

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

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 Thursday, 25 November 2010

9 (The hearing starts in open session at 2.43 p.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in session.

11 Please be seated.

12 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We are

13 in open session.

14 PRESIDING JUDGE STEINER: Good afternoon. I ask, please, the court officer to

15 call the case.

16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you. I would like to welcome the

19 Prosecution's team, legal representatives of the Defence, the Defence team and Mr

20 Jean-Pierre Bemba Gombo.

21 The Prosecution has completed yesterday its questioning of Witness 38, and

22 Ms Douzima on behalf of the victims she represents made an oral application to the

23 Chamber at the end of the hearing yesterday to question Witness 38. The Chamber

24 instructed Ms Douzima to send an email to the Chamber's legal officer with a list of

25 questions that she wished to ask the witness, and the Chamber has duly received an

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1 email from Ms Douzima shortly before 2 p.m. Apparently, there were some
2 technical problems in having access to the transcripts.

3 Having considered the questions and -- the Chamber determines that they are
4 relevant for the case. The Chamber is satisfied that it's appropriate to allow
5 Ms Douzima to question Witness 38.

6 Obviously, these are exceptional circumstances that apply in this moment, in view of
7 the lateness of the decision on common legal representation, but in the interest of trial
8 efficacy the Chamber takes its opportunity to remind the legal representatives that for
9 all future witnesses the procedures to be followed for making applications to question
10 witnesses are set out in the Chamber's decision on Common Legal Representation,
11 filing 1005, paragraph 39, and the decision on Directions for the Conduct of the
12 Proceedings, filing 1023, paragraph 1720.

13 If that is clear, then we are going to introduce the witness in the courtroom and give
14 the floor -- yes.

15 MR KAUFMAN: Good afternoon, Madam President, your Honours. I did notify
16 the court officer before your Honours entered the audience room today that the
17 Defence wished to make a representation concerning the participatory rights of the
18 legal representatives.

19 PRESIDING JUDGE STEINER: Mr Kaufman, I'm sorry to interrupt you. If the
20 Defence wishes to make a representation, I would like to ask the lead counsel or one
21 of the co-counsels to make such representation. You have been already informed on
22 decision 769 of this Chamber that, as a legal consultant, you don't stand before the
23 Chamber. So ask, please, Maître Liriss or one of the co-counsels to make the
24 representation, please.

25 MR KAUFMAN: I thank you, Madam President. I appreciate your decision.

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1 MR LIRISS: (Interpretation) Madam President, in fact, he took the floor to -- soon I
2 was going to ask your permission to allow him to take the floor on my behalf, if you
3 would allow that, but I don't believe that you would refuse that request. Thank you.

4 PRESIDING JUDGE STEINER: Maître Liriss, the Chamber decided that it not
5 authorises others, other persons than the lead counsel and the co-counsels, to stand
6 before the Chamber. So the content of paragraphs 35 and 37 of the decisions will be
7 followed. You have the floor, Mr Liriss.

8 MR LIRISS: (Interpretation) My co-counsel, Peter Haynes, will take the floor, if
9 you will allow that.

10 (Pause in proceedings)

11 MR HAYNES: Well, in the light of developments, I think in this particular instance
12 we will not stand on the objection, if the question is being asked. It may well be that
13 we feel it necessary to file something in future, but after your exhortation to the legal
14 representatives of the victims I imagine in the future there will always be a written
15 request, which we will see, but we will waive the objection in this instance given that
16 it is a unique event.

17 PRESIDING JUDGE STEINER: The Chamber very much appreciates, Mr Haynes.
18 So the Chamber is reiterating that we are facing an exceptional circumstance: As
19 said in the decision issued orally on our first day, on Monday, exceptionally the legal
20 representatives were authorised to make this oral request. So the Chamber very
21 much appreciates that the Defence team is taking into account the previous oral
22 decision of the Chamber.

23 So I will, please, ask the court officer to turn the session into closed in order for us to
24 allow the witness to come in the courtroom.

25 (Closed session at 2.53 p.m.) * Reclassified as Open session

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

2 (The witness enters the courtroom)

3 PRESIDING JUDGE STEINER: Let's turn into open session, please.

4 (Open session at 2.54 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon,

7 Mr Witness.

8 THE WITNESS: (Interpretation) Thank you, Madam.

9 PRESIDING JUDGE STEINER: I hope you had time to rest and, therefore, to
10 continue to be questioned in this court today. First you will be questioned by legal
11 representatives of victims, and then we will start with the questioning by the Defence.
12 So the Chamber just would like to remind you that you are still under oath and,
13 second, once again with our apologies, to remind you to speak slowly and to give a
14 pause after each sentence in order to facilitate the work of our interpreters. Thank
15 you very much. Maître Douzima, you have the floor.

16 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

17 WITNESS: CAR-OTP-PPPP-0038 (On former oath)

18 (The witness speaks French)

19 QUESTIONED BY MS DOUZIMA-LAWSON:

20 Q. Witness, 38, there are a number of questions I would like to put to you
21 following your hearing on 23 November. In your testimony at the hearing of
22 23 November, in order to justify the increase in the population at PK12 before the
23 events of October 2002 up until March 2003, or in order to explain this increase, you
24 refer to events that took place in 1996 as a result of which, in your own terms,
25 everyone set off in the direction of Begoua.

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1 For the participants, it's page 14, line 17, and page 15, lines 2 and 3.

2 Could you tell us what happened in that year in the Central African Republic?

3 A. Thank you, Maître Douzima, but before I answer your question, your Honours,
4 when I had feedback from yesterday's hearing, I understood -- or when I reflected on
5 yesterday's hearing, I realised that I had not correctly understood the question put to
6 me by the Prosecution; in particular, when she asked me about Mr Bemba, when he
7 arrived in Bemba (sic), and asked me whether I could tell her whether he came to
8 Bangui or Begoua after that.

9 I said yesterday, as far as I knew, that that wasn't the case, but then I realised that in
10 fact I hadn't correctly understood the sense of the question put to me by the
11 Prosecution, since we were describing the parade, the military parade, the welcome
12 given to Mr Bemba. I thought that she wanted to know whether Mr Bemba had
13 returned in the same manner as I had described. That's why I said that he hadn't,
14 that I didn't remember such an event.

15 In fact, according to the information we had at the time, occasionally Mr Bemba
16 would come to meet with President Patassé. I also believe that -- I also believe that I
17 described the tools that Bemba's rebels used to hit or beat the civilians with, and I
18 believe that I did not mention their military belts because not everyone, not all the
19 soldiers had these riding crops and spears. They all had belts and when they came
20 across a civilian, they would take their belts and they would use the buckles to hit
21 them with, to hit the civilians with. And thirdly, yesterday I wasn't very clear when
22 the Prosecution, when Madam Prosecutor asked me to clearly explain how Bemba's
23 soldiers proceeded. I had already answered that question but I forgot to say that
24 they would threaten everyone with their guns. When they have broke into a house
25 they would intimidate the civilians with their weapons and then they would steal

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1 their belongings. To answer Maître Douzima's question, I believe that in 1996 there
2 was a mutiny in our capital and that took some time. I believe that during this
3 period of time there was Patassé as president and the prime minister was
4 Mr Ngoupandé. I think there was a mutiny in our capital during this period of time.

5 Q. (No interpretation).

6 A. The Central African army, they were the ones who mutinied.

7 Q. And what happened?

8 A. (Redacted)

9 (Redacted)

10 (Redacted) All Central Africans know about that. I believe that it was at the
11 end of that mutiny that certain organisations were set up in our country, something
12 like that. I cannot give you any details because that was some 14 years ago.

13 Q. I simply wanted to know the link between that event and the movement of the
14 population towards PK12 because in your testimony you said that people felt safer
15 there.

16 A. Yes, Madam. Ever since 1993 to date the PK12 has become the fief of most of
17 our presidents. Patassé was there before going into the villa known as Villa 123.
18 Today, Bozizé is also in PK1 and since Patassé was in PK12, with all the security
19 necessary for the protection of a head of state, people felt that by moving towards
20 PK12 they would be safer. So that is what prompted people to move to that area. It
21 was a sort of refuge that they were seeking because at that time PK12 was still
22 uninhabited and they seized the opportunity to settle there.

23 Q. Thank you. You also stated that - and for the parties it is page 63, line 15 - you
24 said that some of the ethnic groups in the border area understand and speak a little
25 bit of Lingala. Now, how can you distinguish between a citizen of the Central

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1 African Republic and a Congolese when they speak Lingala?

2 A. The Central African who speaks Lingala will speak haltingly. He cannot
3 articulate like the other ones who are Congolese. They speak fluently without
4 accents. They would use certain words rather than others, and add some French
5 words so as to be better understood. They could also borrow some words from their
6 local languages. I believe that is the difference.

7 Q. At the time of the events that you have described, that is from October 2002 to
8 2003, were there any other military groups which intervened at that time to fight
9 against Mr Bozizé's rebellion?

10 A. To my knowledge, no. The group that intervened was the rebel group of
11 Mr Bemba, made up mostly of the Banyamulengues.

12 MS DOUZIMA-LAWSON: (Interpretation) Madam President, I have no further
13 questions for this witness. Thank you.

14 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. Since
15 Maître Zarambaud yesterday has declined to put any questions, I think we are ready
16 to start with Defence. If Defence is ready we can start with the Defence questioning
17 of the witness.

18 MR LIRISS: (Interpretation) Madam President, Mr Haynes and myself will be
19 responsible for the cross-examination, and I will ask Mr Haynes to begin and I will
20 possibly intervene later, to put further questions to the witness. In the time being,
21 we would have liked that regarding the first questions which will relate to his duties
22 and the public relations that he had with certain people, we would request that the
23 Chamber go into private session.

24 Thereafter, with the leave of the Chamber and maybe of the other parties, we will try
25 to make it in such a way that we no longer have to go into closed session while

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1 making sure to ensure his protection and probably determine certain names to redact.

2 Thank you.

3 PRESIDING JUDGE STEINER: Thank you for concentrating these more sensitive

4 questions in the beginning of the questioning. That facilitates the work of the

5 Chamber and the protection of the witness. Therefore, Mr Court Officer, let's go into

6 private session for a while, please.

7 (Private session at 3.09 p.m.) * Reclassified as Open session

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

9 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor. I think I don't need

10 to remind you on the pace needed for questioning. Thank you.

11 QUESTIONED BY MR HAYNES:

12 Q. Well, good afternoon, sir. My name is Peter Haynes, but you know that, don't

13 you, because we met for a few minutes last week at the familiarisation process. Can

14 I just check one thing before we go any further? Are you comfortable with me

15 standing here, or is it going to cause you a pain in the neck, turning around to look at

16 me all that time? Would you prefer me to sit a little more perpendicular to your

17 position?

