a
10 Public Prosecutor, either personally or through one of my deputies, we attended the
11 questionings.

12 The questioning was designed to find out whether the reports done were relevant to
13 the people who had been called in and if the people had, indeed, been victims. In
14 the course of the interviews what struck us, as I said yesterday, was the emotion
15 which overwhelmed the victims when speaking sometimes.

16 There were some rape victims which were almost completely disoriented from the
17 shock they'd endured or had to experience and they couldn't keep on speaking
18 because they burst into tears. We checked the identity of the people, their
19 neighbourhood; we tried to check the relationship with the date of the events and we
20 tried to find out what sort of people were the offenders of the acts of violence, the
21 descriptions.

22 The offenders were not known to the witnesses or victims, but when we listened to
23 the descriptions, their weapons, Kalashnikovs or whatever, whether they'd fired once
24 or twice, whether they'd hit -- struck the door or broken it down, they didn't speak
25 Sango and you know that everybody speaks Sango, all of the defence and security

1 forces in the country speak Sango.

2 So when you get an armed person, if it's a person from the army they have to speak
3 Sango and know Sango; and these people who turned up did not speak Sango, they
4 spoke a language which the Central Africans did not know, although there are a few
5 Central Africans who do understand Lingala, but most of the population does not.

6 So this was the way we carried out the work to establish the link between the offence
7 and the guilt or presumption of guilt attributed to the members of the Movement for
8 the Liberation of the Congo when in the Central African Republic.

9 Q. Sir, may I -- I think you are audible enough for me to hear you, but this morning
10 there were some issues related to the microphone. May I encourage you to be more
11 audible, sir.

12 A. Okay. (No interpretation)

13 Q. Thank you, sir.

14 A. Okay. Should I start again and I'll get closer to the microphone?

15 Q. Excuse me, sir, I think you were clear enough. I just wanted to draw your
16 attention that you need not be extremely close to the microphone, but just be
17 reasonably audible so that the interpreters can hear and record your evidence
18 correctly. Is that understood?

19 A. Okay, I've understood.

20 Q. Sir, from the questioning and hearings that you attended and participated in and
21 from the elements of the dossier that you received from the examining judge, did you
22 encounter or were you informed by any witness or victim who was questioned by the
23 MLC, the Mouvement de Libération du Congo, in respect of the events in the Central
24 African Republic in 2002 to 2003?

25 A. Could you please repeat the question?

1 Q. From the information that you obtained during the questioning and hearing,
2 did you encounter any witness or victim who was questioned either by you or by the
3 examining judge or by your deputies who attended when you were not in attendance
4 who informed the investigating team that they had been interviewed, any Central
5 African, that they had been interviewed by the MLC in relation to the events under
6 investigation?

7 A. Quite obviously, yes. I personally met victims. Victims were seen either
8 when they were interviewed, or sometimes victims didn't know how to get in touch
9 with the legal services and they were referred to me and I met them and I took the
10 necessary steps and referred the victims to the examining judge, and so I saw a lot of
11 the victims too.

12 Q. Thank you for the information, sir, but I will put the question in another way.
13 I don't know whether it is an interpretation problem or something. From what you
14 know from the questioning and hearing and from the dossier, did the MLC as a group,
15 as an organisation, did they interview any Central African victim in order to address
16 the events that you were undertaking investigations in respect of?

17 A. No, no, but I remember, I think it was in 2004, if I am not mistaken, 2004 or 2005,
18 I was visited by three people from the Democratic Republic of Congo and who, to all
19 appearances, were journalists. They had come through the embassy of the Congo in
20 the Central African Republic. They had contacted me so that I would see these
21 Congolese who wanted to see me, and when I saw them in my office, I understood
22 that they wanted to get information about the case which was being examined, and so
23 I stopped them. I said that it couldn't be done that way and I said, "Well, for a start,
24 who are you? Who are you coming here and asking me for information? You are
25 coming in with cameras to take pictures of me? I can't agree to that." So I asked

1 them to leave the office and they left and afterwards I had no further news of them,
2 but then for the MLC I don't really have any definite information about any
3 questioning or any investigation which the MLC might have done or any questioning
4 of victims of the events in 2002 and 2003.

5 Q. I will follow up on that information. Did you learn from the dossier, and from
6 what you know from these questionings and hearings, do you know whether the
7 MLC compensated the victims who alleged that they were violated by the MLC?

8 A. No, no, never. The MLC never paid any compensation to victims and the MLC
9 continued to deny any responsibility. The MLC never paid any compensation for
10 victims.

11 Q. I will now direct your attention to another topic and that relates to the
12 investigations itself for us to determine together for the Court how credible the whole
13 process was, and the first question may appear to be an obvious question, and it
14 means no disrespect to you, sir. It may be an obvious question, but just for the
15 record do you know what a victim association is, sir?

16 A. The victims' association in Central African Republic is OCODEFAD.

17 Q. You have answered -- you have given an example of a victim association, so do I
18 take it that you understand the obvious question that I put earlier as to what a
19 victim -- can you tell the Court just for record, I know it is an obvious question, but
20 can you tell the Court what a victim association is generally?

21 A. Sorry, I did not get the translation.

22 Q. I will reformulate. I don't know whether the translation will be coming
23 through now? Mr Witness, are you getting any translation now, sir?

24 A. Now it's just fine.

25 MR YILLAH: With your permission, Madam President, may I proceed?

1 PRESIDING JUDGE STEINER: Of course you can proceed, but as you recognise that
2 it was an obvious question, is it really necessary to put obvious questions to the
3 witness?

4 MR YILLAH: I will take the guidance from the Bench.

5 PRESIDING JUDGE STEINER: Now you can proceed.

6 MR YILLAH:

7 Q. Sir, you have just given an example of a victim association in the Central
8 African Republic and the name you mentioned is OCODEFAD. Can you provide
9 the Court with more information about what this association is, its functions, its
10 objectives, what it does?

11 A. OCODEFAD is an association with victims of the events in 2002 and 2003 in the
12 Central African Republic as the members. The director is a woman, for the moment
13 I won't give the person's name, and the association was involved in finding the
14 victims, counting them. It has its headquarters in a neighbourhood in Bangui,
15 I think it is near the Fatima neighbourhood which is the extension of the 6th
16 arrondissement in the city of Bangui, and the association aids and assists the victims
17 of these events who are together in the association and the assistance is in the form of
18 involvement and learning activities such as sewing and embroidery. That's the
19 information that I can give you in general on OCODEFAD.

20 Q. Sir, you just mentioned that it has a head whose name you will give, so I will
21 ask for the -- I just wanted to put you on notice that I will ask for the name of the head
22 of this organisation in private session. Is that understood, sir?

23 A. Okay, yes.

24 PRESIDING JUDGE STEINER: Sorry to interrupt you, I think the name of the
25 President of OCODEFAD has already been mentioned in public sessions many times,

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 so I don't see any problem if you want to proceed in public session and no problem
2 for the witness to mention because this name is already well-known for the public in
3 general.

4 THE WITNESS: (No interpretation)

5 MR YILLAH:

6 Q. Mr Witness, based on what Madam President has said, are you now
7 comfortable providing the name in open session, the name of the head of this
8 OCODEFAD?

9 A. The person is called Madam Bernadette Sayo. She's the Director of
10 OCODEFAD.

11 Q. Sir, do you -- are you in a position to tell the Court, do you recall when this
12 organisation was formed? Was it before the questioning and hearing, the
13 investigations, or was it after the investigations that you conducted?

14 A. I can't give you an exact answer, but I think it was when the investigation
15 started. I think that was when the association was set up.

16 Q. Did this association play any role, did it have any involvement, in the question
17 and hearing, the investigations that you conducted? Did this association play any
18 role?

19 A. The association helped us a great deal as certain victims who had not been
20 covered by the report drawn up by the committee with UNDP, UNICEF and the
21 Ministry of Social Affairs, were sent to us then. OCODEFAD had large-scale
22 activities and that meant that the victims could be found even in remote areas. Some
23 victims who didn't know anything about what was going on and OCODEFAD did
24 that work, and each time a victim was discovered, one that we didn't know about, the
25 Director of OCODEFAD, who was in close contact with us, contacted us and

1 presented the situation so that the victim could be taken into account.

2 Q. Sir, was that the extent of OCODEFAD's involvement in the investigations, or
3 did they engage in more role than that in your investigations?

4 A. I think that was the main role that I noted in what I could call the partnership,
5 or collaboration, which existed between the legal authority and the association, but I
6 attended a number of fora organised by the association, awareness-raising meetings
7 for the communities and public authorities to raise the awareness of victims of these
8 events, and in addition there were other activities which I don't know about and
9 OCODEFAD was involved in that.

10 Q. Sir, you, as a result of the process undertaken from what you have explained
11 yesterday, did OCODEFAD or any other victim association in any way influence the
12 legal conclusions that you reached from this questioning and hearing process?

13 A. My initial answer is to say, no, OCODEFAD is an association which has no
14 influence on me as a judge or on the examining judge. We work with our own
15 conscience and minds, and the information provided by OCODEFAD was taken into
16 account and analysed and processed, and we carried out the checks required before
17 drawing any conclusions. In no way whatsoever did OCODEFAD have any effect
18 on my final conclusions and, therefore, on the final decision of the examining judge.

19 Q. Sir, from what you know from this question and hearing process, and from
20 what you know about the examining judge, can you tell this Court whether -- can you
21 provide information as to whether you and the examining judge acted independently
22 at all times during this process?

23 A. For this question which you've just asked me, I can give you the following
24 points: Firstly, for myself personally, I am a judge and I took oath to serve in
25 complete loyalty, and this means I must obey the law, I must obey my own conscience

1 and I must comply with all the elements and evidence when processing the case. So
2 in my own conscience, when I work, I'm not going to go against my conscience by
3 doing something which should not be done normally. That's for me.

4 Now, for the examining judge, the examining judge is an independent judge in the
5 court, working according to the law and who also works according to his conscience.

6 He is sovereign in making his decision and he has the law which governs his

7 conscience too. So these are the facts that I can give you to say that in no way

8 whatsoever have I violated my oath or been influenced from the outside by

9 OCODEFAD when dealing with this case, and I think the examining judge worked

10 the same way.

11 Q. Sir, I will now direct your attention to another topic and this relates to the

12 findings, if any, from the question and hearing process that you undertook. Sir,

13 from the dossier, can you approximate the number of victims that came forward to

14 this question and hearing process?

15 A. Well, nearly a thousand in general terms. Unless I'm mistaken, we heard

16 approximately 300 or 350 victims.

17 Q. From these numbers of victims that you've just provided, can you -- are you in a

18 position to assist the Court or to give the Court an idea of how many of these victims

19 were rape victims?

20 A. I would say that three-quarters were rape victims; three-quarters. The cases of

21 rape were the most numerous. As for the cases of looting, well, some people did

22 come, others did not. Murders, assassinations, there were not a great many such

23 cases, but the most clear cases and the most numerous cases were those of rape.

24 Q. I will follow up on that answer that you have just given us. Now, in respect of

25 these rape victims, from what you know from the dossier, who did the rape

1 victims -- the three-quarters you have just told us about, who did they report the
2 perpetrators to be?

3 A. I believe I said yesterday, and I think I said it again this morning, that the
4 victims identified the Banyamulengue, and a few moments ago I provided some
5 explanations of how the victims told their stories. And when they were asked, they
6 would say, "It was the Banyamulengue," because the operating word -- operative
7 word, well, it was almost the same -- or, correction, mode. They would come to a
8 compound, perhaps a compound with a fence, in which case the front entrance would
9 be burst -- would be smashed down, and they would burst in and they would take
10 everything. Once they saw there was a woman, or a girl of course, while the others
11 were searching and looking for things, one or two would take interest in the woman
12 or the girl. And now that is how it came -- the operations proceeded.
13 A few moments ago I told you that these soldiers recognised one another -- correction,
14 were recognisable because they were poorly dressed. They did not have any berets
15 or any insignia. They were dressed in a very haphazard way and they were not
16 wearing the kind of footwear that soldiers would wear. Sometimes they would be
17 short and they would be wearing combat clothing that would be much larger,
18 clothing that didn't fit them. So those were the descriptions that we were given and
19 we could only conclude -- come to this conclusion also because these people did not
20 speak Sango.

21 So, a few moments ago, I was telling you that the Sango language is spoken
22 throughout the entire country. No Central African Republic citizen does not speak
23 Sango. Every citizen speaks citizen -- Sango and understands that. If someone
24 comes to your home unexpectedly at night, let us say, either the person will speak
25 French, because that is a language that is known in the country, or the person will

1 speak in Sango, but if you are from the same tribe the person will speak to you in the
2 tribal language. So one of the distinctive characteristics of these MLC soldiers was
3 that they did not speak Sango.

4 Q. Sir, in your explanation you have provided information on several crimes.
5 You mentioned murders, you mentioned looting and you mentioned rapes. Now,
6 sir, are you in a position to approximate for the Court -- you have said three-quarters
7 were rape victims. Are you in a position to approximate the numbers who were
8 victims of looting that you have referred to, or pillaging?

9 A. I can't give you a figure just like that in terms of looting, but the looting was
10 widespread. The MLC rebels, when they began their acts of violence and their
11 abuses, they had vehicles, either army vehicles that had been requisitioned and
12 provided to them, or vehicles from the administration, and every day they would
13 transport the various items they had looted. They would fill up a vehicle and then
14 they would have the driver take the goods and they would head off to the town. All
15 kinds of items, foam mattresses, any item that could be taken was taken and off they
16 would go. The people who were the victims of these thefts, many of these people
17 did not come and make a report, or were not interviewed.

18 In my particular case, I did not register and ask for any form of compensation for the
19 various belongings that were stolen from me by the MLC soldiers. So, giving a
20 figure, no, I can't, I can't give you a figure, but all the various neighbourhoods, I
21 would say it was almost as if they were going door to door. It was almost as if they
22 were canvassing, so to speak. Some people feared reprisals so they did not come
23 and report the thefts, and after, in 2002, in Bangui when there was the transition, the
24 situation was dangerous and there were no guarantees. So people would not take
25 the risk of filing a report, because they feared reprisals. So that is why some victims

1 did not approach us, even though we did take a number of measures, whatever
2 measures we could, to encourage victims to come and see us.

3 Q. Sir, you've provided a detailed explanation on pillaging. Now, are you in a
4 position to tell the Court from the dossier where these pillaged items were taken to;
5 the destination, please?

6 A. The goods were taken over to the other side of the river. They would take
7 them and head towards the town, and they had nearly exclusive control of the town.
8 So, you see, they had control of the town, they would move about and there was no
9 obstacle or barrier in front of them, so they would cross. And I remember in the
10 Fough neighbourhood - I believe it was in the Fough neighbourhood - at one particular
11 point in time, the people had to go out and barricade the road, set up a barricade on
12 the road. Well, unfortunately, those people were dispersed, so they would carry off
13 the goods, the vehicle would head towards the river, and the various items that had
14 been stolen would be taken across to the other side of the river.

15 Q. Sir, you have just stated in your answer, and I would like to follow up an issue
16 with you for your answer. At page 16 of today's real-time transcript, you stated at
17 lines 9 to 10, "They would take them and head towards the town and they had nearly
18 exclusive control of the town." Two questions arise from this. The first one is, who
19 do you refer to as "they" in this context?

20 A. The MLC rebels.

21 Q. We would also seek your assistance, if you may, to elaborate to provide an
22 explanation on what you mean by "they had nearly exclusive control of the town."
23 Can you let the Court know more, what was this exclusive control?

24 A. If you don't mind, I'll provide some additional information. Now, I may have
25 said that "they nearly had control of the town," and the word "they" in this context,

1 the pronoun represents the rebel troops of the MLC who had been deployed to the
2 Central African Republic. I'll specify. Having control of the town, they had control
3 of the town because the Central African Army was not associated with the
4 securitising operation of the country.

5 Now, at the support regiment camp, which was the first base of the MLC soldiers,
6 there was a clash between the MLC troops and the army troops. Now, the
7 information that I received later was to the effect that when the first deployment
8 occurred the Central African Army soldiers who might have been on the second lines
9 with the MLC, there was some shooting. Some army soldiers apparently shot at the
10 MLC and that created a problem, and the soldiers withdrew, MLC soldiers withdrew,
11 and then resumed their work.

12 President Patassé at the time did not accept or did not agree that such a crisis could
13 continue. And one army officer was humiliated by MLC soldiers; they took his beret
14 away from him. This was a general -- well, he was a colonel at the time. He's now
15 a general. So they took his beret away from him, and all of a sudden the army which
16 had no weapons because the MLC weapons were the weapons taken from the
17 army - and I believe testimony has been gathered in the earlier stages of the
18 investigation - and because of this, since the army no longer could do its work
19 security was left to the MLC and to the Presidential Security Unit.

20 So that is why I am saying that they nearly had entire control of the town. I don't
21 know whether I'm being clear.

22 Q. You have been, sir. Sir, you also mentioned murder when I asked you about
23 the type of crimes, and this is on page 13, lines 4 to 5, of today's real-time transcript
24 for reference. Are you in a position to provide information to the Court from the
25 dossier as to the number of victims on murder and any other detailed information

1 you can assist the Court with on murder?

2 A. Earlier I think I was telling you that it would be difficult for me to give you a
3 figure. There were many cases of murder. There were many murders. Why?

4 Because if there was any form of resistance, they would kill the person. There was
5 no communication between the MLC rebel and an ordinary citizen who resisted.

6 First of all, they couldn't understand one another because of -- in terms of language
7 and then, secondly, any form of resistance was deemed to be an act of rebellion and
8 the person who put up resistance was killed and there were such cases in the file. In
9 some cases, people were apprehended because they were suspected of being a Bozizé
10 rebel and they would be killed.

11 I believe afterwards, after the MLC was deployed beyond PK12, there were a few
12 examples that come to mind, I don't want to give any names, but there was the case of
13 one lady who explained that around PK25 on the Boali road she explained that she
14 was coming back from the farm with her husband and a vehicle, an army vehicle,
15 arrived.

16 Inside that vehicle there were some soldiers who were dressed in an odd way, any old
17 way, the same sort of description, no proper uniform, no stripes or insignia, some of
18 them were wearing hats, so they were dressed any old way. And so they took the
19 husband, and the lady said that she has had no news of her husband, not a single
20 trace of her husband. So that's one particular case.

21 Another case was that of a former -- I believe of a former warrant officer who was
22 retired, who was apprehended around Boali or Bossembélé - Boali, I believe - and
23 taken to Bangui and then Damara. Around Damara there was sort of a makeshift
24 prison that the MLC had set up and they took the gentleman to this prison and a few
25 days after that he died, they killed him.

1 And when the children of this gentleman arrived to the place and asked questions,
2 they said in their statement during the inquiry that when they asked the MLC soldiers
3 what had happened, they were told, "Well, your father was here, but he was very
4 tired and he went off to relieve himself," I believe that was the story, "but he must be
5 within a kilometre of this place. If you look around in the town, you will find him,"
6 but the gentleman had been executed. So there were many such cases.

7 So I'll restrict myself to these two examples that have just come to mind, because these
8 matters occurred a number of years ago. So there you have it. I can tell you about
9 those cases.

10 I also remember after the events I had gone off to take up my duties in Bouar and
11 from Bouar I came back to Bangui because I had a mission. And when I got to the
12 entrance of Bossembélé town, I went to see -- well, you see, there is a toll station
13 which is also held -- which was held by the MLC soldiers.

14 Bossembélé is a town with a ramp. One goes towards Bouar and the other in
15 another -- to another place. At the intersection of the ramp, there was a group of
16 MLC soldiers and at the ramp, two kilometres down the road, there were also people
17 gathered there. And two or three kilometres, 500, the Bouar road, there is a toll
18 station and there were also soldiers there.

19 And when we left Bouar to go, well, each time you would have to have some money
20 in your pocket because at each one of these stations, so to speak, you would have to
21 pay, and these people did not discuss things. They wanted money.

22 And that particular day, it was around 5 in the afternoon, approximately 5 in the
23 afternoon, and there were three or four vehicles ahead of me. I was there, I was
24 waiting, because you had to be disciplined in relation to these people. And we were
25 not allowed to have a handgun for protection; we were not allowed to have anything

1 like that in the vehicle. We had to drive along, because at that place everything was
2 checked, everything was searched, and they would ask for money. So this was done
3 systematically.

4 We got there, we waited, and in one of the vehicles ahead we saw a group of people
5 and all of a sudden they took someone, they went around the toll station and a few
6 moments later we heard some shots. And that day we had tears in our eyes,
7 because -- well, it really affected me very deeply. Even when I came in front of the
8 soldiers, I was trembling. I was trembling and I don't know. I gave the money
9 I had out of fear and when I got to Bossembélé at the intersection it was the same
10 thing. So we were really traumatised. So this is what I can tell you.

11 There were also cases of murder and, in my final conclusions, I also spoke of cases of
12 arbitrary arrest. So there you have it. That's what I can tell you. That's the
13 additional information I can provide you.

14 Q. Sir, you've actually provide a very comprehensive explanation and I would
15 follow up with one or two questions. You have told us what you personally
16 experienced and underwent, so we know your source of knowledge, but in respect of
17 the rapes and lootings that you spoke about earlier how did you come by that
18 information? What is your source of knowledge of that information?

19 A. With regard to the rapes, the source of information I said -- well, ever since the
20 beginning of my testimony I have said -- well, initially I said that a committee was set
21 up and carried out its work, and the result of -- the results of that committee's work
22 were sent to us and on the basis of that work we brought the matter before the
23 examining judge. So that was the sort of the trigger, the event that triggered the
24 investigation into the rapes.

25 The committee had spent its time taking a survey of the victims, the people who had

1 given statements, and the people who had said they had been raped they were
2 immediately taken to a doctor who examined them and provided an expert
3 information. There are not many psychologists in our part of the world. I don't
4 know if there was a psychological assessment, but there were expert reports
5 prepared.

6 The victims had blood tests done and in some cases the results were positive. That's
7 about the victims. After that, other victims. You see, when a woman has been
8 raped, sometimes -- you see, the woman is ashamed, she is ashamed to speak, and so
9 the people around her have to provide the information and a tactic is used to
10 gradually persuade the woman to report what happened and we had to do that in
11 many cases.

12 People would come and tell us or relatives would come and tell us what had
13 happened. We would ask them to bring the person. We would ask for
14 explanations and it would be difficult for the woman to speak. Sometimes she
15 would not want to speak and particularly when she would have to speak about the
16 sexual act, about the penetration, and so we would gradually have to coax the person
17 to provide the information.

18 So, you see, there would be the questioning in front of the investigating judge, people
19 would come, they would be convened; they would come and provide various items of
20 information. So that was how -- that's how things were done for the cases of rape.

21 As for the looting, I saw with my own eyes the trucks that were provided made
22 available to the MLC troops. I saw those trucks full of items.

23 Had they come to attack? Had they come to ensure safety for the Patassé
24 government that was having difficulty at the time? I saw with my own eyes with
25 licence plates, with all kinds of items, loaded with all kinds of items. And myself,

1 personally, I can tell you that I was the victim of looting. I was the victim of looting.
2 When they moved ahead, we would have to -- we would have to abandon our houses.
3 I live in one sector of PK12 and we had to abandon our houses. So there is one
4 neighbour who did not leave and that particular neighbour explained what had
5 happened. I was not the only person. There were several other neighbours and he
6 said he had to hide in the toilet, in the makeshift toilets or the little outbuildings
7 behind the main house. You see, that's where the toilet would be. The toilet would
8 not be within the house. So the neighbour hid in those toilets and he was able to tell
9 us what had happened. That goes to show how I became familiar with these events.
10 Now, the murders. I just told you what I experienced in Bossembélé. * Well, there
11 were some cases where it was the parents of the victims who came to complain and,
12 since the examining judge was already looking into the case, I gave
13 additional instructions so that the judge could make use of ...Chamber...the other file
14 that had arrived. Later. Afterwards.

15 Q. Sir, in response to my questions, you -- I refer to page 19, lines 2 to 3 of today's
16 real-time transcript for the record, you stated that, "In some cases people were
17 apprehended because they were suspected of being Bozizé rebels." Do you know
18 which neighbourhoods these people come from and in what circumstances this was
19 done?

20 A. Would you be so kind as to rephrase the second part of your question, please?

21 Q. You understood what I quoted, that you said that "people were apprehended
22 because they were suspected of being Bozizé rebels." The first question is who
23 apprehended these people?

24 A. I will give you an example of these retired officers. I will give you a few details.
25 Their children came to complain and in their complaint they explained that their

1 father had been apprehended by the rebels belonging to the Movement for the
2 Liberation of the Congo, taken away from the place where he was arrested to Damara,
3 and it was in Damara that he was killed. And when they followed him up to
4 Damara they found the rebel soldiers who said, "Your father was here, but he was
5 extremely tired. He was given the permission to relieve himself. He should not be
6 very far; he should be within a kilometre. Look for him. You will find him."
7 Rebel soldiers who would answer this, well, you cannot say that somebody else
8 apprehended that person, but the very people who spoke had apprehended him.
9 This is an example to buttress what I said earlier.

10 Q. Did this apprehension or targeting of people suspected of being Bozizé rebels,
11 did it happen only in that neighbourhood example that you have provided or do you
12 know whether it happened in any other neighbourhood?