18 A. No, I'm fine.

19 Q. Good. Well, you know we're in private session now. I will do my best to

20 make sure that the questions I ask do not compromise your identity but will you,

21 when we are in open session, think carefully about the things you say about yourself?

22 A. Yes, understood.

23 Q. Now, yesterday, you were telling us that you were a (Redacted). Would it be

24 that you (Redacted) on the plan in Begoua?

25 A. I am a (Redacted).

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1 Q. And is that the (Redacted) in Begoua?

2 A. No, it is not the (Redacted). There are (Redacted), because our country
3 has many communities and denominations, so there are (Redacted) in Begoua,
4 or in the entire country.

5 Q. Thank you for that. I imagine as a (Redacted) therefore you are a (Redacted)
6 (Redacted)?

7 A. Yes, indeed.

8 Q. And you (Redacted).

9 A. Naturally.

10 Q. Now, throughout you're working life, you have held down jobs in the (Redacted) and
11 (Redacted), haven't you?

12 A. Yes, I am a (Redacted)

13 Q. Certainly from the jobs you have had you must have been very good; would
14 you agree?

15 A. I could not but be good, yes.

16 Q. You began as (Redacted) when you were 24 years old at the (Redacted) is
17 that right?

18 A. Yes.

19 Q. And a year later you were (Redacted)
20 (Redacted)?

21 A. That is correct.

22 Q. And as you have already told us, in 1996 you became (Redacted)
23 (Redacted). How long did you hold
24 that job?

25 A. (No interpretation).

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1 Q. I'm sorry, how long did you hold that job?

2 A. During the period when (Redacted).

3 Q. And did that mean that you worked for and were paid for by (Redacted)
4 (Redacted)?

5 A. It was (Redacted) who requested that I work for him. It was
6 in a private capacity that I was his (Redacted) I was not paid from the budget of
7 the (Redacted)

8 Q. Thank you. But in 1996, and during the time that you were doing that job,
9 were you a (Redacted)?

10 A. I did not have any political affiliation. I was never involved in politics. I do
11 not know what you mean by supporting that government. Maybe you could be a
12 little bit more specific?

13 Q. Yes. Did you vote for the government of President Patassé in elections in 1998
14 and 1999?

15 PRESIDING JUDGE STEINER: Mr Haynes, the witness is not under the obligation
16 to declare -- to respond to this question.

17 MR HAYNES: Very well.

18 Q. Can you confirm that there were elections in 1998 and 1999?

19 A. Yes, I believe so. '99, yes.

20 Q. And that those were elections that were observed by international organisations;
21 were you aware of that?

22 A. Yes.

23 Q. And, so far as you could see, they were free and fair elections?

24 A. Yes, according to what was said. I have already told you that I do not have
25 any political affiliation. I have never been involved in politics, and these are details

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1 that would compel me not to answer your questions, counsel, because you are taking
2 us totally into politics and I have never been involved in politics. (Redacted).
3 (Redacted) I do not do politics, and I am honest enough to tell you -- well, it
4 is not a weakness, but such questions embarrass me because, as the Presiding Judge
5 said, I think it would be better to follow the wise directive that the Presiding Judge
6 gave us. I think that is more useful.

7 Q. Thank you. In your other function, was it your observation that President
8 Patassé was liked by people who lived in PK12?

9 A. At that time to be honest, yes.

10 Q. Thank you. Now, on (Redacted), you became the (Redacted)
11 (Redacted) Who were you working for there?

12 A. Yes. I was working for the (Redacted), and
13 at that time I was actually paid from (Redacted), if you want that clarification.

14 Q. Thank you. Did the job for the (Redacted) that you began in 1996 end and
15 there was a period before you took the job for the (Redacted)
16 (Redacted), or did they run straight into one another?

17 A. Mr Haynes, I believe that the documents you have in front of you are very clear
18 on that and it is not even necessary for you to ask those questions.

19 PRESIDING JUDGE STEINER: Witness, this question the Chamber would like you
20 to answer. It's not related to something that you could keep to yourself. Even if it
21 is in public documents, the Defence is allowed to ask.

22 THE WITNESS: (Interpretation) Yes, understood. I worked with (Redacted)
23 (Redacted) in 1996. When he (Redacted) I was left to my own devices, and
24 I believe in 2003, seven years later, that is when I was employed by the (Redacted)
25 (Redacted)

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1 MR HAYNES:

2 Q. Thank you. It's not a big point, but can you just help us as to when (Redacted)
3 (Redacted)?

4 A. I am sorry about the date. I cannot give you the precise date; that is on which
5 he (Redacted)

6 Q. Very well, but your immediate boss when you worked for the (Redacted)
7 (Redacted) (phon); is that correct?

8 A. Correction, (Redacted) (phon).

9 Q. Thank you for the pronunciation lesson. Now, can we move on to your (Redacted)
10 (Redacted). I know you've given us something of an explanation for this, but what is the
11 function of a (Redacted)?

12 A. As I already said the day before yesterday, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. And in PK12 in 2002, can you help us as to what geographical area was (Redacted)
18 (Redacted)?

19 A. Today you will realise that there are (Redacted)

20 (Redacted)

21 (Redacted) It is only later when Begoua grew bigger that it was split into
22 several parts, because (Redacted)

23 (Redacted)

24 Q. Thank you. And I know you were asked this question by the Prosecution, but
25 can you help me as to about how many people were (Redacted)?

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1 A. As I told the Prosecutor, it is not possible for me to give you the exact number of
2 people who were living in Begoua.

3 Q. Very well. (Redacted)

4 A. Logically (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Thank you very much. Was there anybody else who fulfilled the same
8 function as you at that time?

9 A. (Redacted) but there was a (Redacted)

10 (Redacted)

11 (Redacted) that did those things.

12 Q. Were any of the (Redacted) present in Begoua say in
13 November of 2002, or had they all left?

14 A. During the period of the events there was just one (Redacted); that is the
15 (Redacted) who was there. The others had retreated to their (Redacted) in
16 the direction of (Redacted). I believe that I have already testified here that there was a girl
17 who was a victim of rape and who died from HIV. This was one of the daughters of
18 (Redacted) where she died from
19 AIDS.

20 Q. Thank you. What is the name of the (Redacted)?

21 A. I do not understand what you mean by (Redacted).

22 THE INTERPRETER: From the interpreter: The witness used the word (Redacted)
23 in French.

24 MR HAYNES:

25 Q. What was the name of the (Redacted)?

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1 A. At the time of the events?

2 Q. Yes.

3 A. His name was (Redacted) and right now he also has retired.

4 He's on the (Redacted), also close to (Redacted).

5 Q. Thank you very much. So far as you are aware, there was no (Redacted), or

6 (Redacted) at that time who was called (Redacted)?

7 A. Are you referring to me?

8 Q. I'm very sorry. (Redacted) was the only (Redacted)? There was no (Redacted)

9 called (Redacted), was there?

10 A. No. (Redacted), to date -- well, I have been (Redacted) years since I have been

11 (Redacted) I never knew any person there known as

12 (Redacted)

13 (Redacted)

14 Q. Have you ever heard of anybody called (Redacted)?

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Now, you were telling us about (Redacted) I

20 didn't quite understand your evidence. Is he have still alive and well?

21 A. Yes, he is alive. He's in perfect health right now.

22 Q. And how old was he in 2002?

23 A. I would say he must have been about (Redacted) age -- years of age. He never

24 gave me his age, but what I'm telling you is a complete estimate.

25 Q. And in spite of (Redacted), did he continue to fulfil his functions (Redacted)

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1 throughout the period of these events?

2 A. Yes.

3 Q. And was he a (Redacted)?

4 A. From time to time, yes, regularly he was (Redacted). (Redacted)

5 (Redacted)

6 (Redacted) but I would point out to

7 you that most of the time the (Redacted)

8 (Redacted) So what can I say? So the term

9 "standby," is that appropriate? In any event, he (Redacted)

10 (Redacted), so I would do these things and then I would (Redacted)

11 (Redacted).

12 Q. And was his position well known to any of the soldiers who were in Begoua

13 during the period of the events?

14 A. I was telling you I believe that in my statement I said that (Redacted)

15 (Redacted) We were with (Redacted)

16 (Redacted) We went with (Redacted) to see (Redacted). So the soldiers

17 had to know him, as he was (Redacted). Or even if they didn't know

18 him -- well, they did know that he was (Redacted)

19 Q. Was he harmed in any way during the course of these events?

20 A. There was one event, the day the Banyamulengue rebels shot the young man

21 and we (Redacted) When I got there, he

22 followed me and they (Redacted). And honestly, in front of us, the

23 gun was pointed at him; but when they shot, we arrived, and they said, "well, here

24 are the bullets that went into the ground," and indeed some bullets had gone into the

25 ground but he was not injured.

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1 They shot at him, indeed. They shot at him. Perhaps it was to frighten him, but
2 since that day he has not gone out to (Redacted)
3 ever since the time of the rebellion of Mr Bemba was (Redacted).

4 Q. Did he continue to (Redacted) throughout the period of the relevant events?

5 A. (Redacted)? At that time, it was difficult, but when
6 there was (Redacted), when there was (Redacted), we would go to (Redacted)
7 (Redacted)

8 (Redacted) But to say that he was (Redacted) no,
9 that was not possible at that time, Mr Haynes.

10 Q. And from a period about eight days after the arrival of the MLC in Begoua, his
11 address was well known to the command of those units, wasn't it?

12 A. Yes.

13 Q. Can we deal with you? Were you ever beaten by any troops?

14 A. I was never -- I never said I'd been beaten. Nowhere in my statement did I say
15 that I had been beaten, but just -- I said in my statement that psychologically I was
16 very much affected by the fact that I too was not spared by their actions. They stole
17 my hi-fi equipment and they tried to rape my wife. I interceded and they did not do
18 so. Personally, I was not beaten by the Banyamulengue rebels of Mr Bemba.

19 Q. You had (Redacted) at least (Redacted), according to you. (Redacted)
20 (Redacted)

21 A. As I explained, we had had it. We were fed up with the attitude and the
22 behaviour of the rebels of Mr Bemba, and that led us to (Redacted)
23 (Redacted). As I told you, and I think you heard in this courtroom, I went. There
24 was a cordon and they (Redacted). They (Redacted), as I said, and we (Redacted)
25 (Redacted) with regard

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1 to the hospital, but when (Redacted)

2 (Redacted), they were not as aggressive as (Redacted).

3 Q. Thank you very much. Now, I want to move on to the arrival of Mr Bozizé's
4 forces.

5 PRESIDING JUDGE STEINER: Maître Haynes, just to ask you to remind when we
6 can go back into open session.

7 MR HAYNES: We can now.

8 PRESIDING JUDGE STEINER: So, court officer, please. It was not to force you, it's
9 just to remind you to let me know.

10 MR HAYNES: No. You're quite right to do that.

11 (Open session at 3.38 p.m.)

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

13 MR HAYNES:

14 Q. Before we go into that, you said at the start of your evidence that you had read
15 your witness statement before you came into the courtroom. I know that it was
16 recorded on tape, so can we be clear: Did you listen to your interview, or read it or
17 do both at the same time?

18 A. I was given the document, which I read, but as for listening to the tape, no.

19 Q. And you agree that what you said in that interview which was in April 2008 is
20 truthful and accurate, is it?

21 A. Entirely.

22 Q. Today, what date is it that you say the forces of Bozizé arrived in Begoua?

23 A. Even in my statement I said that I was poor when it came to recalling dates.

24 Even a few moments ago, when you asked me the question, when the Prime Minister
25 Ngoupandé had left power, I was unable to reply. When it comes to explanations of

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1 events, when it comes to the explanation of events, I can do that, but when it comes to
2 dates, approximate dates, honestly, the day -- the day that Bozizé people came in,
3 that's a national thing. Everyone knows that. I could know that. But the other
4 days -- you see, the situation at the time did not allow people to -- one really could not
5 recall the days or the -- of the week or the dates, sir.

6 Q. Well, all I asked you was, sitting here today now, what date do you say it was
7 that Bozizé's forces entered Begoua?

8 A. 15 March in the evening, at about 14.00 hours, 15 hours 45 or 16.00 hours.

9 Q. I meant the first time.

10 A. For the first time, I think it must have been 25 October or December, something
11 like that, around that date. It was the 25th, but the month -- I think it was December
12 or October. October, something like that. Sir, I'm sorry about the dates. I'm very
13 poor when it comes to that; it's one of my weak points. When it comes to events, yes.
14 If you would be so kind as to understand, I think that would be suitable to the two of
15 us.

16 Q. I will do my best. Of course, you know that in your witness statement you
17 said on two occasions that it was 25 December, didn't you?

18 A. Yes, I think so.

19 Q. And that's quite (Redacted), isn't it?

20 A. Yes.

21 Q. What has happened in the two-and-a-half years since April 2008 that makes you
22 think it might have been 25 October?

23 A. I believe that you -- or you are trying to say that with -- in terms of those dates,
24 well, as a Christian, 25 December is Christmas, but I am a Pentecostalist. We really
25 don't take into account that celebration on 25 December. For us, it is a day like any

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1 other. All the various faiths may be celebrating Christmas, but we scarcely believe in
2 it. For us, Christmas is a family holiday. That's all there is to it. But to make it a
3 big church event, we don't do that, sir.

4 Q. But the date, the 25th, you think is likely to be correct; it's just the month
5 October or December you're not sure of.

6 A. Yes, exactly, 25 October or December, the date that the rebels came in.
7 December, I think.

8 Q. Now, from anything you heard or learnt, was the arrival of the forces of
9 Mr Bozizé expected in Begoua?

10 A. Yes. On 15 March, yes, in the morning, the situation was quite bizarre, not
11 natural. There were -- there was some kind of movement and we started to say that
12 the Bozizé rebels were progressing at -- they were at Damara, they were moving,
13 because you see, we had various forms of traffic, the bush taxis going from Begoua to
14 Damara, and as they came and went, they would give us information. They have
15 gave us information.

16 Throughout my statement I said that the rumours -- we always pay attention to
17 rumours because most of the time these rumours turn out to be true. Indeed, we
18 were aware, we said Bozizé was going to come in and indeed he did, on 15 March.

19 Q. It's probably my fault, sir, but I was intending that you talked about the entry
20 into Begoua on 25 October. Was that a surprise, or was it expected?

21 A. Which entrance; the entrance of Bozizé?

22 Q. Yes.

23 A. I said that we were attacked by the rebels of Banyamulengue. We were fearful.
24 They were saying they were going to kill us, exterminate us, but when we heard
25 about the Bozizé coming in, no, it was on the basis of rumours. That's how we knew

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1 that Bozizé rebels were moving to regain control of the capital and, in the final
2 analysis, those rebels did come in on 15 March at about 4 in the afternoon. We
3 weren't expecting -- it was in the morning of 15 March that we started to understand,
4 we started to say to ourselves that the Bozizé rebels were moving towards the capital.

5 Q. Before the arrival of any government forces in Begoua, isn't it the position that
6 Bozizé's forces entered Begoua and moved on towards the capital, on or around
7 25 October?

8 A. Could you rephrase your question? I really don't understand.

9 Q. Yes. Before the arrival of the MLC in Begoua --

10 A. Yes.

11 Q. -- was there some fighting in Bangui?

12 A. Before the arrival of the MLC? Yes. But President Bozizé had begun a
13 rebellion. There was fighting, yes, and it was after that fighting that President
14 Patassé called upon Mr Jean-Pierre Bemba's rebels, made up of the Banyamulengue.

15 Q. And before that event Bozizé's rebels arrived in Begoua, didn't they?

16 A. Yes, but it was their stronghold. They were based in Begoua. That's why
17 Bemba's rebels progressed towards -- to Begoua, to set up a headquarters, after
18 driving out the Bozizé rebels.

19 Q. And it's that entry of the Bozizé's rebels I'm asking you about. Did you expect
20 them to arrive at Begoua on 25 October?

21 A. No, we didn't expect that.

22 Q. Was it a shock for you and the population of Begoua?

23 A. A shock? No. On the contrary, we had come to a point where the people of
24 the Central African Republic were exasperated. They were fed up. The Patassé
25 government had been subject to many criticisms. Now, I'm not a politician or

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1 anything like that. I told you I was not involved in politics. Please, I have some
2 funny sound in my headset.

3 I was saying earlier that I am not very strong when it comes to politics, and the same
4 thing, the political atmosphere of our country at the time was negative. Honestly,
5 the people of the Central African Republic were not shocked by the arrival of Bozizé's
6 arrival the first time, at that time, his first arrival.

7 Q. Was there any fighting in Begoua when they arrived?

8 A. When the Bozizé rebels arrived, they wanted to take the capital. They wanted
9 to drive out President Patassé. The fighting was much more in the town, in the city,
10 rather. We heard the sounds of explosions and the like and, after the fighting, when
11 night fell, that is when the rebels withdrew to their base in Begoua.

12 Q. So you were not worried about your security or the security of your family
13 when Bozizé's rebels arrived in Begoua on 25 October?

14 A. I'll be honest, Mr Haynes. When Bozizé rebels arrived, they moved towards
15 the capital but, as for Begoua, nothing worried us; quite on the contrary. There was
16 a certain friendliness, at least as far as I was concerned. There were no clashes,
17 nothing, nothing like what the Banyamulengue did to us.

18 Q. Did you see Bozizé's forces?

19 A. I saw them.

20 Q. How many of them were there?

21 A. (Redacted)

22 (Redacted) How can I count the number of soldiers
23 amongst a rebel group? That would be somewhat difficult, a delicate task. I
24 estimated; I didn't count. Those are two quite different things, sir.

25 Q. Well, just do your best for us, will you? How many were there?

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1 A. As many as Bemba's rebels. They were quite numerous. But what's for sure
2 is that there was a difference of maybe 100 or 200 men. Bemba's rebels were much
3 more numerous. It's true that Bozizé's men were numerous, but if you were to
4 compare the two, the number of Bozizé's group must have been -- must have been
5 more than that.

6 Q. Thank you. And how were they armed?

7 A. They had guns. They had guns, but much older guns. I am saying this to
8 make a distinction between the quality of the weapons of Bemba's group and Bozizé's
9 group. They had old weaponry. They did have some large weaponry, but it was
10 old. There were 12 calibre weapons, AK-47s, but it was -- 12-7s, and then in
11 comparison, on the other side, the weapons were brand new, shiny and new. So that
12 was the difference between the two groups of rebels.

13 Q. And where did they come from?

14 A. The rebels came from here and everywhere. They had taken half of the
15 republic. They came from the border. Others were based in Sido. Others might
16 have been in Paoua. They had taken half, half of the republic. I don't know all the
17 small villages, the names of all the little villages in our republic, but they had taken
18 half of the republic, and they stayed until the events of 15 March.

19 Q. Did you not observe a majority of Chadians amongst them?

20 A. We are here to write the history of a country that has been murdered. Indeed,
21 in the -- amongst the rebels of Bozizé there were Chadians, that is true. If I said the
22 opposite, you see, I'm under oath, if I had said that, I would have been lying. There
23 were some Chadian soldiers amongst them, but when they came, they didn't hurt us.
24 That's the difference. They did not hurt us. That is the difference.

25 Q. So were the population not in the least concerned about the arrival of a large

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1 group of armed men in their village or town?

2 A. During all the events that our country has experienced, I have always been in
3 Begoua. I reiterate, I'm under oath. The Bozizé rebels were welcomed with cries of
4 joy. Ask any Central African and they will tell you that. Certainly not everyone
5 was in favour of that action but, in any event, when President Bozizé, when they
6 came back, that day, sir, the population greeted them and clapped, and this is what
7 President Patassé said in a radio broadcast. He said "Bozizé is back" and you
8 clapped, and you applauded. I believe he said something like that. You clapped
9 and now I believe -- something like that. Just this means that the government and
10 the regime in place knew that when Bozizé rebels came back into the capital they
11 were greeted with cries of joy. That is kind of it, sir. It's kind of that. I
12 believe -- I'm sorry, but I believe that the concern of Bemba's rebels was quite clear.
13 Patassé couldn't support, he couldn't -- he couldn't take it that his rival was greeted in
14 that fashion.

15 Q. I want to be clear: Are you saying that when Bozizé's rebels arrived in October
16 they were applauded, or when they came back in March they were applauded?

17 A. Both. When they came, when they entered, the first time they came, and then
18 the second, on 15 March.

19 Q. Did you see how they had come from Chad and other parts of Africa to PK12;
20 what methods of transport they had?

21 A. They were in vehicles, sir.

22 Q. What sort of vehicles?

23 A. A variety of vehicles, sir. You know, as is the case with every rebellion, they
24 had vehicles that they had turned into pickups. They had vehicles -- I couldn't tell
25 you what kind exactly. I couldn't tell you the makes. Yesterday I was unable to tell

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1 you, or tell the Court, what the mark of the vehicle transporting Mr Bemba was; what
2 the make of that vehicle was. I can't tell you what the make of all the vehicles was.
3 It was a variety of vehicles. What I can say is that the vehicles were not military
4 ones.