13 A. What I am saying here, the example I have just given you, is already outside
14 Bangui. This already took place outside Bangui. Somebody who is apprehended in
15 Boali, it's 90 kilometres away from Bangui, so that is outside the Bangui perimeter. If
16 I mention the case of someone killed in Bossembélé, and I really happened to be there,
17 personally I explained earlier what I experienced. And this is not a Bangui
18 neighbourhood, this is 157 kilometres away from Bangui in Bossembélé, and there
19 were also some cases in Bangui neighbourhoods themselves.

20 There was one case I can mention at the Lipton village of a man who was killed in his
21 own home and whose wife eventually became the president of the victims'
22 association -- was to become the president of the victims' association. So these are
23 cases that I can mention and I can indeed vouch for the fact that this didn't take place
24 in only one neighbourhood, but in several -- in several districts. You know, when
25 there is a war you can give estimates of casualties, but you cannot give exact figures

1 because actually go and look for the casualties, the corpses and to count heads, you
2 need to have a great deal of courage to do so, particularly when you are faced with
3 soldiers who do not have any understanding of international humanitarian law.

4 That's it, thank you.

5 Q. Sir, I am craving your indulgence, because I have been asking about these places
6 because I shall subsequently be asking you to indicate these places in a map, so I
7 count on your patience. Sir, you also stated in page 19, lines 19 to 21 of today's
8 real-time transcript, that there was with a makeshift prison set up by the MLC around
9 Damara and you mentioned one killing in relation to this prison as an example
10 because it happened many years ago. Did you subsequently come to know what
11 happened to the corpse, or the corpses, of people killed? Let's stick to that one
12 example you gave from the killing by the MLC in the makeshift camp that you
13 referred to. Did you subsequently come to know what happened to that corpse?

14 A. Well, the corpse was left to the mercy of nature, at the mercy of nature.
15 Perhaps the surrounding population would have a chance to bury these corpses. In
16 the case I mentioned before, it was a gendarme, even his children were not able to see
17 his tomb. They didn't know where the corpse was. After the murder, when a
18 corpse remains out there in the open, you know, we live in a tropical area and it is
19 extremely hot and very quickly obviously the body corrupts and our obstacle, a major
20 impediment we had, was that we were not able to go out there on the ground to
21 actually question the local population. Had we been able to do so, we would have
22 had many details as to what actually happened because not everybody was killed.
23 Some survived, but the corpses were left out there at the mercy of nature, as I said
24 earlier and perhaps some noble-minded individuals would bury them whichever way
25 they could.

1 Q. Sir, as I indicated in my explanation before the question, you have mentioned
2 several places and you have mentioned the type of crimes that MLC perpetrated
3 against the victims you have spoken about. Now, these victims that you have
4 spoken extensively about this morning --

5 A. There is no translation coming to me.

6 Q. I will try again.

7 A. Okay.

8 Q. You have told the Court this morning about victims of rape, murder and
9 pillaging, and you have mentioned some locations. I will subsequently now be
10 asking you to indicate those locations, so, for the purpose of the record, so that we can
11 follow clearly, are you able to tell the Court where these victims of these crimes by the
12 MLC come from? Can you take your time to recollect and mention the locations in
13 the Central African Republic where they come from and then we will subsequently
14 indicate in a map, but I first want you to indicate the places for the record, please?

15 A. The MLC victims came from different neighbourhoods in Bangui that had been
16 occupied by the MLC troops. Yesterday I mentioned a major thoroughfare, the
17 Avenue de l'Indépendance, which goes from the very heart of town up to the north
18 exit and all along that major thoroughfare you have a number of neighbourhoods and
19 the victims hailed from the 200 Villas neighbourhood or the 36 Villas neighbourhood.
20 There is a name of a very prominent individual involved there, but I shall only give
21 his name later when we move into a private session. They are victims from the 200
22 Villas neighbourhood, from the 36 Villas neighbourhood, from the Boy-Rabé, from
23 Fouh, from Bogombo (phon), from PK11, from PK12, from Begoua, on the road to
24 Damara, the Lipton village, PK22, PK6 on the road to Boali and then further up inland.
25 So it is all these neighbourhoods. The victims came from all these neighbourhoods.

1 Q. Sir, you have just spoken about victims of MLC crimes from in and around
2 Bangui neighbourhoods and you just referred to the interior. Just for the record, and
3 to be clear, can you specify which parts of the interior did other victims come from?

4 A. Would you be so kind as to further clarify your question, because just what a
5 part of the interior, what you mean by that? You want me to give you the names of
6 other towns, or should I take into account the ethnic origin of the victims? Would
7 you spell this out, please?

8 Q. Thanks for the clarification, sir. Just the names of towns and places outside of
9 Bangui and Bangui neighbourhoods. Just those, please.

10 A. Let's take Bangui's immediate surroundings. First, Bangui. Bangui, as I said
11 and I repeat, you have the 36 Villas neighbourhood, the 200 Villas neighbourhood, the
12 Boy-Rabé neighbourhood, the Fohu neighbourhood, the Gobongo neighbourhood,
13 the other neighbourhoods whose names I don't even know, all the way up to PK10,
14 still on the road towards PK12, PK11 itself, PK12, obviously. Now, if you take the
15 ramp going towards Damara, at the very base of that ramp there is a neighbourhood
16 where there was a judge who was the victim, whose house was actually occupied by
17 MLC troops. Then PK22, the Lipton village, these are the immediate environs or
18 surroundings of Bangui. If you take the Boali road, then you have Begoua, then
19 there is a neighbourhood facing Begoua where there is a house, a residential house,
20 whose owners were expelled by the MLC troops, requisitioned the house in order to
21 billet themselves there.

22 Then also you have PK13, not far from the cattle market, PK13, and then all the way
23 up to PK25; PK25. This is to mention only the immediate surroundings of Bangui.
24 Now, if you wish to go further inland - it is a pity we were not able to go actually in
25 situ ourselves to see for ourselves what had happened, but the towns in the back

1 country where the MLC troops were present as well were the cities of Boali and then,
2 going uphill, the hill of Kassamba. Well, when you finish going up the hill, they're
3 right there. There's Boali, Bossembélé, there's Bossangoa, there is Damara; the town
4 of Damara where they remained for some time and there was fighting at one point
5 with General Bozizé's rebel troops. There was Bozoum, the town of Bozoum; this
6 town of Bossemtélé, which was also occupied by the MLC rebels. In these towns,
7 there were acts of violence committed but our investigation, for lack of means and for
8 reasons of security, was not actually able to go there and to be able to accumulate the
9 necessary evidence to include in our proceedings. I hope I have answered your
10 question.

11 MR YILLAH: You have indeed, sir.

12 Madam President, your Honours, I'm mindful of the time, but I have another topic to
13 go to, but before doing so I would seek the Chamber's indulgence to have document
14 EVD-T-OTP-00570 to be displayed on the screen, because it's public, and the ERN
15 number is CAR-OTP-0030-0131 for the witness. Alternatively, we have a hard copy
16 if there is any technical problem.

17 PRESIDING JUDGE STEINER: Is the document -- is the victim supposed to make
18 any modifications or additions on this document?

19 MR YILLAH: Very well, Madam President, just to indicate the places.

20 PRESIDING JUDGE STEINER: Then it will be better to give the witness a hard copy,
21 please.

22 MR YILLAH: Very well.

23 PRESIDING JUDGE STEINER: And just for your information, Mr Yillah, we have
24 today normal sitting hours, two sessions of two hours each, so you are not running
25 against the clock.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 MR YILLAH:

2 Q. Sir, do you see a document in front of you?

3 A. Yes, I do.

4 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

5 MR HAYNES: I've seen this document. I don't believe it's confidential, so any
6 marking of it could be done publicly, I believe.

7 PRESIDING JUDGE STEINER: As far as I know, the Prosecutor said it was public.

8 MR HAYNES: Yes, then I wonder whether it should be put on the screen so that
9 those who observe these proceedings can see it being done?

10 PRESIDING JUDGE STEINER: Yes, the document can be displayed, but the
11 modifications I suggested that it would be better to be made on a hard copy, if the
12 Defence does not oppose, because of technical difficulties in making the changes on
13 the screen.

14 MR HAYNES: I understand that, but I thought we could use the other piece of
15 machinery so that, for example, those who are in the public gallery can see the
16 markings being made and those who are observing the proceedings remotely. That's
17 all. I don't mind one way or the other.

18 PRESIDING JUDGE STEINER: We can try, Mr Haynes. Court officer, would it be
19 possible to put in the -- I don't know the name of that machine?

20 MR YILLAH: Madam President, we are entirely in your Honours' hands and, if the
21 counsel insists on showing it to the public, we may do so after the witness has marked
22 them. We don't have a problem.

23 PRESIDING JUDGE STEINER: Mr Yillah, do you think it's going to take too long for
24 the witness to make the marks you are asking for, because what we are trying to
25 avoid is the problem that happened last time because the document was put on the

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 SMART Board and stayed for too long and all modifications were deleted

2 automatically. That's why we are avoiding to use the SMART Board.

3 MR YILLAH: Madam President, I envisage that it would not take the witness more
4 than two to three minutes -- two minutes to mark.

5 PRESIDING JUDGE STEINER: Then we can try the SMART Board, just to give
6 something requested by Mr Haynes.

7 THE COURT OFFICER: Madam President, if I may, just for the record of the case,
8 the document now being displayed is CAR-OTP-0030-0131, which already has an
9 EVD number reference which is the following, EVD-T-OTP-00570, and the document
10 is marked as public.

11 PRESIDING JUDGE STEINER: Mr Yillah, let's try and see whether it works or not.

12 MR YILLAH:

13 Q. Sir, do you see a map in front of you on the screen to your left, or --

14 A. Yes.

15 Q. Is that a map of the Central African Republic?

16 A. Yes, it is indeed a map which shows part of the Central African Republic.

17 Q. You just indicated a while ago the areas in the interior where victims of MLC
18 crimes came from. Can you indicate by marking on the map the areas that you have
19 just mentioned where you've just told us where various parts of the countries were
20 victims of MLC crimes come from? Can you indicate on that map those areas?

21 A. Yes, obviously. I have concluded the markings.

22 MR YILLAH: Is it -- Madam President, I'm really sorry, but I was just asking
23 whether it's possible for us to see the map, or --

24 PRESIDING JUDGE STEINER: I suppose it is on the screens.

25 MR YILLAH: Yes, Madam President, we see it now.

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 Q. Sir, in answer to my question when I asked you whether this is a map of the
2 Central African Republic, you told us that it is a map of part of the Central African
3 Republic. Do you see a town in that map by the name of Sibut?

4 A. Yes, I do see the town of Sibut.

5 Q. Does it mean anything in this context?

6 A. Sibut was held by the rebel soldiers loyal to General Bozizé. The MLC troops
7 occupied Damara, the town of Damara, and they were not able to go as far as Sibut.
8 They stayed within Damara up until a certain period in time when there was some
9 fighting over there in order to dislodge them from Damara.

10 Q. Sir, so does this map represent the areas that you say victims of MLC crime
11 come from? Can you confirm that?

12 A. I do confirm that.

13 MR YILLAH: Madam President, we move to offer this map into evidence and
14 request the assignment of a new EVD-T number.

15 PRESIDING JUDGE STEINER: Court officer, please.

16 THE COURT OFFICER: Yes, Madam President. The document that has been
17 modified by the witness today in open court will receive the following EVD-T
18 reference, EVD-T-OTP-00605, and it will be marked as public.

19 MR YILLAH:

20 Q. Sir, I'm now directing your attention to a new topic. Yesterday you stated and
21 today you touched in your evidence on various groups which were involved in the
22 events in the Central African Republic between 2002 and 2003.
23 During the investigations, or during the questioning and hearings, did you come to
24 know the identity and information of the various armed groups that were operating
25 on the ground in Central African Republic during 2002/2003? What are these groups?

1 Are you in a position to tell the Court, to take your time to tell the Court about the
2 names of the various groups that were operating on the ground in the Central African
3 Republic?

4 A. Fine. There were, indeed, other armed groups. They were operating along
5 the lines of the MLC. For these groups, I could first cite the group of fighters with
6 Mr Martin Koumta Madji, alias Abdoulaye Miskine, there was that group. There
7 was the private security group which was directed by the chauffeur working for the
8 President Ange-Félix Patassé, and he's now deceased, Mr N'Doubabe. There's that
9 group.

10 There was also -- well, those two groups were also headed by another group which
11 was in charge of fighting international terrorism and that was run by a former French
12 gendarme, Captain Paul Barril, and then alongside that you had the rebels that were
13 loyal to General Bozizé on the other side. So you had those different groups.
14 There were also militia groups, the Sarawi militia. I don't know under what
15 authority, but they were all answering to the power that was there, but I don't know
16 who was giving orders to the Sarawi militia, the Balawa militia and the Karako militia.
17 So all those groups were working together with the authorities there, and then on the
18 other side you had the groups of rebels that were loyal to General Bozizé.