5 Q. Do you know where they got them from?

6 A. No, I don't know, sir. I'm not familiar with the political and military sphere.
7 I'm a religious man. I'm a technician. That's my job. As for politics, it doesn't
8 mean much to me in general.

9 Q. You told us yesterday that they used Begoua as their base for four or five days.
10 Is that still the truth?

11 A. Who, Bemba's rebels? Mr Bemba's rebels?

12 Q. Mr Bozizé's forces.

13 A. Yes. During the combat, yes, Begoua was their base. Everyone in Central
14 Africa knows this. They won't tell you the contrary.

15 Q. A force of several hundred men, what did they do for food during that period of
16 time they were in Begoua?

17 A. Well, I'm sorry, sir, but I can't know how they organised themselves internally.
18 I can't know what their strategy was. I'm a citizen. I observed that rebels had
19 arrived, but as to being able to tell you what they did to live, that would be difficult
20 for me, sir.

21 Q. Why? Why can't you tell us what these hundreds of men did to eat for four or
22 five days in your area?

23 MS BENSOUA: Madam President.

24 PRESIDING JUDGE STEINER: Mr Hayes -- Mr Haynes. Madam?

25 MS BENSOUA: Madam President, I don't think that is a fair question to the

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1 witness. The witness is not supposed to know what an army that was stationed
2 there was doing to get food, unless he interacted with them, and I don't think that the
3 witness has given -- said anything to that effect, so I do not think that it is a fair
4 question for counsel to insist that the witness must answer.

5 PRESIDING JUDGE STEINER: I think the way the question was put, "Why? Why
6 can't you tell us?", gives the impression that the witness doesn't want to tell you and I
7 think this is not the witness's answer. Maybe you could rephrase your question,
8 Mr Haynes.

9 MR HAYNES: Yes. Can we go into private session, please?

10 PRESIDING JUDGE STEINER: Court officer, a private session, please.

11 MR HAYNES:

12 Q. (Redacted) --

13 PRESIDING JUDGE STEINER: Mr Haynes, please wait.

14 MR HAYNES: Oh, I'm really sorry.

15 (Private session at 4.04 p.m.) * Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: Mr Haynes.

18 MR HAYNES:

19 Q. Did you glean no information, (Redacted)

20 (Redacted), as to where these people were living and what they were doing for food and
21 what buildings they were using?

22 A. Not particularly, no. Not particularly, but what I can say is -- well, as I said, in
23 Bozizé's army there were Muslims. That's a fact. When the combat was over and
24 they returned in the evening, the Muslims, or the Muslim group, went to where their
25 Muslim brothers were like all good Muslims, because the Muslim neighbourhood that

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1 you mentioned a minute ago, well, there are a lot of Muslims there and it's there that
2 the Muslims were located, but the remainder of the troops stayed in their base, in
3 their camp, so I couldn't say that we were informed about the manner in which they
4 obtained food. That is the only information I can provide you with.

5 MR HAYNES: Very well, then we can come back into open session, please.

6 PRESIDING JUDGE STEINER: Court officer, let's go to open session, please.

7 (Open session at 4.07 p.m.)

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

9 PRESIDING JUDGE STEINER: Mr Haynes.

10 MR HAYNES:

11 Q. I'd like you to have a look, please, at something you drew for us the other day.

12 It's EVD-T-OTP-00596.

13 THE COURT OFFICER: Madam President, your Honours, the picture is visible in all
14 the screens of participants, and it's also reminded that this is a public document so it's
15 also available for the public outside.

16 PRESIDING JUDGE STEINER: Thank you. Mr Haynes.

17 MR HAYNES:

18 Q. I want you, first of all, to give us some idea of the scale of this drawing. How
19 far is it from the junction, where you have written there "Bangui", for example to the
20 church in the top right-hand corner of the drawing?

21 A. Mr Haynes, last time I said that I wasn't very good at sketches. What is more,
22 I'm not a cartographer. If you're talking to me about scales, well it's going to be a
23 very touchy matter for someone like me, a layman in such an area. The public
24 service never put us a sign there that would allow me to say that from such a point to
25 another point there was such-and-such a distance, but after the school there's the

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1 hospital, then there's the school, then there's the market and then the weighbridge, or
2 Pont Bascule. So that is what I can tell you.

3 Q. Do you drive a car?

4 A. Sorry?

5 Q. I said do you drive a car?

6 A. At the time, or now? Are you asking me whether I'm a driver?

7 Q. Yes. Are you able to tell us from your experience --

8 A. I don't drive. I don't drive, sir.

9 Q. Well, would you say that distance is more or less than two kilometres?

10 A. Two kilometres, that's a bit much. No, from the church to Pont Bascule, or the
11 weighbridge, two kilometres? No, less than that. To be frank, sir, as far as such
12 information is concerned, I really don't feel that I am competent to provide you with
13 precise information.

14 Q. Other than the public buildings that you've described in there, are there places
15 where people live that would feature on that plan?

16 A. The market I've drawn here, by the market there are some houses. Next to the
17 football pitch, there are some houses. Behind the pitch there are houses, or residences.
18 Towards the north of the field, there are residences. Around the church, there are
19 houses. Between the church and the school, there are houses. It's true I mentioned
20 buildings, but around these buildings there are these houses. Everything in white,
21 well, in those areas, in the areas in white, there were houses all over.

22 Q. Thank you. And can you give us some sort of idea how many people live in
23 the area of this map that you've drawn?

24 A. I've answered this question. You've already asked me how many inhabitants
25 there were approximately in Begoua, but as to being able to provide you with an exact

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1 figure for the inhabitants that would be difficult.

2 Q. Would it ordinarily be several thousand?

3 A. In Begoua, yes. I said that Begoua had become a large town. I'm not sure if
4 you've ever been to Bangui for your investigations, but you must have noticed that
5 Begoua is quite big.

6 Q. Thank you. That might be as good as we're going to do. Now, would you be
7 able to indicate for us on that plan where Bozizé's forces based themselves in 25 to 30
8 October?

9 A. Sir, Bozizé's rebellion was very mobile, extremely so, so I can't say that they
10 were based at the market, or the hospital or the Begoua school. They were extremely
11 mobile.

12 We didn't even leave. I left when Bemba's rebellion arrived, or rebels arrived,
13 because there were particular circumstances, particular cases. But when Bozizé's
14 rebels were there, it was mobile. They moved around, they were everywhere.
15 Especially when they went to the front, when others went to the front, they were
16 mobile.

17 But as far as I know, they were more focussed around the crossroads area, you know,
18 where the barrier is. The barrier. But after the arrow, the PK12 barrier could be
19 located. You can't really see it on the map.

20 Q. Well, I'm going to ask that you be given a pen, because we have a facility here
21 where you can add to this map on the screen and we can then save it, so --

22 PRESIDING JUDGE STEINER: Please, then we need to -- the court officer needs to
23 help the witness to put the paper in the other machine that can be manipulated. Is
24 that what you just said?

25 MR HAYNES: I believe he can mark the screen and then we can save the screen.

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1 PRESIDING JUDGE STEINER: Yes, but it has to be in the other one, as far as I
2 remember.

3 THE COURT OFFICER: If I may, the picture can be displayed in the screen - the
4 smart board, as it is - as you can see it in the your screens. There is an electronic pen.
5 The witness can draw or make marks, or whatever he wants to do with the document,
6 and then a shot-screen will capture the new image and it will be saved and uploaded
7 in the eCourt portal, if that is what you wish.

8 MR HAYNES: That is.

9 (Pause in proceedings)

10 PRESIDING JUDGE STEINER: I apologise for the parties, but just one technical
11 problem that we are trying to solve.

12 (Pause in proceedings)

13 So, Mr Haynes, and if I may, in order to solve the technical problems, maybe we have
14 to anticipate the break in ten minutes, or eight minutes, and then when we come back
15 from the break the problem will have been solved.

16 So I again apologise mainly to the Defence team, but also with the Prosecution and
17 legal representatives, but I think it's more convenient for all of us to anticipate the
18 break, meaning that we have a half-an-hour break and we'll be back at 10-to-5 sharp.
19 So we'll turn into closed session for the witness to be allowed to leave the room, and
20 immediately after he leaves the room the session will be suspended for half-an-hour.

21 (Closed session at 4.21 p.m.) * Reclassified as Open session

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

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 4.22 p.m.)

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1 (Upon resuming in open session at 5.01 p.m.)

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

3 THE COURT OFFICER: Madam President, your Honours, we are in open session.

4 PRESIDING JUDGE STEINER: Thank you. We are resuming this session. First,
5 before we continue with the questioning of the witness -- just one second.

6 There has been some change in the seating schedule of this Court in relation to the
7 two other Trial Chambers, so an opportunity is open for this Chamber to sit as from
8 tomorrow morning at 9.30 until 4.00 in the afternoon, instead of only having the
9 session, the afternoon session.

10 So, the Chamber is minded to take this opportunity providing, of course, that counsel
11 are willing and available to attend. So, I would like to listen first from the
12 Prosecution and then from the Defence whether this change would be convenient and
13 agreeable for them.

14 MS BENSOUDA: Excuse me, Madam President, if I may just consult.

15 Madam President, unfortunately, personally, I had this other commitment
16 for -- official commitment for 10 o'clock tomorrow. I could -- I could come after the
17 break, in the afternoon, and perhaps in the morning my colleagues can be here for the
18 cross, if that is fine with the Chamber.

19 PRESIDING JUDGE STEINER: Thank you. Maître Liriss.

20 MR LIRISS: (Interpretation) Thank you, Madam President. For the Defence, it
21 would be preferable for the hearing to begin at the usual time, for the simple reason
22 that we need to have the morning period to review the transcript and see whether
23 there are certain things that have to be altered. Thank you.

24 (Trial Chamber confers)

25 PRESIDING JUDGE STEINER: Maître Liriss, the Chamber fully understands the

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- 1 concerns of the Defence. My question would be then whether it would be possible
2 for the Defence if we start the afternoon session, instead of 2.30, start at 1.30.
- 3 MR LIRISS: (Interpretation) We have no objection to that.
- 4 PRESIDING JUDGE STEINER: Prosecution?
- 5 MS BENSOUDA: No objection, Madam President.
- 6 PRESIDING JUDGE STEINER: Legal representatives?
- 7 MS DOUZIMA-LAWSON: (Interpretation) That is fine with us, but the hearing
8 will then end at 6.30, or before 7.00 p.m.?
- 9 PRESIDING JUDGE STEINER: Tomorrow, for different reasons, the sitting hours
10 will finish at 4.00 in the afternoon, 4.30 at the latest. That's why we are trying to
11 anticipate in order to have more sitting hours.
- 12 MS DOUZIMA-LAWSON: (Interpretation) That's fine with us.
- 13 MR ZARAMBAUD: (Interpretation) That's okay, Madam President.
- 14 PRESIDING JUDGE STEINER: OPCV?
- 15 MS YAZJI: (Interpretation) No objection either, Madam President.
- 16 PRESIDING JUDGE STEINER: Thank you very much, all the parties and
17 participants. So tomorrow we will be sitting from 1.30 in the afternoon to 4.30 in the
18 afternoon. Is that fine with you? So this is decided.
- 19 I ask, please, the court officer to turn into closed session in order to bring the witness
20 in.
- 21 (Closed session at 5.08 p.m.) * Reclassified as Open session
- 22 THE COURT OFFICER: We are in closed session, Madam President.
- 23 (The witness enters the courtroom)
- 24 PRESIDING JUDGE STEINER: Mr Haynes, can we turn back to open session?
- 25 MR HAYNES: Yes.

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1 PRESIDING JUDGE STEINER: Court officer, please.

2 (Open session at 5.10 p.m.)

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

4 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes.

5 MR HAYNES:

6 Q. Sir, I hope you're rested after your break and, as always, if you feel tired, tell us
7 and I'm sure we'll accommodate you.

8 We were looking at the plan you drew for us so kindly the other day, and I hope
9 somebody can now give you a red pen to mark on the screen.

10 If you can, could you firstly mark the area where the main forces of Bozizé stayed in
11 Begoua in those four or five days in October 2002.

12 A. Mr Haynes, I told you that Bozizé's rebellion were -- the rebels were excessively
13 mobile, so I cannot locate precisely where they were on this map; otherwise, I may
14 lead you into error by indicating that they were everywhere.

15 Q. Sir, it may have been my mistake, but I thought you told us just before we broke
16 that, in the evening, the Muslim forces went to a Muslim part of Begoua and the other
17 soldiers went to their main base. So perhaps we can start with the Muslim part of
18 the town where the Muslim soldiers went in the evening. Could you mark that for
19 us, please?

20 A. Yes, probably, but the layout of the sketch right now makes it impossible
21 because this was just a sketch before the Mapao base. There is a village there. So
22 the Muslim neighbourhood would be somewhere out of this page.

23 Q. Could you --

24 A. The Muslim neighbourhood is located on the Damara road, in this general area.
25 That is where I am indicating on the sketch. This is just an approximation; otherwise,

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1 the layout of this sketch right now does not make it possible for me to locate the
2 Muslim neighbourhood, but it is around that area.

3 Q. Thank you for doing your best. And I know this is another question about
4 distance, but about how far from the barrier is the Muslim neighbourhood?

5 A. I told you that a short while ago when you asked me about the distance
6 between the barrier and the church, and I will have to repeat the same answer, and
7 that is I am not able to tell you the precise distance between that neighbourhood and
8 the barrier. I really am not a cartographer, so I don't want to venture into that.

9 Q. Thank you. And now if you would try your best, can you give us some idea of
10 the location or the direction of the main base of Bozizé's men in Begoua?

11 A. I told you a short while ago -- well, if you allow me, I will indicate that as the
12 PK12 barrier, where the gendarmerie was positioned but, as I told you a short while
13 ago, all the others were extremely mobile.

14 I would like to tell you, Mr Haynes, that there was no possible reason for us to go out
15 on the streets and try to find out the positions of Mr Bozizé's rebellion. Most of the
16 time I was at home. Even when Bemba's rebellion arrived I was at my home. And,
17 if I went out, it was because there were exceptional circumstances that prompted me
18 to take certain measures.

19 Q. Thank you. Then you've almost anticipated my next question which is that,
20 after the arrival of Bozizé's rebels, what did the population do? Did they stay in
21 their houses?

22 A. When Bozizé's rebels came, as I have already said, when people understood
23 that this was Bozizé's people, there were explosions around PK12 on the Damara road.
24 When the first vehicles arrived, people understood that it was Bozizé's rebellion, and
25 people started expressing their joy because of their arrival.

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1 Q. You told me earlier today that there were those in the community who were not
2 happy about it. What did they do?

3 A. I think what I meant is that when there is any action in a town or a
4 neighbourhood it is not everyone who would support it. Maybe there were certain
5 people who were opposed, but the bulk of the population were happy at the arrival
6 of Bozizé's rebellion. That is what I meant.

7 Q. Did any of those who were not happy leave town when he arrived?

8 A. No, no one left Begoua. This is what I presume but, in reality, no one left
9 Begoua, at least as far as I know.

10 Q. You presume that on the basis that you didn't leave your house during that
11 period; is that correct?

12 A. (Redacted)

13 (Redacted)

14 I was not one of those expressing my joy, but I observed that most of the population
15 had come out to welcome Mr Bozizé's rebellion. That is what I could observe (Redacted)

16 (Redacted)

17 Q. Just going back to the plan, did you ever learn where Bozizé himself was based
18 during these few days in October 2002?

19 A. No, no.

20 Q. Nor any of his commanding officers?

21 A. I did not know his commanding officers, counsel.

22 Q. Did you observe what means of communication Bozizé's forces used during
23 that period of four or five days?

24 A. I cannot confirm that they had means of communication. There was no reason
25 for me to approach Mr Bozizé's rebels. Maybe some other people could have

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1 observed that, but I did not.

2 Q. Lastly this: It requires quite a lot of civilian vehicles to move hundreds of
3 soldiers 12 kilometres up and back to Bangui each day. Were you aware of the
4 presence of a large number of vehicles in the town during those days?

5 A. Mr Haynes, I told you a short while ago that Mr Bozizé's rebellion arrived in
6 vehicles, in unmarked vehicles; I believe I told you that a short while ago. As to
7 their other movements, to say that they were in the town with vehicles, and so on, I
8 cannot tell you. I simply observed that Bozizé's rebellion arrived in vehicles. They
9 could not come on foot; that is what I know.

10 Q. Were those vehicles stored or parked in a particular part of the town?

11 A. To my knowledge, around my home, no. When they arrived they advanced
12 directly towards the barrier and they crossed. But to say that there were vehicles
13 parked at the base, I would say no.

14 Q. Very well. When you describe his troops as "very mobile," do you mean they
15 were mobile around the town of Begoua?

16 A. Yes. In Begoua town, what I mean is that I could not locate a specific base for
17 Mr Bozizé's rebellion. They were moving around. They would go to town, and so
18 on and so forth, and during that entire time there was fighting; there was permanent
19 fighting. There were skirmishes almost every day; they would just come and move
20 about a little bit, and then they would leave.

21 Q. Thank you very much. And you were not keeping a particularly close eye on
22 them from what you have said; is that right?

23 A. Of course.

24 Q. Did they move around the town, both during the day and during the night?

25 A. When you say "in the town," they were only on the main roads, the roads that I

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1 mentioned; the Damara road, the Boali road, they were circulating on those roads.

2 That is how I can summarise their mobility.

3 Q. How do you know that?

4 A. There was no way I could not know. I have told you that (Redacted)

5 (Redacted) (Redacted) Bemba's rebels arrive, I could also see the

6 movements of Bozizé's rebels, except that I actually came out at the arrival of

7 Mr Bemba's rebels because of what happened, which was specific, which was

8 exceptional during that period.

9 Q. Just to go back to one particular question I was asking you about: Did you see
10 any of Bozizé's rebels with radio sets to communicate with?

11 A. I do not know. No. In any case, let me repeat what I said, Mr Haynes:

12 Talking about seeing them with radio sets, walkie-talkies or the standard

13 communication means used by the army, I do not believe so. Maybe if you have

14 received information to that effect, it is only the person who gave you that

15 information who can clarify the situation and tell you whether there were means of

16 communication or not. There was no reason for me to go out; it was a situation of

17 conflict.

18 So all I can say is repeat to you that at the arrival of Bemba's rebellion I came out

19 because it was a very exceptional situation whereas, in Mr Bozizé's case, I did not

20 have any reason to go out or to try to find out what was happening in the streets.

21 Q. It may be my misunderstanding, but are you saying there was conflict within
22 PK12 when Bozizé's forces arrived?

23 A. I just said that when they arrived they did not fight at PK12. They crossed the

24 barrier and they fought in the town. Their objective was to capture Patassé, and

25 once they crossed PK12 they went directly to town, and that is where the fighting

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1 took place. And, after the fighting, they would retreat to PK12 but to say that there
2 was fighting, as such, in PK12, that is not correct. Who were they going to be
3 fighting against?

4 Q. I'm going to leave this now, but I just don't quite understand why it was if there
5 was no fighting you felt compelled not to leave your house?

6 A. Mr Haynes, logically, even the family at the lowest level knew that the country
7 was in a situation of conflict, not to mention someone like myself. Don't you think it
8 would have been possible for me to understand that there was an ongoing conflict?
9 And so for my own protection, and to avoid any possible collateral damage, I was
10 forced to stay put.

11 Q. I want you to understand what I'm going to do now. I'm going to make some
12 suggestions to you that come from something somebody else may say in this Court.
13 Is it not the case that when Bozizé arrived a lot of people fled the area in fear?

14 A. To my knowledge, no.

15 Q. That people fled towards Boy-Rabé?

16 A. Please, sir. Please. I believe that a statement only is binding upon the person
17 who has made the statement. I cannot take the role of the person who gave you that
18 piece of information. That person told you that. As far as I am concerned, I don't
19 think that the people fled the way that they fled when the Banyamulengue arrived.
20 We stayed in the neighbourhood. At what level, I don't know. I was telling you
21 Begoua was rather large. Was it on the other side? I might not know. PK12? I
22 might not know. The other side of the barrier? I might not know. But in terms of
23 my own neighbourhood, in any event, Mr Haynes, I did not notice or observe the
24 people leaving, or at least my people; the people in my neighbourhood.

25 Q. That's fine. This is something you might have heard - and, if you didn't, just

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1 tell me you didn't - but did you hear Bozizé's men chanting or boasting that they
2 would take the country by blood?

3 A. I was not in contact. I was not in human contact with those rebels of Mr Bozizé.
4 In the case of Mr Bemba's rebels, I told you clearly that I had contact with some of
5 them. It doesn't mean that I had contact with all of Bemba's rebels. Those who
6 were able to contact Bozizé's rebels, they provided that information. That's all very
7 well, but that is not binding upon me. What kind of meeting was that said in? I
8 have no idea.