19 Q. Now, Witness, we are here to present a full picture to the Chamber, so I'll make
20 certain suggestions to you to get a complete picture. Other than these groups that
21 you have mentioned, the Miskine group, the private security group of N'Doubabe,
22 Paul Barril's men, Bozizé rebels, the Sarawi, the Balawa and the Karako, do you recall
23 whether those two -- whether any other groups were operating in the Central African
24 Republic at the time? Any other groups or any other military either from the Central
25 African Republic or from outside of the Central African Republic?

1 A. Outside the Central African Republic there were Libyan forces commanded by a
2 general, but I can't remember his name, and those forces were also operating there a
3 great deal. They had air forces with small planes that shelled the area and they had
4 other explosives. So there were Libyan forces and still, at an international level,
5 there was the CEN-SAD force.

6 This is the Community of Sahel-Saharan States, but that force didn't really work.
7 That force was made up of six different countries, one of which was Libya. Part had
8 been deployed by my country, there were 30 men, but they didn't really work; except
9 for Libya, which had a major military presence providing the presidential security
10 force and was also going after the rebels; rebels that were loyal to General Bozizé.

11 Q. I would now like us to discuss each of these groups in turn but, before doing so,
12 I would like to establish the basis of your knowledge. How did you come to know
13 about these groups? It is from the dossier, or is it from your personal observation?

14 A. First, there were my personal observations. The events occurred between 2002
15 and 2003, and I already knew that those groups were there. And when we did our
16 investigations -- or, rather, when the procedure was started up as part of the
17 preliminary investigation, we got a lot of details; that was from August 2003 on. We
18 got a lot of details on the existence of these groups and on the actions carried out by
19 these groups in the Central African Republic.

20 Q. Sir, the first group you mentioned is the group from Martin Koumta Madji or
21 Miskine. Can you tell the Court who Miskine is? Can you provide information to
22 the Court on who he is?

23 A. Yes. Mr Koumta Madji, alias Abdoulaye Miskine, is someone who is on the
24 run, an ex-convict. I think you could say that he is a conman. He was charged with
25 fraud; he made his victims believe that he could manufacture money and that he

1 could provide potions with supernatural powers. Abdoulaye Miskine was originally
2 charged at the Court of Noella.

3 Noella is a remote area in the Central African Republic; it is on the western border
4 with Cameroon, it is a préfecture there, and he was charged with fraud there and he
5 came back to Bangui, and there were charges laid there. And I remember that he
6 was arrested on two occasions and the case was being dealt with. His case was
7 being dealt with still when in 2001 the insurrection happened, the failed coup d'état
8 by General Kolingba.

9 And I remember this, it is a bit strange, I was crossing the city a few weeks later and I
10 saw him in combat dress. He was holding a gun in his hand. He was standing in
11 front of a big shop, almost at the main roundabout in the city centre, and when I saw
12 him he greeted me. He was the one who greeted me, and I saw him with his
13 weapon and I saw there were people from the army with him, and I asked him and I
14 said, "So now you've become a soldier?" And he said, "Yes, yes," he's here to help
15 President Patassé.

16 And then later he was appointed to head a team which was in charge of securing the
17 area of Kabo when you head north. It's allegedly an area where you have the
18 highway robbers. That's what we call it. And so then he started recruiting men
19 there. And the men, well, they had a special name, but I can't remember it. It will
20 come back later. They were called -- I can't remember. It will come back to me. I
21 will tell you later.

22 So he recruited these men, and he went to Kabo and had operations carried out there.
23 But what was special about Miskine's dealings is that, contrary to what he said,
24 saying that he was there to deal with the highway robbers and to stop General
25 Bozizé's rebels taking over. Abdoulaye Miskine did the opposite. He was carrying

1 out summary executions.

2 I knew him, and I don't know what sort of bravura he has to go off and run fighting.

3 He had no idea of what to do. I suppose he'd learnt it out in the field. And there

4 were lots of summary executions carried out. I didn't see the summary executions,

5 but I heard about them. I got that information through a number of reports

6 published by international human rights organisations. There was Human Rights

7 Watch, the FIDH, and so on. So there were reports on investigations carried out in

8 the Central African Republic and these showed all the violence which had been

9 carried out by Abdoulaye Miskine's group. So, he was there and he would put up

10 barricades so that General Bozizé's rebels couldn't get through, and then he went back

11 to Bangui. He had to retreat to Bangui. So he went to Bangui. And Miskine

12 became the bone of contention between the President of Chad and President Patassé.

13 He was called a Chadian mercenary, recruited by Ange-Félix Patassé to destabilise the

14 regime in Chad, and in the Central African Republic Miskine was said to be a Central

15 African patriot who was just there fighting against the highway robbers, and the

16 rebels who were trying to move into Bangui. But I think he must come from a town

17 on the border between the two countries. so that's what I can tell you briefly about

18 Mr Koumta Madji, alias Abdoulaye Miskine.

19 Q. Sir, you've provided sufficient information on Miskine, but I just want to follow

20 up on what you have said. And this group that you referred to as Miskine's men, do

21 you know where they come from? From where did he recruit his men?

22 A. Mainly, they were men from President Patassé's Kaba and Sara ethnic groups.

23 They were the ethnic groups where the men came from.

24 Q. From your investigation, are you able to tell the Court what language that

25 Miskine's men spoke in? What language did they used to communicate?

1 A. The Central Africans who spoke Sango and they spoke their local dialect, Kaba
2 or Sara.

3 Q. You've already spoken about the violence or, you know, the crimes perpetrated
4 by Miskine's men. Sir, if I ask you, from your investigations, how would you be able
5 to distinguish for this Court Miskine's men from the MLC? That's my question to
6 you.

7 A. Well, the difference is as follows: First, Abdoulaye Miskine's troops were
8 around Kabo. That's where they were. At one stage one part of them were
9 deployed to the town of Bossangoa. The MLC troops, as soon as they got to Bangui
10 were first in Bangui, and then just outside Bangui and then Boali, Bossembélé,
11 Bossempaté and Bozoum, Damara, Bossangoa and so on. Abdoulaye Miskine's
12 troops were also men that were not very well dressed. They had uniform but they
13 didn't all have proper military shoes. They didn't have any insignia to show who
14 they were, but they had caps, hats, military caps, which we called kalo. That's what
15 they were wearing. And they moved in vehicles which were with a registration for
16 the Presidential Security Unit, USP, so that's the difference I see.
17 However, the MLC men, well, I've given a description of them here. MLC men don't
18 speak Sango, whereas Miskine's troops were fluent in Sango. The MLC men were
19 disorganised, they were -- in the way they were dressed. Very few of them wore any
20 headgear or beret, or sometimes they would have a beret but it was too big for their
21 head, and the clothes were okay for some and sometimes the clothes were much too
22 big for them. Their shoes were slippers or flip-flops or other things and there were
23 also women. There were women. I personally saw one woman with a baby, she
24 was carrying a baby, so there were women. That's how I could describe them to you.

25 Q. You may recall earlier that when we were talking about the MLC you spoke

1 about a crime of rape in the Central African Republic at the time. From the
2 investigation -- from the dossier, are you able to tell the Court whether Miskine's
3 troops, Miskine's groups, was involved in any rape or rapes?

4 A. For rape, I don't know, but the mass graves at PK13 were the results of the
5 works of Abdoulaye Miskine's men, but for rape, no. The people of the Central
6 African Republic, well, it's not a very large population and people run into one
7 another quite often. You can see someone today and then you might see the same
8 person again two, three, ten times. The town is small and you run into people, so
9 nearly everyone knows one another. So if there were cases of rape carried out by
10 Abdoulaye Miskine's men, well, in the reports of the events by the victims the victims
11 would have said that the people who turned up also spoke Sango because Miskine's
12 men were local recruits and they were Central Africans. But in the reports of the
13 events, the perpetrators of the rape did not speak Sango. That's a clear difference.
14 The second point to add: When the events began, and then from the 29th on the
15 MLC men started moving into the neighbourhoods and carrying out acts of violence,
16 Miskine's men were somewhere, well I can say that because we had to -- we had
17 reports of violence at PK15 at the cattle market where Abdoulaye Miskine came along,
18 but he had taken Chad citizens off in vehicles, but there were tradesmen at PK12 and
19 they would come along and as they are Muslims the general idea is that, well, a
20 Muslim has to be a citizen of Chad, and so he came along and he got Muslims who
21 were there in their stores and got, I don't know how many of them, lots of them, and
22 put them in a vehicle and then he went off to the cattle market and he got to a certain
23 point and said, "Okay, get off and go home," and then when people had to go his men
24 opened fire. Everyone knew that, because everyone knew Miskine, and in the
25 reports that we got from witnesses in relation to this, well, for people who were

1 concerned, who were hit, who were targeted, there was only one who survived and
2 who explained the way he spoke and what happened.

3 So Miskine's men were known and Miskine was known. His vehicle was identified;
4 it was a USP vehicle. So that's the distinction I can make there.

5 Q. Sir, just one last question now in relation to Miskine. From the dossier, do you
6 recall the strength of his troops, the number? Are you in a position to approximate
7 the number of men under Miskine's control?

8 A. He had approximately 600 men, and later research I carried out, I came across a
9 publication by the United Nations Development Programme and there was a
10 reference there to some 600 men whom he'd recruited.

11 MR YILLAH: Madam President, I am mindful of the time. I am about to begin the
12 second group which the witness mentioned, that is the private security group of
13 Patassé's driver. I don't know whether this is a convenient point to break, because
14 we have five minutes, or should I commence and then -- I am entirely in your hands.

15 PRESIDING JUDGE STEINER: I think we can go into our break, but before that I
16 have some follow-up questions to put to the witness, so maybe this is the proper time
17 for doing that.

18 MR YILLAH: Very well, Madam President.

19 PRESIDING JUDGE STEINER: Witness, in your statement - and it is at paragraph 21
20 of your statement, the French version is CAR-OTP-0005-0103, in English translation it
21 is 368, it is paragraph 21 in any case - you mention that, in English the translation is
22 like that, "I know that there were two or three common graves at PK12, as well as one
23 at PK15. I did not perform an on-site investigation, but I did go and visit the
24 common graves in a personal capacity." Have you been informed in relation to these
25 mass graves the victims -- the corpses were victims of which group? Have you been

1 informed about that?

2 THE WITNESS: (Interpretation) Okay. Well, for these mass graves, when I was
3 sleeping fairly close there into PK11 going towards PK12 and the mass graves were at
4 the cattle market and the mass graves are still there. So they are there and we've had
5 a sort of improvised grave there, set up there to protect the mass graves, and the
6 information that I have managed to get on these mass graves is in relation to violence
7 carried out by the men under Abdoulaye Miskine, the ones I just mentioned, and
8 there there were tradesmen with stands around PK12, and they were stopped the next
9 day when General Bozizé's troops turned up and then they retreated and that's where
10 Miskine's troops turned up, and they rounded up all these Chadian tradesmen and
11 took them off to the cattle market, and then he gave them the order to go home. And
12 when they wanted to leave, they were then shot in the back, and they're the bodies
13 which we got together to make the mass graves there. So that's the detail, your
14 Honour.

15 PRESIDING JUDGE STEINER: Thank you very much. In relation -- I am going
16 back to the beginning of your testimony, when you mentioned the victims and/or
17 witnesses that gave testimony in - before the juge d'instruction - just for my
18 knowledge, in your system these witnesses or victims that go before the juge
19 d'instruction, they give their testimony under oath?

20 THE WITNESS: (Interpretation) The oath is required when the witness is not
21 related by blood or by marriage to the victim or to one of the people involved. When
22 the person is neutral with regard to both parties, then an oath is required, and after
23 reading the article on giving testimony and on the oath, we ask the person to raise
24 their hand and say that they swear to tell the truth and nothing but the truth, but
25 when witnesses are related to a victim, or to one of the parties involved in the trial,

1 then no oath is taken. We take the person's statement as such.

2 PRESIDING JUDGE STEINER: Thank you. And one more clarification: These
3 testimonies are taken in the presence of a Defence counsel?

4 THE WITNESS: (Interpretation) If the person has a lawyer, then the lawyer
5 attends the questioning, but if the person does not have a lawyer, well, you know,
6 most of the victims are poor people and our system of legal aid is not very highly
7 developed. We are not able to provide lawyers to victims with state subsidy, except
8 for the criminal court where approval is given for a person without their own lawyer
9 being provided with a legal aid lawyer funded by the State. But for the examining
10 judge, if the person has a lawyer then the lawyer attends the questioning session, the
11 interview, and the lawyer is informed of the full process preparing the case until we
12 get to the end.

13 PRESIDING JUDGE STEINER: For clarification, I don't know whether it is a
14 problem of interpretation, I am talking about Defence counsel for the suspects, not
15 really for the victims.

16 THE WITNESS: (Interpretation) No, when the victims are questioned the Defence
17 counsel does not attend, but the Defence counsel receives the file. If it is requested
18 we send the file for their comments, but at the time of the questioning the Defence
19 counsel is not there.