9 MR HAYNES: Very well, I'm going to finish this section now. Can we please stop
10 broadcasting the document?

11 PRESIDING JUDGE STEINER: You're not going to use any more the document,
12 Mr Haynes?

13 MR HAYNES: No.

14 PRESIDING JUDGE STEINER: So the document, since it has been modified, is
15 supposed to be assigned a new EVD number, court officer.

16 THE COURT OFFICER: Yes, Madam President. The document, as modified, will
17 be assigned the reference EVD-T-D04-00001.

18 MR HAYNES: The reason I stopped broadcasting the document, if indeed that has
19 been achieved, is I wondered whether your Honour might wish the witness to initial
20 it and date it before it is captured? And he shouldn't -- his initial should not be
21 broadcast.

22 PRESIDING JUDGE STEINER: Mr Haynes, would the Defence be satisfied if the
23 witness just signed as Witness 38? Otherwise, we will have to take the document
24 and then broadcast the document only for the courtroom.

25 MR HAYNES: Absolutely, your Honour. I nearly raised what practice we would

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1 adopt before he came back in after the break. I just didn't want his initials appearing
2 on a document that was being broadcast, but the number 38 with a date is perfectly
3 fine by us.

4 PRESIDING JUDGE STEINER: Ms Bensouda?

5 MS BENSOUDA: Yes, Madam President. I was just wondering the necessity of the
6 witness writing that? The document is linked to the testimony. It has been given
7 an EVD number. I think it is sufficiently identified as being the document that the
8 witness was using, so I really don't see the need of initialling and signing the
9 document.

10 PRESIDING JUDGE STEINER: Yes, maybe there is no need, but at the same time
11 there is no prejudice. So if that satisfies the Defence, so the witness just sign as
12 Witness 38.

13 THE COURT OFFICER: Okay. Just for the record of the case then, this new
14 document, which has been uploaded with the signature of the witness, will be the one
15 bearing the reference EVD-T-D04-00001.

16 PRESIDING JUDGE STEINER: If you don't mind continuing, even before the
17 document --

18 MR HAYNES: No, no, I was just waiting for the nod from you, your Honour.

19 PRESIDING JUDGE STEINER: Please, Mr Haynes.

20 MR HAYNES:

21 Q. Now, you've told us, of course, that the forces of Bozizé were going to fight in
22 Bangui for four or five days, and I think after four or five days you heard on the radio
23 that President Patassé had called for Jean-Pierre Bemba to send units of the MLC to
24 help; is that right?

25 A. That might be a misunderstanding of my statement. I said after about five

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1 days of fighting, Bozizé's -- correction, Bemba's rebels came back - went back - but
2 after, you see, there was a statement on the radio by President Patassé and he
3 confirmed that he was the one who had called upon his child, not before but rather
4 after, because after that a number of statements were made on the radio.

5 Q. During that period of four or five days, it was your understanding that Bozizé's
6 rebels had not succeeded in capturing Bangui, or the presidential palace; is that right?

7 A. But naturally, Mr Haynes, Mr Bemba's rebels came to help out. You see, there
8 had been capitulation by Bozizé's forces. What I mean by that, the first time that
9 Bozizé's rebels went back. It was the second time that it was effective.

10 Q. But during the period of four or five days before you heard that the MLC had
11 arrived, the fighting in Bangui was between President Patassé's forces and those of
12 General Bozizé; is that right?

13 A. Exactly.

14 Q. Thank you. And the next thing that you knew, Bozizé's forces were leaving
15 PK12?

16 A. Yes.

17 Q. Was that an orderly withdrawal, or did they leave in a hurry?

18 A. It was in somewhat of a hurry, that is true, but at least it was organised; that is
19 to say, around 4 or 5 -- correction, 14 or 15.00 hours, the vehicles would leave. They
20 were leaving, leaving quickly, but in an organised fashion. It was not in a disorderly
21 fashion.

22 Q. I hadn't appreciated we might not have finished with the plan, but where were
23 they leaving from?

24 A. I beg your pardon?

25 Q. I'm sorry, it was probably not an easy question to translate. From what part of

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1 Begoua were the vehicles departing, or was it more than one part?

2 A. As far as I am concerned, (Redacted)

3 (Redacted) As for the others, I couldn't know.

4 The Boali road, I wasn't in a position to know whether vehicles had gone that way.

5 Q. And are you in a position to say whether they were the same vehicles that had
6 arrived, or they were other vehicles?

7 A. For the most part, they were the same vehicles that had come. They were
8 leaving, at least on the Damara road.

9 Q. What do you mean by "for the most part"?

10 A. (Redacted)

11 (Redacted)

12 (Redacted) by that way.

13 Q. You weren't suggesting that they might have taken other vehicles to transport
14 them away from PK12, then?

15 A. To my knowledge, no. I am telling you, once again, that my position during
16 that period did not allow me to be aware of everything that might have been going on
17 during this rebellion, so I can't describe to you something that I did not see,
18 something that I did not experience myself.

19 Q. Very well. Were you able to see what equipment they were able to take with
20 them when they left Begoua?

21 A. They were in their vehicles, in their positions as soldiers. Each one had his
22 weapon, but those who were in the vehicles, I couldn't know, sir. I wasn't in a
23 position to know.

24 Q. And did you know at that time or discover later how they were able to fuel
25 these vehicles?

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1 A. I can't provide you with that information because I know nothing about that.

2 Q. Do you know whether they took any food with them or bedding?

3 A. No. To my knowledge, no.

4 Q. Thank you. Now, about what time of day did that evacuation take place?

5 A. Approximately, slightly before the arrival of the -- of Mr Bemba's rebels in

6 Begoua. I believe the rebels arrived just one hour before -- just one hour after, at

7 least. I think the last contingent, the last vehicle was supposed -- must have left at

8 about 3.30 in the afternoon or 40 minutes past 3.00, or 45 minutes after; at least 4.00 in

9 the afternoon, at least one hour after. One hour, the time that Mr Bemba's rebels

10 came back into Begoua.

11 Q. Just one question, going back slightly. I should have said this. Did you

12 witness or were aware of the destruction of any items by Bozizé's forces as they left

13 Begoua?

14 A. Destruction of items? Could you be more specific?

15 Q. Military equipment, stuff they wouldn't want to fall into the hands of the

16 enemy.

17 A. They left with all their equipment.

18 Q. How do you know that? They took every radio, every walkie-talkie, every

19 piece of ammunition? You know they took that, do you?

20 A. I was telling you earlier that I'm not in a position to tell you what was in their

21 vehicles; but what I do know is that after their departure, when the Banyamulengue

22 came in, no equipment was found by the Banyamulengue. I didn't see -- well,

23 perhaps one weapon there or one elsewhere but, after all, I was at home. I was not

24 in a position to know whether they had left weapons behind or lost various items.

25 I was not in a position to know that. Perhaps your source of information might be

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1 better. Perhaps your source of information might be able to confirm that.

2 Q. Very well. I want to leave that to one side for a minute and deal with some
3 questions about your knowledge of the country you live in. PK12 is so called
4 because it's 12 kilometres from the centre of the city of Bangui; is that right?

5 A. I think there's a problem with the interpretation. That's okay.

6 Q. Do you mean "that's okay," or you agree with my question? I'm sorry. We
7 lost -- are you saying the translation is now working, or that you agree that PK12 is so
8 called because it's 12 kilometres from the centre of Bangui?

9 A. That's right.

10 Q. And Fou, Boy-Rabé and Miskine are all districts in the north of the city of
11 Bangui. Are you familiar with those areas?

12 A. Those neighbourhoods? They're far closer to the downtown. We are in the
13 commune of Begoua. They are in the town of Bangui. Those are two rather
14 different things, quite different things. They are towards the north exit, but not at
15 the north exit. Those are two different things. Those are neighbourhoods of the
16 town of Bangui, and we are a commune.

17 Q. Thank you. We will hear later on about some other areas. PK13, that
18 presumably is one kilometre away from PK12; is that right?

19 A. Yes, PK13, there are two, one on the road of Damara and another one on the
20 Boali road.

21 Q. That's very helpful. There are two PK13s, then, yes?

22 A. Yes, yes.

23 Q. And does one of them have a meat market?

24 A. Yes, the market where there is cattle or livestock.

25 Q. Is there a meat market in PK12 or do the people from PK12 go to PK13 for meat?

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1 A. There is a market. The PK12 market does sell meat. The market at PK13 sells
2 livestock. It's a wholesaler kind of market, but there are also some stalls where
3 you -- retail stalls. For the most part, people come from Bangui, from the capital.
4 They prefer to go to the livestock market, but we around Begoua, we supply the
5 Begoua market.

6 Q. Just to complete the picture, is there one or more than one PK15?

7 A. Yes, on the other side of Damara there's a PK15. On the other side of Boali
8 there is a PK15.

9 Q. And the same for PK22?

10 A. Yes.

11 Q. I know you're not too good with distances, but how far is Damara from PK12?

12 A. From Bangui, that is 70 kilometres, less the 12 kilometres.

13 Q. Thank you very much. And Sibut?

14 A. Sibut, I have no idea. Less than 200 kilometres, all the same.

15 Q. And I don't want to try your patience, but what about Bossembélé, Bossangoa
16 and Bouar?

17 A. On that point, I couldn't give you the exact distances. My strong point is not
18 really the interior of the country. I'm more of a city dweller, not a person who lives
19 in the provinces.

20 Q. Very well.

21 A. Less of a Bangui dweller -- correction: More of a Bangui dweller, less of a
22 provincial kind of person.

23 Q. Now, much of the information you gathered about what was going on, you got
24 from listening to the radio; is that right?

25 A. Which information?

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1 Q. About what was going on in Bangui in the five days between 25 and 30 October.

2 A. In my statement, I said that most of the time there were rumours in the army.

3 There were some people who had to give the story away and they would inform us.

4 But for Sibut, when the Bemba rebels arrived there, there was an interview that was

5 granted, and Mr Coup-Pour-Coup granted that interview to the Central African

6 Radio, and then the Banyamulengue, they said, "I'm a Banyamulengue and we drove

7 out -- we have liberated Sibut, and next we are going to liberate another place."

8 That's what they said on the radio, but to say that the information about the various

9 fights were regularly on the radio, that was not something I said in my statement, sir.

10 Q. Isn't that -- wasn't it the radio that you learnt the information that President

11 Patassé had sought the help of the MLC?

12 A. With the progress, it was after the MLC rebels came. You see, some

13 were -- some voices may have been raised. They had to -- President Patassé was

14 compelled to make a statement on the radio, and he confirmed that he was compelled

15 to call upon his son because his house was in flames. I think that it was a particular

16 term, when your house is on fire, when you have to call your neighbour, there's

17 something like that. And it was relayed by the spokespeople of the

18 president -- presidency at that time.

19 Q. And the purpose of that request was what?

20 A. It was to come and help out, to assist President Patassé.

21 Q. And the ultimate aim of helping President Patassé was to defeat the forces of

22 General Bozizé; is that right?

23 A. Exactly.

24 Q. You didn't understand that the MLC had come as an invading force to take

25 control of your country, did you?

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1 A. Judging by their behaviour, I can say that they were not a liberation force.

2 They were an invasion; it was an invasion force.

3 Q. Did you understand the position ultimately to be that if Bozizé was defeated,

4 President Patassé would remain as president of the country?

5 A. Naturally.

6 Q. Thank you. Just one more thing on this topic: You told us yesterday that you

7 learned that certain of the MLC forces had been landed by air. Can you tell me from

8 whom you learned this and when you first learnt it?

9 A. During my statement, I have talked about various rumours. Immediately, I

10 just told you that it -- not everyone supported Patassé's cause, so rumours came all

11 alone, if you allow me to put it that way.

12 Q. Well, you can put it that way, but it doesn't really answer my question. When

13 did you hear these rumours? Was it at the time or some time later?

14 A. Let me tell you something: Yesterday I testified that we were told that

15 Bemba's rebellion was going to arrive, and it did. We were also told that Bozizé was

16 also going to arrive, and he did. Each event that occurred -- well, we heard rumours

17 about these events and they proved to be true; that is to say, through the grapevine

18 one heard information. A soldier told something to another one and, finally,

19 everyone was aware of the fact that something was going to happen and then

20 something did happen.

21 Let me tell you something else with regard to the fighting that was ongoing: We

22 practically knew all about it. They would say, "Now, they're where Onaf is," or

23 "Now they are near Mr Patassé's residence." These are things that one couldn't

24 explain rationally, but that is how one lived in the country.

25 For us, these rumours weren't a good thing but, in any event, at one point in time in

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1 that country it was necessary to heed these rumours, but it would be difficult for me
2 to tell you who informed me officially of such-and-such a thing.

3 The information was unofficial. There were stories that were told in groups. When
4 people discussed I could say that something is false. Another person would swear
5 that it was true. Someone else would confirm the story. There would be someone
6 else by my side. So it would get entangled like that. But finally, however, the
7 rumour proved to be true.

8 So I can tell you that I can't really identify a person who officially informed me that
9 there was such-and-such a situation or event that had happened, that would happen
10 or that was happening.

11 Q. When they eventually arrived, you noticed that the troops of the MLC had
12 brand new uniforms. Who informed them that they -- wait. Sorry. Who
13 informed you that they had been supplied by your government?

14 A. Mr Haynes, the same sources. It was the same means of communication, an
15 oral form of communication, an informal virtual form of communication. That's
16 how it was. As I said, Mr Haynes, given what happened with the regime, well, I'm
17 not a politician, but our army was practically divided, especially when Bemba's rebels
18 arrived.

19 Our army had been overwhelmed, could I put it like that? They no longer had a
20 place, a role to play. Even our officers in our army were denigrated by the least
21 important rebels from the MLC, and that is what encouraged these soldiers to tip us
22 off, to inform us, to tell us what was happening in the camps.

23 There were no more military secrets. The army wasn't unified, Mr Haynes. People
24 were no longer reserved. There were no secrets.

25 Q. So are you saying that it was a Central African soldier who told you that the

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1 uniforms that were being worn by the MLC were supplied by the Central African
2 government?

3 A. Exactly. Who will know about military secrets if not soldiers themselves?

4 They could reveal such secrets.

5 Q. And did he tell you that in October 2002?

6 A. No.

7 Q. When, then?

8 A. During the events, when they arrived, when Mr Bemba's rebels arrived. It's
9 because after this was observed that we were informed that items had been provided
10 to such-and-such a person, that certain soldiers had been transported by air. So
11 there was all this information that I have provided the Court with, to establish the
12 truth, and those were the sources.

13 I can say that it was more or less the same kind of information or the same sort of
14 channels of information that were concerned.

15 Q. Thank you. So you were talking to Central African soldiers from the moment
16 that the MLC arrived in Begoua; is that right?

17 A. Please, please, that is not what I said. I said that the information could only be
18 provided by soldiers from the CAR. They could convey this information and finally
19 it would arrive in the village, in the neighbourhood, but I can't say that I had physical
20 contact with a certain soldier, a given soldier, who said, "Sir, we did such-and-such a
21 thing." There were these informal channels that were concerned, and it's through
22 such channels that the information reached us. I never said that I had official contact
23 with a soldier from our army.

24 Q. That wasn't the question I asked. Did you talk to officers from the Central
25 African army at the time of the arrival of the MLC in Begoua?

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1 PRESIDING JUDGE STEINER: Mr Haynes. Sorry, Witness. I think it's exactly
2 what the witness has already said two or three times. Maybe if you rephrase in
3 order to obtain the clear answer you want. I'm seeing a kind of repetition of the
4 same question and, sorry to interfere, but maybe rephrasing --

5 MR HAYNES: I think I'll move on a little bit.

6 Q. Where, from whom did you discover that your government was providing the
7 MLC with arms?

8 A. The same channels were involved, sir. As I have said, in our countries
9 rumours spread like fire in a forest. If I can start at one location, but finally it
10 reaches Rotterdam. But to say that I had a specific contact or an informer, who
11 provided me with information, no, I didn't. As for the information I'm providing
12 the Court with to establish truth, to establish the truth, well, every citizen from the
13 CAR can confirm this and perhaps with even more precision than I can.

14 Q. Did you see what happened to the weapons that were provided by your
15 government to the MLC?

16 A. The weapons were used the following day after Bozizé's rebellion arrived at the
17 PK12. When there was a clash, they also served to kill Central African people with.
18 I've mentioned this in my statement.

19 Q. What happened to them on 15 March 2003?

20 A. On 15 March 2003. What happened or -- could you please reformulate your
21 question, sir, or could you please be more precise when posing your question?

22 THE INTERPRETER: The interpreter would like to make a correction. The witness
23 said that the arms served for the MLC rebellion, not Bozizé's rebellion at PK 22.

24 MR HAYNES:

25 Q. Were the arms on 15 March, as you recall it, given back to your government at

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1 Pont Bascule?

2 A. I apologise, sir, but the question surprises me somewhat. How can one return
3 weapons to one's enemy in such a situation of conflict when the other was being
4 driven away? I said in my statement, when Mr Bozizé's rebellion arrived,
5 Mr Bemba's rebels fled. But when it's necessary to return weapons, well, it's -- when
6 there is a sort of demonstration, it's in -- at times of peace, not when there is a crisis.
7 Above all, you are making me try to talk about secrets. Were there things
8 between -- in the government between Bemba and Bozizé or Bemba and Patassé?
9 I really can't know anything about such secrets, but what I do know is that the arms
10 were not returned on 15 March. Bemba's rebels left with their weapons, at least
11 those who managed to flee.

12 MR HAYNES: Then can we have into eCourt, please, CAR -- no, EVD-P-02937, and
13 the last four digits of the page number is 0303.

14 PRESIDING JUDGE STEINER: Mr Haynes, are you aware of the level of
15 confidentiality of this document?

16 MR HAYNES: Yes, it cannot be broadcast because it has the witness's name at the
17 top of it.

18 (Pause in proceedings)

19 THE COURT OFFICER: If I may, I'm sorry, I have displayed in your computers
20 document EVD-P-02937, only in court and not to the public, but it appears that it does
21 not have page which ends in 303. Only the last page -- it's a 17-page document and
22 the last page ends in 0219.

23 MR HAYNES: Sorry, can we then try EVD-P-2502532?

24 PRESIDING JUDGE STEINER: Mr Haynes, is this one of the documents you
25 informed that you would be presenting during this hearing?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 MR HAYNES: Yes.

2 THE COURT OFFICER: There is then the correct document, and in your computers
3 it should be displayed the page which reference is CAR-OTP-0010-0303.

4 MR HAYNES:

5 Q. Sir, are you able to read this document?

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE STEINER: Witness, please. This is a confidential document,
10 Mr Haynes, that could not be read in public session.

11 MR HAYNES: No, I didn't intend for the witness to read it out loud and I will stop
12 him now.

13 Q. I want to focus your attention, please, on the question that begins about 40 per
14 cent of the way down the page. "NM" is the questioner and the question begins,
15 "Quand les hommes du Bemba." Can you see that?

16 A. I can provide explanations.

17 Q. No, I'm only asking you if you can see it now?

18 A. Yes, I can.

19 Q. And can you read the next three or four questions and answers over to yourself,
20 not out loud.

21 A. Yes.

22 (Pause in proceedings)

23 PRESIDING JUDGE STEINER: You can proceed, sorry.

24 MR HAYNES:

25 Q. Just two points of qualification: What is RDOT?

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(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 A. It's the Regiment of Operational Defence in the Territory.

2 Q. Of which army?

3 A. Of the Central African army.

4 Q. And who at the time that the MLC left Central Africa was the President of the
5 Republic?

6 A. Sorry?

7 Q. Sorry, I may have spoken too quickly, sir. I'll slow down.

8 The reference there to the President of the Republic, who were you referring to?

9 A. In this document I'm referring to President Bozizé, I believe.

10 Q. Really? So explain why --

11 A. Absolutely.

12 Q. -- on 15 March you said, "All the weapons were taken by the President of the
13 Republic to the base at RDOT"?

14 A. I'll provide you with the clarifications you would like, Mr Haynes. When
15 President Bozizé went to Bangui, the Banyamulengue who had their weapons had
16 left with their weapons, but those who had been taken prisoner their weapons were
17 taken from them, and the heavy weapons that they couldn't move, like DCAs, these
18 weapons were presented on 16 March and later they were taken to this military base.
19 So that was the sense of my testimony in relation to this document.

20 Q. So the Banyamulengue didn't take all their weapons home with them, as you
21 told us earlier then; is that right?

22 A. Some managed to flee with their weapons. Others were taken prisoner,
23 Mr Haynes. And in the chaos, well, who could have taken a DCA and flee with it?
24 What I wanted to say in this statement is that weapons were taken in spite of
25 everything, and on the following day they were presented so that they could be taken

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1 to the military base, but only the weapons that had been seized, not all the weapons,
2 because I saw Banyamulengue leaving with their weapons slung over their shoulders.
3 Everyone from Begoua is aware of this fact.