20 PRESIDING JUDGE STEINER: Thank you very much. Thank you very much,
21 Mr Witness. We are going to have a half-an-hour break in order for you to take
22 some rest and also our interpreters and court reporters. It's 11 o'clock. We'll
23 suspend now and resume at 11.30. I ask, please, the court usher to take the witness
24 outside the courtroom.

25 (The witness stands down)

- 1 PRESIDING JUDGE STEINER: The hearing is suspended.
- 2 THE COURT OFFICER: All rise.
- 3 (Recess taken at 11.00 a.m.)
- 4 (Upon resuming in open session at 11.33 a.m.)
- 5 THE COURT USHER: All rise. Please be seated.
- 6 PRESIDING JUDGE STEINER: Welcome back. Maître Zarambaud, welcome.
- 7 Could, please, the court usher bring the witness in.
- 8 (The witness enters the courtroom)
- 9 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 10 THE WITNESS: (Interpretation) Thank you.
- 11 PRESIDING JUDGE STEINER: Are you ready to continue, sir?
- 12 THE WITNESS: (Interpretation) I'm ready, your Honour.
- 13 PRESIDING JUDGE STEINER: Thank you very much. Mr Yillah.
- 14 MR YILLAH: Thank you very much, Madam President.
- 15 Q. Sir, before the break we were generally discussing about the various groups
- 16 that were operating in the Central African Republic between 2002 and 2003, and you
- 17 provided explanation to the Court already about the first group, which is Miskine's
- 18 group. And in your answer you mention other groups. You spoke about the USP,
- 19 Unité Sécurité Présidentielle. I would now like to direct your attention, first, to
- 20 discuss this group. Do you understand me, sir?
- 21 A. Yes, I entirely understand what you're saying.
- 22 Q. This USP group, or Unité Sécurité Présidentielle, at the time in 2002/2003, at the
- 23 time of the events, are you -- from the dossier and from what you know, are you able
- 24 to tell the Court about what this group is, its command structure, what were its
- 25 functions at the time? In your own time -- take your own time to respond, please.

1 A. Thank you. The Presidential Security Unit is the group of bodyguards of the
2 President of the Republic. They were the unit at the time. And this unit was a
3 branch of the army that emerged from the ashes of the former Republican Guard.
4 That unit became the DIR force, the Defence of Republican Institutions Force. That
5 was the name of the unit after a number of mutinies or rebellions, rather, that
6 occurred. So it is a unit that ensures the safety of the president. The name, Unité
7 de la Sécurité Présidentielle, comes from the fact that a good part of the DIR Force
8 was demobilised after the various rebellions, and the President of the Republic was
9 called upon to demobilise part of this group. There were a great many people
10 within the group who were rather close to the army, so to speak. And you see, this
11 group was only for the protection of the President of the Republic. So the DIR force
12 was demobilised, for the most part. Some of the members of that group were placed
13 in other groups, which I mentioned earlier, and I could hark back to that point, if you
14 wish. The security -- the presidential security unit was led by a colonel. Now, I'm
15 not quite sure his name is public; I can give it now. If his name is not in the public
16 domain, I can give the name in private session in a few moments.
17 So it was led by a general who was the director-general, that was his title, and this
18 unit, according to its constitution, is intended to defend the institutions of the
19 Republic; namely, the president himself and then the other institutions of the
20 Republic. So, generally speaking, that is how I would describe this unit.

21 Q. You mentioned the name of a general who was the head of this unit, and the
22 Prosecution knows that the name of that general is in the public domain, it has been
23 mentioned several times. Are you in a position to tell the Court the name of the
24 head of the Unité Sécurité Présidentielle?

25 A. Thank you. I didn't know whether that name was already public or not. It

1 was Brigadier-General Ferdinand Bombayake. He was the one who led the
2 Presidential Security Unit. The second in command was Colonel Ouadane.

3 Q. Apart from those two names that you've mentioned, are you able to tell us
4 about anyone else in the command structure, in the leadership structure, of the Unité
5 Sécurité Présidentielle?

6 A. * There were many officers in that unit, but a few names stood out and those
7 names came up constantly. There was Commander Service - as well as Lieutenant
8 Diader. Those are the names that were most often heard when this unit
9 conducted operations. They were in the field, they commanded troops and gave
10 orders.

11 Q. At the time of the events, that is the period under investigation, 2002 to 2003,
12 where was the USP based?

13 A. The Presidential Security Unit had barracks at the Darou (phon) camp. These
14 are barracks on a hill, almost right beside the Palais de la Renaissance where the
15 President of the Republic is.

16 Q. You have told us about the tasks already of the USP, its functions at the time,
17 and now its barracks. Are you in a position to tell us what involvement, if any, did
18 the USP have in the conflict?

19 A. The USP played an important role in the conflict. According to the
20 investigation that we conducted, the MLC rebel troops who arrived at the port of
21 Bangui were received by General Bombayake, the Director-General of the Presidential
22 Security Unit, and that was confirmed by him when he was interviewed during the
23 initial interview. He received them, and he was also responsible for providing the
24 MLC troops with the materiels, the equipment they needed, both weapons and means
25 of transportation that had been requisitioned by the former Prime Minister and

1 provided to this unit, the Presidential Security Unit. And, in turn, they were
2 provided to the MLC rebel troops because, you see, when they arrived, they did not
3 have any means of transport. General Bombayake confirmed to us, when he was
4 questioned, that he provided weapons of the government to the MLC rebel troops so
5 that they could conduct their operations with those weapons.

6 And when they were deployed in the field, when there was this misunderstanding
7 between the Central African armed forces and the rebel troops of the MLC, the army
8 was put on the sidelines in terms of managing the crisis and so the USP at the time of
9 the deployment had to be at the front lines for localities that were not well-known by
10 the MLC troops until they became more familiar with the field.

11 So that is what the USP had to do. And while those operations were underway, they
12 were also patrolling in other areas of the city of Bangui, areas that weren't occupied
13 by the MLC rebel troops.

14 Q. Sir, you've just provided information that the USP worked in coordination with
15 the MLC, and you said in your answer just a while ago that the MLC -- you worked
16 with the MLC troops until they became familiar with the field, that is until the MLC
17 becomes familiar in the field. So when the MLC became familiar in the field, what
18 then became the role of the USP?

19 A. The USP did other things. As I was telling you, the general lack of security in
20 the north neighbourhood was not the only problem. Because of the war, all the
21 other neighbourhoods were affected by the security problems. The army had been
22 humiliated and was not ready to support the President's efforts and so it was the USP
23 who had to work in other sectors of government, ensure a certain presence of the
24 government in other neighbourhoods, the southern neighbourhoods, the western
25 neighbourhoods of Bangui.

1 Q. Just one follow-up question. In answer to my previous question you
2 mentioned that the Prime Minister who requisitioned. Just for the record, does this
3 Prime Minister, does he have a name, the Prime Minister at the time? Can you
4 provide the name to the Court, please?

5 A. His name is Martin Ziguele, the Prime Minister -- he was the Prime Minister at
6 the time of the events.

7 Q. Under which government at the time, just for the record, please?

8 A. Sir, I believe -- well, there were many names, but I was -- I believe it was the
9 Government of Action in Combat, Government of Action and Combat, I believe that
10 was the name of that government led by that Prime Minister, because he was
11 appointed after the 2001 crisis, after the attempted overthrow by André Kolingba. It
12 was at that point he was appointed and I believe that's when the government was
13 given the name Government of Action and Combat.

14 THE INTERPRETER: Interpreter correction, line 13, Martin Ziguele.

15 MR YILLAH:

16 Q. This is just for the record to clarify. So who appointed Martin Ziguele as Prime
17 Minister? Who appointed him at the time? That's what I'm trying to get at.

18 A. Martin Ziguele was appointed by Ange-Félix Patassé, the President at that time.

19 Q. Sir, you also spoke about bad relations between the army and the MLC, so the
20 USP provided this coordinated support which you spoke about. Now, in terms of
21 time-line, it is not clear for us in terms of time-line how long after the MLC arrival, or
22 how soon after their arrival did these bad relations between the MLC and the army,
23 the national army, start?

24 A. Well, it was quite close in time, quite close in terms of the time when the MLC
25 troops arrived. A few moments ago, I told you that those troops were stationed at

1 the regiment, the support regiment, and at that time the army was humiliated
2 because one particular colonel, I believe he later became a general, had his beret taken
3 away from him and trampled on the ground, according to the information that we
4 received from the testimony of a high-ranking officer, and that piece of evidence was
5 noted down.

6 You see, at first, the FACA went out with the rebel troops of the MLC, but they did
7 not go out together very far. Apparently, they stayed close to the National
8 Assembly and moved outwards. People saw that some of the MLC soldiers had
9 received -- were the target of shooting, shots, and they were to come back to the base,
10 back to the base, to the support regiment. And Patassé got all worked up and this
11 colonel, some people took his beret away and trampled on it, and then the army was
12 not asked -- was asked not to get involved in these operations and the USP and the
13 rebel troops of the MLC were in the field and they were the ones doing the work.

14 Q. You've just said that in terms of deployment and movement, they just -- they
15 went up to just the National Assembly. Just for the record, where is this National
16 Assembly located?

17 A. The National Assembly is not very far from the barracks of the support
18 regiment. I would say it's about 300 metres away on the Avenue de l'Indépendance.
19 Even -- well, the barracks are right by the Avenue de l'Indépendance and then they
20 moved towards the assembly, close to the assembly, and behind the assembly on the
21 hill there is the Boy-Rabé area.

22 So when Bozizé's troops arrived, there was on the other side various soldiers who
23 were shooting as well, so the MLC had to occupy that area and that is when the
24 misunderstanding occurred.

25 Q. Again, just to clear the record, in which town, in which city or town, are you

1 referring to? Where is the -- in which town is the National Assembly located?

2 A. In the city of Bangui.

3 Q. Sir, a while back before these follow-up questions, you spoke about the MLC
4 working in coordination -- the USP working in coordination with the MLC after the
5 bad relations with FACA and you said until the MLC had complete knowledge. The
6 question is: Do you recall examples, or did you learn of place or places where the
7 USP no longer provided any support for the MLC during your investigations?

8 A. Well, what I can say is that, for example, the roadblock at PK12, the northern
9 exit, that was held only by MLC troops. Various points, such as Begoua, PK22, on
10 the road to Damara, PK25, on the road -- the Boali road, those points were held only
11 by MLC troops. They were the ones who were at these various check-points. They
12 had their bases. They would walk around the avenues. Some of them -- well, in
13 some cases, we don't know where they got bicycles, but they did have bicycles, going
14 around riding bicycles with rifles slung around their shoulders. Others were going
15 around in vehicles. So, in those places we hardly saw any of the USP soldiers. So
16 there you have it.

17 Q. When you say "in those places we hardly saw any USP," now I have to inquire
18 about your source of knowledge for this information. Is it based on what you saw or
19 is it based on the dossier?

20 A. I got that information from the file. I told you that high-ranking army officers,
21 even General Bombayake, had been interviewed. They were interviewed during the
22 inquiry. So thanks to the various questions asked of those officers, we were able to
23 get items of information regarding the movements of the troops. And at one
24 particular point, when the Libyan aircraft were dropping bombs, some people
25 thought it was General Bombayake who was doing the shelling. His name was

1 Bombayake and Bombayake -- well, people thought that he was the one they made a
2 bit of a link between his surname and the word "bomb," but that was not the case.

3 * This officer was only a flight engineer. Now, so all that information was revealed
4 during the initial part of the inquiry.

5 Q. Sir, are you in a position to tell the Court approximately what was the strength
6 of the USP, just at the time, the number of men?

7 A. Well, after demobilisation, I think perhaps slightly more than 1,000, but this
8 group was not really under control; it was chaos everywhere. And even though
9 there was a limit set on the number of soldiers, it was no surprise that other soldiers
10 joined the USP.

11 I should specify that even though the Central African Army did not take part in the
12 fighting, some soldiers from the army did belong to the President's ethnic group, and
13 they joined the ranks of the USP. So the USP, the number of troops, I really can't
14 give you a specific or an accurate number, but I would say more than a thousand. It
15 might be a bit of an exaggeration, but perhaps even 2,000.

16 Q. And, sir, you've given us an estimated number of men in the USP. Are you
17 also able to tell the Court about the logistical capacity, logistical capability of the
18 MLC -- of the USP, rather?

19 A. Nearly -- nearly all the various forms of equipment were with the USP. The
20 tanks, the heavy weapons mounted on to pick-up trucks, the combat vehicles, all that
21 was with the USP. For the most part, the assets of the army were with the USP.
22 And this is a bit of an aside, but if the 1997 rebellion began, or -- it's because President
23 Patassé wanted to get back all these other assets that were located in the other
24 barracks and give them to the USP, and in the final analysis he was able to get
25 that -- those assets back.

1 Q. Sir, just for the record, in what language, or what is the language used by
2 members of the USP?

3 A. The USP soldiers are Central African. They spoke Sango, those who had some
4 education French, but they would also speak their local dialect, either - depending on
5 which ethnic group they belonged to - Sara, or Kaba like the ethnic group of President
6 Patassé.

7 Q. From your investigations, do you recall if the USP participated in the
8 commission of crimes at the time?

9 A. In the light of the investigation I did not identify any acts of violence, or rather
10 let me put it this way. When in the course of the proceedings the question arose of
11 prosecuting Ange-Félix Patassé and some of his officers, there were all the violations,
12 including murders, robbery, that had been attributed to the USP soldiers. However,
13 when the investigation came to a close and the conclusion was given by the
14 examining judge, these conclusions were brought to the court and the court decided
15 to separate out the two types of procedure to enable the Public Prosecution to deal
16 with a more serious type of crime, where there had been bloodshed, and the financial
17 crimes for the Central African courts, because the Central African courts simply did
18 not have the wherewithal to carry out the more serious type of investigation.
19 So that was the situation, and if we opted for this it's because we actually saw the
20 primary liability that rested with President Patassé who, in spite of all the regrets that
21 had been expressed, the bemoaning, the lamentations, did not take the necessary
22 measures in order to put an end to what was happening, but -- so I cannot actually
23 say in all truth, in all honesty, that the USP were totally alien to the acts of violence,
24 rapes, looting, thefts committed. However, there were two separate lines of
25 proceedings that were decided upon and Central African -- the Central African

1 judiciary divested itself of the possibility of prosecuting the more serious type of
2 crime.

3 Q. Sir, I will just now take your mind a bit forward and to March 2003 when the
4 then government there was overthrown. Do you know what, if anything, happened
5 to the USP at this time? What happened to them after the overthrow of the Patassé
6 government?

7 A. After the Patassé regime was overthrown, first of all the Director-General of the
8 USP had taken shelter in the French Embassy and all of the USP army was, how could
9 I put it? They had vanished into thin air. They had scattered all over the place.
10 Part of them went on exile with Abdoulaye Miskine's men, many of them took refuge
11 in the Cameroon and the government had to intervene to ask for them to be sent back
12 to the country. This is what I can say on this.

13 Q. Sir, one last point on the USP. From the dossier - the file - how would you be
14 able to distinguish for this Court between the USP and the MLC?

15 A. Let me go back to what I was saying earlier. There is a clear-cut distinction
16 between the MLC and the USP. The latter, the USP, is made up of duly trained
17 military men, answerable to the State, wearing appropriate uniforms and insignia and
18 the beret; a green-colour beret. The outfit they wear is totally military issue, shoes
19 and guns included. The USP military are Central Africans, who speak Sango.
20 Some may speak French and also obviously their local tribal language. The USP
21 men use army vehicles. The licence plates are either USP or FACA licence plates.
22 This being said, the MLC troops -- let me go back to the initial description I gave you.
23 They wore mismatched uniforms. At times they wore out-sized uniforms, the
24 uniforms didn't actually fit the wearer, and mismatched shoes as well. Not regular
25 issue shoes, but just slippers, flip flops, any type of footwear. Again let me mention

1 that I saw a woman carrying a baby, I saw her with my own eyes, and the State
2 vehicles that were requisitioned and given over to the MLC, the licence plates had
3 been taken off from these vehicles. I remember some troop carriers, troop vehicles,
4 which were of a German make I believe, but there was no licence, no identification on
5 them.

6 The MLC rebel troops did not speak Sango, nor did they speak French.

7 Their hair -- well, you know in the army there is discipline to be observed, both as far
8 as the body is concerned and what you wear. You cannot have just any kind of
9 hairdo and be bearded what you -- the way you like. You could have some bearded
10 people like Osama bin Laden among the MLC troops. They wear their hair, their
11 beards, whichever the way they want. This is the distinction that I can draw.

12 And how can one tell that they were the perpetrators of the acts of violence? Well,
13 because when they dealt with the victims, they did not use Sango. They used
14 Lingala, a language which was not known to the victims. These are the various
15 pieces of evidence that I can make available to you, sir.

16 Q. Sir, that's all I have for the USP. You also mentioned another group, a private
17 security group, whilst listing the groups that were operating in the Central African
18 Republic at the time, and a group by -- you mentioned the name of N'Doubabe.
19 Now, I want you -- can you help the Court with some information from your
20 investigations about this private security group that you said was headed by Patassé's
21 former driver? First, that is the first one. Can you help the Court with information
22 about how it came into existence and what was its role at the time?

23 A. Fine. The SEPS, these are the initials. I believe that stands for Company of
24 Surveillance and Protection, Société de surveillance et de protection. I don't actually
25 know, but it's actually SEPS or SCPS, a private security group housed in a villa right

1 next to President Patassé's residence. This private security group was headed by his
2 regularly appointed driver, who had once been a taxi driver, because he actually
3 came to see me in my office once. He came to see me for a particular problem, and
4 that's when he explained to me how he ended up being the officially appointed driver
5 of President Patassé. On that particular day he told me that Patassé was coming
6 back home from exile and he took his taxi cab and drove Patassé back into town, and
7 ever since that moment they actually were always in contact until Patassé stopped
8 being President of the Republic and it was that former taxi driver who headed that
9 private security core. Among the members of that private security core, you would
10 find practically nothing but people from the Sara, Kaba ethnic groups, among whom
11 you would find some who had been demobilised from the former DIR corps, that is
12 to say the Force to Defend the Republican Institutions, out of the ashes of which the
13 USP was born.

14 I was saying earlier that one of the requirements for peace after the army riots in 1996
15 and in 1997 was that President Patassé should demobilise part of his own Presidential
16 Guard, because there were far too many of them, and when he did do so the members
17 of that unit found themselves as members of SCPS.

18 SCPS was about 1,500 strong; 1,500. They had Kalashnikovs. They also wore
19 mismatched uniforms, because some were career military men and some were not
20 career soldiers. What the SCPS did -- well, it was the strong arm of President
21 Patassé. They were also to intervene for security reasons in town and also in the
22 surroundings of the residence of President Patassé.

23 Q. Sir, just for the record, a while back you were trying to give a full explanation of
24 the SCPS. If I suggest to you that it was -- the full name is the Central African
25 Protection and Surveillance Organisation - this is just for record purposes - would

1 that ring a bell?

2 A. No. Force is something that you can use with DIR; DIR. The DIR Force is a
3 special force for the Defence of Republican Institutions. SCPS is, I believe, Société de
4 Surveillance de Protection et de Service, the Society for Protection Surveillance and
5 Service, literally, from French into English.

6 Q. That is helpful, sir. In terms of -- you've told us that the SCPS -- the basis of
7 the SCPS was adjoined to the then-President Patassé's residence. Now, in terms of
8 the conflict, the period between 2002 and 2003, from your dossier are you able to tell
9 the Court what was the involvement, if any, of the SCPS in the conflict? What was
10 its role?

11 A. First, I should like to supplement what I was saying earlier on this subject. I
12 mentioned the Karako and the Balawa and the Sarawi militia groups and they, too, at
13 one point actually converged into the SCPS, to put it that way. Now, when the
14 investigation was carried out on the acts of violence committed, rape, et cetera, the
15 investigation did not identify the presence of SCPS in the various neighbourhoods in
16 which these numerous acts of violence were perpetrated.

17 And I could, perhaps, specify further and say that SCPS men are Central Africans.
18 They leave their own neighbourhoods and become members of the SCPS. There's no
19 such thing as specified barracks for them; they're very well-known in their various
20 neighbourhoods. This means that if one of them commits an act of violence, it's
21 going to be known immediately. So I repeat, the investigation did not bring out in
22 the neighbourhoods occupied by the MLC any acts of violence that would have been
23 perpetrated by the SCPS.

24 Q. Sir, you also mentioned a name of Paul Barril. Does that ring a bell?

25 A. Yes, Paul Barril. I actually saw him with my own eyes. He's a former French

1 gendarme, and I believe that he actually swindled President Patassé, and I think I
2 know whereof I speak. You see, Paul Barril was appointed as the man in charge
3 of -- in the fight against international corruption. I think the initials are LCI, "lutte"
4 against -- fight against international terrorism.
5 When he was appointed, under him was also placed the SCPS and Miskine's people.
6 And Paul Barril, I don't know what time exactly this was, but he had already gone to
7 Bouar where I worked, and one evening we had a visit of some foreign people with
8 some other Europeans, in the city of Bouar. And on the following day, he held a
9 meeting. He held a meeting, the prefect mobilised the population to go and hear
10 what Paul Barril would have to say.
11 In a nutshell, what he said to the population was that he had come there in order to
12 fight General Bozizé's rebels who were moving forward and, therefore, he appealed
13 to the population for support. And he also said that he would take his troops to go
14 to Bukaranga - Bukaranga - which is a city to be found after Bouar, where you found
15 General Bozizé rebels. So there you could see that he wasn't actually on the level,
16 because the road to Bukaranga was the road to go to my own home. And when I
17 came -- got back home, I saw Paul Barril's men with Paul Barril. He was in an
18 air-conditioned car, and I don't actually know whether you go off to battle in an air
19 conditioned car. And two hours later, they came back and they were shouting
20 "Victory." And I started thinking and I told myself, well, for heaven's sake, in order
21 to go to Bukaranga, it's more than 100 kilometres. It's not a good road. And these
22 are military people. You're supposed to be going off to combat when you move
23 there to the combat zone. Do you move rapidly or slowly? In two hours, can you
24 go there and back? That's when I came to the conclusion that the whole thing was
25 far from clear. That's number 1.

1 Number 2, Paul Barril, with these four Europeans who were with him, there must
2 have been four of them, we came to see me in my office and they said that they
3 wanted to requisition the gas station.

4 PRESIDING JUDGE STEINER: Sorry to interrupt you. The interpreters are asking
5 you, please, to slow down a little bit. They are having difficulties in following you.

6 THE WITNESS: (Interpretation) Thank you very much, your Honour. Let me go
7 back somewhat so as to enable the interpreters to interpret properly.

8 I was saying that one fine evening, in the city of Bouar, Paul Barril and four
9 Europeans - I believe Yugoslav Europeans, I think their nationality was

10 Yugoslav - they arrived in the city of Bouar and on the following day, Paul Barril,
11 together with the prefect of that area, held a meeting.

12 Now, the purpose of the meeting was to let the population know that his presence
13 there was due to his mission to fight General Bozizé's rebels and he, therefore, needed
14 the support of the population. At the end of this public meeting, he said, right after
15 the meeting, "I will go to Bukaranga in order to expel the rebels from that city. I was
16 there at that meeting. I heard him out to the very last word, and then I went back
17 home.

18 I have an official residence (Expunged)

19 (Expunged) and I was back at my official residence and I saw the column of Paul
20 Barril's soldiers with the four Europeans, Paul Barril himself and some soldiers;

21 I believe soldiers from the SCPS or Abdoulaye Miskine's men, or both together,
22 because they were all dressed in any old way, and they were moving in the direction
23 of Bukaranga.

24 Two hours after that, they came back and they were shouting "Victory." They came
25 back to the city of Bouar two hours afterwards. This is where I came to the

1 conclusion this can't be, this is not serious. From Bouar to Bukaranga, there are
2 more than 100 kilometres. The road, although a paved road, is not properly
3 maintained. Plus, these were people moving off towards a battle, so they could not
4 just stay on that road and be victims of an ambush of their enemies. So, they
5 couldn't have sped all the way to that city and back to Bouar. And I told myself, if
6 they had been to Bukaranga and back to Bouar, in two hours, they must be lying.
7 That's a conclusion I came to.

8 On the following day, into my office came Paul Barril and his four lieutenants. They
9 came to tell me that they were going to requisition the Bouar gas station. It was only
10 Paul Barril who gave his name, his full name, Paul Barril. The others only gave me
11 their first names. They gave me calling cards. One was Lieutenant Henrie. The
12 others had different first names on their calling cards, only "lieutenant" and their first
13 name.

14 And then I turned to Paul Barril and I said, "Have you come to tell me you're
15 requisitioning the gas station, or to ask me for my authorisation for this?" And Paul
16 Barril said, "No, we have just come to tell you we're requisitioning the gas station."
17 So they went off to the gas station, asked the gas station attendant to give them all the
18 money he had, and whatever gas was sold from the gas station was kept by Paul
19 Barril and his men. So then I told myself, "Have these people come here in order to
20 sell gasoline or have they come in order to engage in war?"

21 At some point, Paul Barril completely disappeared from Bouar; the people with him
22 had also vanished. We had no idea where they were. Later, we were apprised of
23 the fact that he had been taken ill and had left the country. These are the elements of
24 information I can give you on Paul Barril. These are things that I experienced
25 personally, but in the dossier it is he who, after his appointment, was to command the

1 SCPS troops and also troops belonging to Abdoulaye Miskine, because in the year
2 2002 President Patassé was forced to send Miskine into exile, to Togo. This was one
3 of the conditions that had been imposed upon him by the Chadian part.