4 Q. And where is the RDOT base?

5 A. When you leave Begoua towards Bangui it's after the barrier, but if you are
6 leaving from Bangui in the direction of PK12, it's before PK12. It's before the barrier,
7 yes. Yes, it's PK11 in principle now. The RDOT is in fact at PK11, so it's one
8 kilometre from the barrier. Yes, if you like, it could be said that it's at PK12 for the
9 sake of the testimony.

10 Q. Well, from whom did you learn that your government supplied the MLC with
11 the food that they ate?

12 A. The same sources. And what I can add to clarify the situation for the Court is
13 that I had mentioned of a certain -- I had mentioned a certain vehicle, but when it
14 brought food because our soldiers had to do the meanest tasks you could have a
15 Central African as escort, so you might think it was the Central African Government
16 that was providing them with food. In one of my statements, I believe that I said
17 that the central army -- that the Central African army was reconnoitring, but it wasn't
18 operational.

19 Q. Did you understand the position to be that it was the Central African army that
20 was resupplying the MLC forces in Central African territory?

21 A. With food? With food?

22 Q. Yes.

23 A. What we experienced could only confirm that the Central African army was
24 doing this, or the regime at the time. They were providing Mr Bemba's rebels with
25 food. Let me add something: You know, our army occasionally during this period

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1 of time - and even now - well, they had a certain amount of sea fish. They had fish
2 from the sea. It couldn't have come from the Congo, I don't believe so.

3 Q. I want to just deal with bases of Central African forces that were close to Begoua.
4 We've already talked about RDOT, but there was a Central African unit stationed at
5 the barrier, wasn't there, at PK Douze?

6 A. Three or four gendarmes, who had the courage to stay at the barrier. It wasn't
7 the army, because this barrier was usually guarded by the gendarmes. It was
8 practically a border post. All the services were there. You had immigration, the
9 police, the gendarmerie. Well, that's another thing, but during the events all the
10 services that were at the border had disappeared. But as far as the gendarmerie is
11 concerned, there were three or four gendarmes who had remained there, because
12 when we went to obstruct the passage during our demonstration, during the
13 population's demonstration, well I believe there was practically no one at the barrier,
14 just two or three Central African soldiers who were there. I don't know. It's
15 a -- I don't find the right words.

16 Q. Would the word "collaborated" be the right word; that the Central African army
17 and the MLC collaborated in operations in PK Douze and Begoua and indeed the rest
18 of Central Africa?

19 A. In Begoua, no. No. To say that they operated together, that would mean that
20 the Central African soldiers were involved in theft, in rape. As far as I know, no. I
21 said in my statement that the Central African soldiers were reduced to a state of
22 nothingness. They had been deprived of all their military authority and all they did
23 was go and reconnoitre towards -- they came from Boali and Damara. They would
24 passe by the hospital, follow that path. It was perhaps just to make people believe
25 that the Central African army still existed but, as to saying that they collaborated, it

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(Open Session)

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1 would be difficult for me to confirm that in front of you.

2 Q. Well, I just want to remind you of something you said two-and-a-half years ago,
3 same document. Can we have a look at page 259, please. 0259.

4 THE COURT OFFICER: It is in your screens.

5 MR HAYNES: And it's at the very top of that page. In fact, to make sense of this,
6 the witness will need to see the last question at the bottom of the previous page,
7 please, to be fair to him.

8 Q. Sir, when you've read the bottom of the page that's coming up, please let us
9 know and then we can go over to the top of the next page.

10 A. Yes, we can go to the next page.

11 Can I now explain for the next page or, if you wish, we can go to the next page before
12 I begin.

13 Q. Just wait until you've read it, and please don't read anything out aloud.

14 A. I have read it. Can I answer your question now?

15 Q. Yes. I just wondered what you meant by the use of the word "collaborated" in
16 the answer you gave in that interview, describing the work between the MLC and the
17 Central African army.

18 A. When I said, "collaborate," it was not in relation to the fighting. I meant in
19 relation to the strategy that had to be implemented. For my part, in relation to the
20 answer given, I believe that Mr Moustapha could indeed have had links with other
21 officers in order to implement a fighting strategy, but to say that the Central African
22 army was involved in a tactical collaboration on the field, no, I believe that was the
23 spirit of the answer. We can refer back to the question, if you wish.

24 Q. And going down a bit, what do you mean by the use of the phrase "worked in
25 common"?

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1 PRESIDING JUDGE STEINER: Where is that, Mr Haynes?

2 MR HAYNES: "Il travaille en commune." One, two, three, four, five lines down.

3 THE WITNESS: (Interpretation) Yes, Mr Haynes. In answer to your question,

4 what I'm saying is that there were officers from our army with whom they

5 collaborated. When rebels or another army is invited in that way, they have to sit

6 down with other officers or with the general staff to decide what to do. That is

7 what I meant. I never said that the Central African troops or foot soldiers at the base

8 actually worked together with the others when it came to operations on the field.

9 That was not the spirit of my answer.

10 MR HAYNES:

11 Q. Well, thank you very much for that. We've dealt with the strategic level.

12 Let's look then at operational and tactical levels. What means of communication did

13 you observe -- I think we better just go into private session for a moment.

14 PRESIDING JUDGE STEINER: Before that, just one question. You are going to use

15 this document, or not any more?

16 MR HAYNES: No.

17 PRESIDING JUDGE STEINER: I just confirm with the court officer that this

18 document already has an EVD-T number; is that correct?

19 THE COURT OFFICER: Yes, Madam President, this document already has an EVD

20 reference, which is EVD-T-OTP-00002, and is classified as confidential.

21 PRESIDING JUDGE STEINER: Thank you very much. Court officer, please, could

22 we go into private session upon request of Defence counsel.

23 (Private session at 6.36 p.m.) * Reclassified as Open session

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

25 MR HAYNES:

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(Private Session)

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1 Q. What means of communication did you observe to be available to Moustapha
2 and the other MLC soldiers that (Redacted)?

3 A. I have already said that I didn't see any means of communication such as a GPS
4 or walkie-talkies. They had telephones. They had a few telephones. And
5 amongst most of the troops, there were telephones that were stolen and which had no
6 SIM cards. They did not use them; it was just to show off. I didn't see any
7 walkie-talkie or any standard means of communication of the army.

8 Q. By contrast, what means of communication did you observe officers and
9 soldiers of the Central African army to have?

10 A. Our officers, yes, our officers had their walkie-talkies, and it was only the
11 officers, the high-ranking officers, colonels, commanders, and so on, when they
12 moved around, they had their walkie-talkies, but with regard to the Bemba rebels, I
13 did not see any one of them with a walkie-talkie.

14 MR HAYNES: Thank you very much. I know there's still 20 minutes left of the
15 session, but I've reached a natural point to start another section. I wonder whether
16 we could call it a day for today. It's been a long day for both the witness and myself.

17 PRESIDING JUDGE STEINER: Mr Haynes, so first I think we can go back to open
18 session. Court officer, please.

19 (Open session at 6.39 p.m.)

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

21 PRESIDING JUDGE STEINER: Mr Haynes, have you or the Defence team already
22 have an opportunity to make an estimation of the time Defence will need to question
23 the witness, just for the Chamber 's information?

24 MR HAYNES: I'm far better placed to make an estimate now because I see how
25 quickly the material -- or slowly the material is being consumed. I would have said

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1 that we're over the halfway point comfortably.

2 PRESIDING JUDGE STEINER: Which means that we cannot probably finish
3 tomorrow.

4 MR HAYNES: It will not depend upon me whether we finish tomorrow, I would
5 suggest. I imagine I -- oh, no, it's a shorter session, isn't it? No, I can't promise that
6 we will finish tomorrow, yes.

7 PRESIDING JUDGE STEINER: Thank you anyway. So, the Chamber agrees that
8 we can adjourn for -- today has been really a difficult session. Pardon, Maître Liriss.

9 MR LIRISS: (Interpretation) Madam President, it will also depend on how quickly
10 we receive the redacted transcripts, because there are questions that I would like to
11 follow up on tomorrow in greater detail. I hope you will be indulgent with us,
12 because this is the Prosecutor's case and they had seven hours. So we would need a
13 little bit more.

14 PRESIDING JUDGE STEINER: After liaising, in general, the Chamber intends to be
15 flexible, not to fix very strict limits, but as the Chamber said when the Prosecutor
16 started its questioning, we cannot tolerate that questionings by Prosecution or
17 Defence that are extended too much. But, of course, you will have opportunity to
18 complete your questioning.

19 So, we are going to suspend this -- to adjourn today's hearing and we are going to
20 resume tomorrow - just to confirm - tomorrow at 1.30. Yes, Madam Prosecutor.

21 MS BENSOUDA: Thank you, Madam President. As you know, the next witness is
22 scheduled to come on Monday, and I understand that she can only be available for
23 Monday and Tuesday. In the event that this witness is going to go beyond
24 tomorrow, perhaps we can start already thinking of whether we will suspend his
25 testimony and accommodate the next witness for Monday and Tuesday, or I don't

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1 know how the Chamber wants to proceed. But, in any event, I think we will need to
2 advise the next witness about her availability.

3 PRESIDING JUDGE STEINER: Thank you for informing the Chamber. Then
4 maybe, if need be, we can consult with Defence and we can accommodate the
5 situation. We are coming back to this issue in due time.

6 So again, thank you, Mr Witness, very much for this -- for today's questioning, and
7 we all wish you that you have a very nice evening and that you rest, that you deserve
8 it. We are going to closed session only in order for you to be escorted outside the
9 courtroom.

10 (Closed session at 6.44 p.m.) * Reclassified as Open session

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

12 (The witness stands down)

13 PRESIDING JUDGE STEINER: Court officer, we may open the session, please.

14 (Open session at 6.45 p.m.)

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

16 PRESIDING JUDGE STEINER: Thank you very much. Just in order to thanks for
17 the Prosecution team, the legal representatives of victims, the Defence team, again the
18 presence of Mr Jean-Pierre Bemba Gombo, to thank very much to our interpreters and
19 to declare that this hearing is adjourned, and we will resume tomorrow in this
20 courtroom at 1.30 in the afternoon.

21 The hearing is adjourned.

22 THE COURT USHER: All rise.

23 (The hearing ends in open session at 6.46 p.m.)

24 RECLASSIFICATION REPORT

25 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June

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(Closed Session)

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- 1 2012, and the instructions in the email dated 9 October 2013, the version of the transcript
- 2 with its redactions becomes Public.