4 These are the details I can communicate on Paul Barril.

5 Q. Sir, you've provided explanation on Victor N'Doubabe and Paul Barril. In
6 respect of the first one, Victor N'Doubabe, do you know what happened to him after
7 the government was overthrown in March 2003? What happened to him?

8 A. Victor N'Doubabe was a driver, the officially appointed driver of President
9 Patassé, who at the beginning was also in charge of SCPS. The investigation showed
10 that he was killed a few hours after the rebels of General Bozizé came into town on 15
11 March 2003 in the surroundings of President Patassé's residence.

12 Q. What about Paul Barril; what happened to him?

13 A. Paul Barril disappeared. I told you that when he left Bouar we didn't have any
14 more news of him. And later we heard that he was sick and that he had left to get
15 medical treatment, but he left permanently. We had no way of finding him.

16 Q. You've given us an explanation of who constituted, who were the members of
17 the SCPS, and you've also given an explanation that Paul Barril had four Europeans
18 with him. Just to clarify the trial record, in terms of communication, do you know
19 what language or languages were used by members of the LCTI, Paul Barril's group,
20 to communicate among themselves, if you know, from the dossier?

21 A. They spoke French, but with a Russian accent.

22 Q. Sir, you also mentioned in your explanation, you mentioned the names of
23 certain groups, the Karako, the Balawa, the Sarawi, and you explained that they were
24 assimilated into the SCPS, because these were people from various neighbourhoods.
25 Just to clarify the trial record, did the dossier reveal the commission of crimes by

1 these groups, the Karako, the Sarawi and the Balawa?

2 A. Once again, I shall repeat what I said earlier. The Karako, Balawa and Sarawi
3 were not considered to be the equivalent of but were part of the SCPS. These were
4 militia groups that had been set up in the neighbourhoods. For example, you found
5 the Karako near Boy-Rabé, you've found the Sarawi that came from the Sara
6 neighbourhood, and the Balawa were in a neighbourhood near Galabadja. So they
7 were part of the SCPS.

8 Now, what I'd like to point out here, in relation to the last question you asked me, is
9 that in the investigations done with the examining judge, the cases of violence, of
10 rape, of looting, murdering, which the examining judge learnt of, the descriptions of
11 the events led to the conclusion that MLC troops were responsible for them. Now,
12 I am repeating that and confirming it.

13 I know that I can presume that the SCPS and others carried out acts of violence, but
14 for the cases where we had information, we noted, and not for the sheer pleasure of
15 noting it, but we did this in relation to the facts, we noted that there was
16 responsibility of the rebel troops of the MLC. That's what I can tell you.

17 Q. Sir, you also briefly touched the Libyan troops. You said there were bombings
18 and the Libyan troops were responsible for bombings and they went after the rebels.
19 Now, where? In what locations did the Libyan troops, you know, carry out these
20 acts? Are you able to tell the Court?

21 A. The day after the events in October 2002, the Libyan troops that were based in
22 Bangui got reinforcements for their air forces. I think there were two small
23 two-seater planes, small planes, that were there and that were also shelling a number
24 of neighbourhoods. For example, Boy-Rabé, where they bombed it, and that is a
25 neighbourhood that was loyal to General Bozizé. The planes took off from the town

1 of Zongo opposite, in the Democratic Republic of the Congo. The planes left there
2 and as soon as they took off, because of the operations they were carrying out, as
3 soon as people saw the plane they knew the plane had a target and that the plane was
4 going to bomb or shell.

5 These are not fighter planes, they are not Jaguar planes or Mirage jets that are
6 high-speed planes and that you only see once they have gone by after you hear them.

7 But these planes, if I am not mistaken, well, are they fighter planes? I don't think
8 they are. They were piloted by Libyans and they bombed and they followed the
9 rebels quite deeply into the land to bomb them.

10 Now, for air attacks on the inland areas, we got reports on that from Radio France
11 International, and that was on the basis of statements by General Bozizé who, at the
12 time, said we've had attacks from Libyan aircraft, and that was broadcast.

13 We wanted to know more about what was happening. We wanted to know more
14 when General Bombayake was questioned. But then we came up against the fact
15 that he was not in the planes and couldn't tell us anything more.

16 However, he was asked how Libyan troops had got to Bangui and there, his answer
17 was that the Libyan troops had come into Bangui after negotiations between
18 President Patassé, the Libyan leader Muammar Gaddafi. This was done through
19 contact with Mr Ali Triki who was, I think, the African chargé d'affaires, or the chargé
20 d'affaires for Africa in Libya, and he was the secretary -- and there was also the
21 Secretary-General of CEN-SAD, Mr Abbasi Madani. That's how we got that
22 information.

23 General Bombayake also pointed out that the Libyan troops based in Bangui had
24 come to provide support for the Republican institutions for the security of the
25 President and to defend the President of the Republic. I don't know if there are any

1 other grey areas there. If you ask me some questions, if I can remember what
2 happened, I'll give you the answers.

3 Q. I believe you have been very clear, sir. Just one or two follow-up on what you
4 have said. Apart from these bombings that you have spoken about, did the dossier
5 disclose the commission of any other crimes by the Libyan troops in the Central
6 African Republic at that time?

7 A. No. There was just the bombing, the consequences of the bombing, but crimes
8 as such, committed by Libyan troops, well, the investigation did not find any.

9 Q. Do you recall from the dossier or yourself where the Libyan troops were based
10 in the Central African Republic at the time?

11 A. The Libyan troops were not based in the city centre but on the outskirts of the
12 city centre. Libya had built a large building in Bangui on Barthélemy Boganda
13 Avenue, in a suburb of Bangui. The building is not far from the current
14 headquarters of the United Nations Development Programme and it's the level of
15 PK3 in the city centre, PK3 in the city centre, and the Libyan troops were in that
16 compound. They were in that building which in fact belonged to them, it's a tall
17 building and it was a number of storeys and that also provided them with their base.
18 But the troops were seen with weapons, with tanks, in the environs of President
19 Patassé's residence. They were there all the time.

20 Q. How long did the Libyan troops stay in the Central African Republic at the
21 time?

22 A. The Libyan troops? Well, a few months, I think. Well, perhaps they were
23 there before 2002. They were there in 2002, but they left before 2003. We were
24 surprised to hear that the Libyan troops had left because the general commanding the
25 troops had not given any reasons for withdrawing the troops, reasons for

1 withdrawing his troops. I think there were around 100 of them in all.

2 Q. You also mentioned CEN-SAD. When I asked you whether there were troops
3 outside of the country, you mentioned CEN-SAD. Are you able to explain to the
4 Court what CEN-SAD means and are you able to provide information about these
5 CEN-SAD troops, please?

6 A. CEN-SAD is an international organisation. The members are the
7 Commonwealth of Sahelo-Saharan States. The headquarters of CEN-SAD is in
8 Libya, I think. If it's not in Libya it's in Niger, but I think it's in Libya. The
9 Secretary-General of CEN-SAD is a Libyan, Mr Abbassi Madani. I mentioned his
10 name earlier.

11 As part of an agreement with the Central African Republic, there was the possibility
12 of deploying CEN-SAD troops to provide security forces for the President and to play,
13 you could say, an intervening or intermediate role between them and the rebel troops.
14 Six countries had agreed to this - I remember there was Sudan, which was one of the
15 countries, there was Mali, there was Niger - and each country had to provide 30 men
16 and the numbers were set by General Bombayake.

17 The troops turned up. Of course, they had some difficulties. Of course, not all the
18 countries had released the men to go there and we don't know what happened, but
19 they weren't properly deployed to do the work which they were meant to do
20 according to the agreement. So that's basically what I can tell you about the
21 CEN-SAD troops. They were based in the M'Poko camp, which is next to the
22 international airport, M'Poko-Bangui Airport.

23 Q. Did the dossier disclose the commission of crimes by CEN-SAD?

24 A. No, no, no. I said that the CEN-SAD troops were not deployed on the field, we
25 didn't see them and the investigation showed that all they did was stay in the

1 barracks.

2 Q. How long did the CEN-SAD troops stay in the Central African Republic?

3 A. I can't give you an exact answer there, but I know that the CEN-SAD troops left
4 as soon as General Bozizé's regime was overturned.

5 THE INTERPRETER: The regime was overturned by General Bozizé, correction.

6 MR YILLAH:

7 Q. Sir, there is one more group I want us to discuss which you have not mentioned,
8 but that has arisen in the course of these proceedings. Your Honours, the transcript
9 reference is transcript of 24 January 2011, transcript number 52, page 41, line 21, to
10 page 42. This is -- the information has emerged about several Congolese who were
11 residing in the Central African Republic at the time of the events; Congolese nationals
12 residing in the Central African Republic. Are you -- do you know whether in fact, at
13 the time of the events, Congolese internationals were living in the Central African
14 Republic? Can you confirm that?

15 A. I can confirm that and I'll say that Congolese have always been in the Central
16 African Republic and they are even there today. The countries are close and the
17 borders are easily crossed, so that means that citizens of both countries cross both
18 ways, and at that time Congolese were in the Central African Republic. I can
19 remember at one stage, when the violence was being carried out, there was also an
20 uprising by the people south of Bangui reacting against the Congolese, or Congolese
21 people there.

22 Q. Now, I want to direct your attention to the events between October 2003 and
23 March -- October 2002 and March 2003. Are you from the dossier able to provide the
24 Court with information on the role, if any, of these Congolese residents in the Central
25 African Republic during the conflict?

1 A. No. No, the dossier didn't find any information on these Congolese, who
2 what's more were living very peacefully in the Central African Republic. We didn't
3 find any responsibility. These were people who were familiar with the Central
4 African environment and a lot of them spoke the lingua-franca, which is Sango. We
5 didn't find any evidence to prosecute a Congolese, living in the Central African
6 Republic, where there was any case of violence, rape, murder, assassination in the
7 period from 25 October 2002 until March 2003.

8 And I would like to point out that these Congolese are further south. They are in the
9 southern neighbourhoods. Perhaps it's the easiest way to cross over and they
10 always find somewhere to settle in the south, but they don't go to the north. It's very
11 rare to find them north of Bangui.

12 Q. Sir, you already mentioned -- in response to my various questions, you've
13 referred to the army, the national army. What is the official name of this national
14 army in the Central African Republic?

15 A. The Central African Army is known by the acronym FACA, F-A-C-A, the
16 French acronym for Central African Armed Forces.

17 Q. At the time of the events in 2002 to 2003, from what you know and from the
18 dossier are you able to provide the Court information on its command structure, its
19 leadership role, at the time of the events between October 2002 and March 2003?

20 A. The Central African Armed Forces form a republican army. There's general
21 command heading the armed forces, you have the general command, and there are
22 different sections in the army. First you have the national gendarmerie, and at the
23 time it had a director-general who was a judge in the army; this official army. There
24 are a number of regiments, or with the new system after the reform we talk about
25 battalions, but at the time we called them regiments.

1 There was the Regiment for the Operational Defence of the Country, RODT. There
2 was the support regiment. There was the Combined Intervention Regiment, RMI,
3 the French acronym. There was the Republican Guard in the provinces, which also
4 has its barracks near Kasi camp. There is the amphibious regiment, with men from
5 the navy. I think that's all, or it's the main part. I think that's all. So all those
6 regiments are directed by core leaders backed by their deputies, and it comes under
7 the senior command of the head of the command of the armed forces.

8 Q. Sir, a while back you told the Court that the national army was put on the
9 sidelines and the USP was assisting. In fact, you went further to say that they
10 deployed with the MLC only up to the National Assembly. Why was -- why was
11 this the case, or what explanation can you provide to the Court? Why was that the
12 case?

13 A. The first reason I can give for this situation is a general reason. You need to
14 understand that from 1996 to 2003 the country was going through a cycle of chronic
15 instability, of acute crises, both military and political, plus social crisis. Salaries were
16 not paid, pensions and grants weren't paid and the State could no longer afford to
17 pay its sovereign expenses, so there was a widespread problem.

18 The army had to do the job too of defending the Republican institutions and
19 protecting the country, and the army too was hit by this widespread crisis. In the
20 army there had been promotions and appointments, which were done for personal
21 reasons and were done on an ethnic basis, and this provided even greater
22 discouragement to the men in the army who had also been put in an even weaker
23 position with the mutinies. So there was that basic problem to start with.

24 Then the unions at the time, because of the crisis with employment, called for an
25 unlimited general strike. There was no work, the banks were working at a minimal

1 level, trade was at a minimal level, and so this crisis hit every Central African citizen,
2 whether they were a member of the armed forces or not, and this certainly shook the
3 army.

4 Then the President of the Republic did not abide by resolutions taken by meetings
5 organised to restore peace, and this too gave rise to a feeling of suspicion and
6 wariness. So you can understand that in that situation the army could not be
7 properly disciplined and did not have the morale it needed to carry out its duties for
8 protection and defence of the country. So this is the background to the situation of
9 the imbalance and disturbances, so they are the reasons I can give you.

10 Q. At the time, the material time of the events, did the dossier disclose the
11 commission of any crimes by the Central African Army?

12 A. No. If that were the case, we would have immediately assumed our
13 responsibilities with respect to uncontrolled members of the army. The army almost
14 shared the same concerns as the population, if one takes into account their behaviour.
15 You see, there were no longer any barracks, they had all been destroyed, and the
16 soldiers were living in the neighbourhoods. They answered the calls from the
17 hierarchy. The hierarchy was no longer able to have proper control over them.
18 They were scattered here and there. They were still there with their uniforms and
19 they would share a beer on the corner with ordinary citizens and talk about the
20 situation, but the inquiry did not show any responsibility for rape, looting, murder or
21 theft of property with regard to any army soldier. If that were the case, I don't think
22 we would have neglected that; we would not have turned a blind eye to that.

23 Q. Sir, what is the official language, or the language used by members of the
24 National Army to communicate amongst themselves and the nation?

25 A. The National Army, as the name indicates, is made up of Central African

1 citizens who speak Sango. Many members of the army are educated and thus they
2 speak French. Perhaps amongst themselves, because they may come from the same
3 region, they speak their own tribal language, but the language that is authorised
4 within the commands and within operations is Sango or French, those two languages.

5 Q. And from the dossier, in terms of -- how would you distinguish for the Court
6 between the National Army of the Central African Republic and the MLC?

7 A. The distinction is a simple one. I gave you the names of the various regiments
8 a few moments ago. Each regiment has an insignia for the unit. Each regiment has
9 an insignia, a particular beret. So there are distinctive signs that are different from
10 one regiment to the other. For example, the air force had a particular beret, a blue
11 beret, dark blue with the insignia of the air force. The RDOT had their own insignia
12 on a black and red background and the soldiers wore a red beret. The joint
13 intervention regiment had a red beret and an insignia that was also distinctive. The
14 support regiment had a -- they had black berets and a special or a particular insignia.
15 The Republican Guard, they had their own insignia of that guard, as well as black
16 berets. The national gendarmes also wore a blue beret and the insignia of that unit.
17 The USP had green berets, green berets with a particular insignia.

18 So in each unit, the various stripes were made against a background and that
19 background matched the beret. All this to say that the army soldiers could recognise
20 one another and distinguish one regiment from another.

21 The rebel troops of the MLC did not have such distinctions, not the kind of
22 distinctions that the Central African Army members had. They were not
23 particularly rigorous when it came to maintaining their bodies. Some of those
24 soldiers, some of the rebel soldiers, had long hair or unkempt hair, because you see in
25 the army, there's a particular haircut and the soldiers can't wear a beard, their hair

1 must be cut quite close; whereas, the MLC soldiers, as I said earlier, they had army
2 green clothing but there were many of them. Some of them would just wear the top
3 of the uniform and others had only the trousers. Some of them wore a complete
4 uniform, but the uniform was so big that you could see that it didn't fit the person.
5 There were no particular insignia or stripes that would distinguish the members of
6 one unit from another and they wore all different kinds of berets. They did not have
7 any epaulettes to distinguish themselves. Their footwear, well, in the Central
8 African Army, you can't wear a regular uniform and then put on a pair of slippers or
9 flip-flops. Those uniforms -- those soldiers would wear Ranger boots. If they were
10 wearing the light uniforms, they would wear black shoes. And one did not see that
11 sort of thing amongst the members of the rebel forces of the MLC.
12 And I really even wonder if they had any training. They didn't seem to have any
13 training. They just went about their business.

14 Q. Why do you make the last statement? You said you wonder whether the MLC
15 had any training. Why do you say that?

16 A. A trained soldier shows discipline by his very nature. I've done my military
17 service and I know what it means to be disciplined within an armed force. A proper,
18 trained soldier dresses in a logical way, not just in any old way. Such a soldiers
19 wears proper ranger boots or dress shoes, has a proper hair cut, wears the proper
20 stripes, has his beret, his belt; but the MLC soldiers, well, they had all kinds of
21 different belts, and some had belts, others didn't. So there you have it. So that is
22 why I wonder whether they had even been trained, because a soldier is trained over a
23 period of time. A soldier receives basic training and a soldier goes to a school and
24 goes through the induction and is taught how to use weapons, and there are teachers
25 who teach the young soldiers. And when the soldier comes out of that training, he

1 has to be -- he's properly trained. He knows how to salute other soldiers. So there
2 you have it. Good manners, if you go to someone's home, you introduce yourself,
3 you are polite, and you ask -- or you say what you want, what your business is.
4 Amongst the MLC troops, we did not see that sort of behaviour at all. They were a
5 very sloppy group, or they were a motley group.

6 Q. We'll discuss the MLC in a little while but, before doing so, you also mentioned
7 a group that you've described repeatedly as Bozizé's rebels, which was in operation at
8 the time of the events. Now, can you assist the Court with information on this
9 group, who was its leader, what it was and what it did in the conflict?

10 A. First of all, General Bozizé was the General Chief of Staff of the Central African
11 Armed Forces. He was relieved of his duties in 2001, in the course of the month of
12 October 2001. And after he was relieved of his duties, he had not yet transferred
13 powers, and a warrant was issued for his arrest. And this warrant was implemented
14 by members of the USP but, unfortunately, those men met up with the resistance of
15 General Bozizé and a few of the army members who ensured his safety. All of a
16 sudden a crisis emerged within the army. Some of the army members sided with
17 General Bozizé. And after the attempt to arrest him failed, the army men who had
18 sided with General Bozizé made an attack on one of the military bases of the army;
19 namely, the barracks of the RDOT, the regiment responsible for operational
20 defence of the territory.

21 There was an attempt at reconciliation. This was done by a representative of the
22 Secretary-General of the United Nations located in Bangui, a general, but that attempt
23 failed. General Bozizé, with the troops who followed him, went into exile.

24 At that specific point in time, I remember, that was in November 2001. There was
25 the shelling by the Libyan aircraft in PK11, as well as close to the residence of Bozizé,

1 which was close to PK12. And, so, he began the rebellion. His men followed him;
2 others, as well. And, furthermore, he recruited new members in order to set up his
3 own armed force and launch attacks.

4 The rebel troops of General Bozizé, as they left Bangui, took the Damara road and got
5 to Kaga-Bandoro and they continued to reach -- and they reached the small border
6 town of Sido; it's on the border with Chad. And when the offences were launched,
7 the very first offensive they launched, the first major offence that they launched was
8 in the area around Kaga-Bandoro in the village of Ouandago, a village where fighting
9 occurred.

10 The troops fought there, they fought the army forces, because when the -- when they
11 fled the army, the USP, they chased after them. So there was combat there and the
12 largest offensive was in October 2002 and this ended in failure in Bangui and the
13 withdrawal of those troops. The troops loyal to Bozizé, they withdrew to Damara
14 town by way of the Damara road first and then the Bossembélé road.

15 On the Bossembélé road, the Banyamulengue were deployed to enter into battle. So
16 there was fighting there, they gained the upper hand, and Bozizé's troops withdrew
17 to Bossangoa; and from there, the MLC troops took possession and set up operations
18 in Bossembélé until the end of hostilities in 2003.

19 Now, on the Damara road the troops of General Bozizé occupied Damara, Sibut and
20 all the places behind there. In Damara, there was a counter-offensive by the MLC
21 rebels, and they were driven out of Damara, and they withdrew to Sibut,
22 Kaga-Bandoro and other places where they were stationed until they went back to
23 Bangui.

24 Fighting also occurred -- the rebel troops of Bozizé occupied Paoua far to the north,
25 the locality known as Paoua - Paoua - Bukaranga, Bozoum as well. And when they

1 were in Bozoum, the MLC troops were forced to move towards Bossemptélé and go
2 to Bozoum to fight them. That is why those troops were there.

3 Bozizé's troops also occupied the town of Bossangoa before they were pushed back
4 by the MLC rebel troops and after that they regained the town.

5 So those were the various places -- or that's the itinerary taken by Bozizé's troops and
6 those were the places where the various -- the fighting occurred. Some towns were
7 spared.

8 Q. Sir, how do you know all this that you have told us?

9 A. Well, my sources -- or my source is as follows: First of all, with regard to the
10 troops of General Bozizé, I am preparing a doctoral thesis on the United Nations and
11 the crisis in the Central African Republic and this work allowed me to really delve
12 deep into these inquiries and gain a great deal of information for my thesis. That's
13 the first reason.

14 Secondly, a number of reports were drawn up, human rights reports, that the various
15 human rights NGOs published on the crisis in the Central African Republic and I
16 drew upon those reports to determine exactly what I'm now saying.

17 Third, when the fighting was underway, we listened to our radio sets very closely
18 and we listened to what was happening and what was being broadcast on Radio
19 France Internationale, as well as on a station known as African 1. So we got our
20 news from those sources.

21 So by way of these radio broadcasts, and when I conducted my research, personal
22 research for my education, I also was able to determine with certainty all these
23 various items of information that I am now providing to you.

24 Q. Thanks for providing those various sources. Let me take your attention now
25 to another source, the dossier. Does the -- do you recall if the dossier discloses the

1 commission of crimes by Bozizé rebels against civilians in the Central African
2 Republic at this time?

3 A. Which file are you referring to, please?

4 Q. The questioning and hearing, the examining judges -- the file that was sent to
5 you containing all the elements. We have spoken about various groups and whether
6 they committed crimes against civilians. I want to know whether this dossier
7 discloses the commission of crimes by Bozizé rebels.

8 A. No, that file did not mention the acts of violence and the abuse committed at the
9 rebel camp, the ones who were loyal to Bozizé.

10 The aspects of the inquiry or the information we had, well, those items are based on
11 the entrance, the deployment, and also the operationalisation of the MLC troops.

12 And I've told you that our investigation did not travel to the field. And the acts of
13 violence and abuse that occurred, well, I think I've also told you that I did not
14 investigate as a prosecutor because I did not have the resources. And the
15 investigating judge was not able to travel outside of the Bangui for the investigation.

16 When Bozizé's rebels left the city of Bangui and the surrounding area, they were no
17 longer there; it was Bemba's troops. And all the -- well, the entire enquiry really
18 focussed on that particular aspect of what occurred. That is what I can tell you.

19 MR YILLAH: That's very helpful, sir. Madam President, your Honours, I am
20 about to proceed to a new topic. Given the time, I was wondering whether this is a
21 convenient point to rest for the day.

22 PRESIDING JUDGE STEINER: Maybe it's a good time for adjourning. Is the
23 Prosecution in a position to update its estimation on the length of the questioning of
24 the current witness?

25 MR YILLAH: Madam President, may I confer for a moment, please. Madam

Trial Hearing
Witness: CAR-OTP-PPPP-0006

(Open Session)

ICC-01/05-01/08

1 President, your Honours, the Prosecution estimates or anticipates two more hours to
2 wrap up its evidence in its questioning.

3 PRESIDING JUDGE STEINER: Thank you very much. Then we can put already
4 the legal representatives on notice that, probably tomorrow, the legal representatives
5 will question the witness.

6 Mr Witness, we are going to adjourn for today. You deserve a rest, four hours of
7 questioning, also our interpreters and court reporters are entitled to some rest.

8 We are going to resume tomorrow morning at 9 in the morning in this very same
9 courtroom. I would like to thank very much the Prosecution team, the legal
10 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I would
11 like to thank very much our interpreters and court reporters. I ask, please, the court
12 usher to accompany the witness outside the courtroom.

13 (The witness stands down)

14 PRESIDING JUDGE STEINER: The hearing is adjourned.

15 THE COURT OFFICER: All rise.

16 (The hearing ends at 1.27 p.m.)

17 CORRECTIONS REPORT:

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

20 *Page 19 lines 10 to 14:

21 "Well, there were some cases where it was the parents of the victims who came to
22 complain and, since the judging, since the examining judge was already looking into
23 the case, I gave a hand so as to enable these people to make their testimonies and
24 include them in the case." is corrected by

25 "Well, there

1 were some cases where it was the parents of the victims who came to complain and,
2 since the examining judge was already looking into the case, I gave
3 additional instructions so that the judge could make use of ...Chamber...the other file
4 that had arrived. Later. Afterwards.”

5 * Page 39 lines 6 to 8:

6 “A. There were many officers in that unit, but a few names are striking and those
7 names came up constantly. Commander Service - Service - as well as Lieutenant
8 Udare (phon). “ is corrected by

9 “A. There were many officers in that unit, but a few names stood out and those
10 names came up constantly. There was Commander Service - as well as Lieutenant
11 Diader.”

12 * Page 44 line 3:

13 “He was an aeroplane mechanic, he was not a pilot.” Is corrected by

14 “This officer was only a flight engineer.”

15