

Trial Hearing
Witness: CAR-D04-PPPP-0050

(Closed Session)

ICC-01/05-01/08

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 1
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Tuesday, 16 October 2012
- 8 *(The hearing starts in closed session at 9.05 a.m.) Reclassified as Open session
- 9 THE COURT USHER: All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE STEINER: Good morning.
- 13 Could, please, court officer call the case.
- 14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
- 15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
- 16 ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team,
- 18 the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.
- 19 Good morning to our interpreters and court reporters.
- 20 We will continue this morning with the questioning of Witness D04-50, and I ask,
- 21 please, court usher to bring the witness in.
- 22 (The witness enters the courtroom)
- 23 WITNESS: CAR-D04-PPPP-0050 (On former oath)
- 24 (The witness speaks French)
- 25 PRESIDING JUDGE STEINER: I ask, please, court officer to turn into open session.

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- 1 (Open session at 9.07 a.m.)
- 2 THE COURT OFFICER: We are in open session, your Honours.
- 3 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 4 THE WITNESS: (Interpretation) Good morning.
- 5 PRESIDING JUDGE STEINER: We hope you had a restful night?
- 6 THE WITNESS: (Interpretation) Yes, just fine.
- 7 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 8 THE WITNESS: (Interpretation) Yes.
- 9 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 10 under oath. You understand that?
- 11 THE WITNESS: (Interpretation) Yes.
- 12 PRESIDING JUDGE STEINER: I give the floor then to Mr Bifwoli from the
- 13 Prosecution to continue his questioning of the witness. Mr Bifwoli, you have the
- 14 floor.
- 15 MR BIFWOLI: Good morning, your Honours.
- 16 QUESTIONED BY MR BIFWOLI: (Continuing)
- 17 Q. Good morning, Mr Witness.
- 18 A. Good morning.
- 19 Q. Well, Mr Witness, once again I remind you to speak slowly, to observe the
- 20 five-second rule, and today I will ask you focused and pointed questions. I will
- 21 request that you give concise answers. Where you do not know the answer, please
- 22 feel free to say so. Where you do not understand my question, say so and I'll repeat
- 23 it, and I believe if we proceed in this manner we will be able to move very fast. Do you
- 24 understand?
- 25 A. Yes.

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1 Q. Now, I will continue from where we left yesterday. In your evidence
2 yesterday at transcript 254, page 31, lines 22 to 23, you testified that you did not know
3 the Congolese chief who talked with your Chief of Staff. Would this Congolese chief
4 be called Moustapha?

5 A. Well, if I remember what I said, you asked me whether I knew the chief of the
6 rebels and I said no, I don't know their names. But if you're talking about
7 Moustapha, perhaps that might be the name, but he didn't give me his name so I have
8 no idea about his name. So that's new to me. We don't know each other personally.
9 He never gave me his name, so this is really just the first time I'm hearing that name.

10 Q. Well, in your testimony again yesterday, at transcript T-254, page 23, lines 3 to 5,
11 you testified that you did not see the MLC crossing the river into the CAR but you
12 just followed communications on radio. Now, do you know if the MLC crossed into
13 the Central African Republic with their weapons from the DRC?

14 A. I can assure you, I confirmed yesterday that all the information about their
15 crossing, I heard about that on the radio, but I did not personally see what -- what the
16 state of the boat was or their logistics. I didn't really see whether they had their own
17 weapons or not. I did not see that. You can't know about such things over the
18 radio, that's impossible, so I'm telling you that they did cross over but I don't really
19 know what their logistics were. This is what I'm telling you.

20 Q. Did you later on become aware if they crossed with their weapons from the
21 DRC?

22 A. Well, it was over the radio that I heard about all these things. They did not
23 have enough weapons, so the CAR logistics required them to give -- needed to give
24 them more weapons. I heard over our radio that they needed to be clothed and they
25 needed new logistics, so that's what I know. That's what I understood by their

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1 logistics.

2 Q. But as you sit here, you cannot confirm to this Court whether they came with
3 any weapons or not?

4 A. I don't confirm that because I didn't really see them actually physically crossing,
5 so I can't speak to what I didn't see. I repeat: I confirm I did not see the actual state
6 of their logistics when they were crossing over.

7 Q. Well, let's talk about their communication equipment. You said you could
8 follow their communication on radio. Again, do you know if MLC troops crossed
9 with communication devices?

10 A. Well, if I'm talking about logistics, that includes radio and all that stuff. As far
11 as I know they had radios and their chief had a radio when they crossed over, so they
12 were in communication with our leaders. So what I'm telling you is that I wasn't
13 aware of all their logistics and so I don't know whether they had radios or not when
14 they crossed over, but what I can confirm is their chief was using our radio system.

15 Q. Are you aware that the Central African Republic provided the MLC with mobile
16 phones and walkie-talkies?

17 A. I don't know, so I can't confirm that. I'm just an ordinary (Redacted). I wasn't
18 the one who had them come to the Central African Republic, so I really -- I couldn't be
19 everywhere to see what they were doing everywhere, so really I have no idea.

20 Q. Sir, as I pointed out at the beginning, it's fine. Where you don't know, just say
21 you don't know. The reason why I'm asking these questions is because they're
22 important in this case and that's why I'm asking them to you, so do not get offended
23 when you hear these questions coming. Do you understand?

24 A. Yes, I understand you.

25 Q. A short while ago you testified that the MLC chief had a radio. Are you aware

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1 of any other communication devices that the Congolese leader had?

2 A. No, I don't know. What I do know -- well, once I heard on another frequency
3 for their radio, I don't even know they used that -- how they used that, so I really
4 couldn't tell you whether there was another radio system.

5 Q. Were you in direct communication with the MLC chief at any time?

6 A. I don't know. What leader are you talking about? What chief. Personally,
7 I had no contact with any of the leaders. I didn't have that kind of power.

8 Q. Mr Witness, in your testimony yesterday, at transcript number T-254, page 28,
9 lines 6 to 9, you testified that the USP communicated in Sango; right?

10 A. Yes, with just a few words of French.

11 Q. And, sir, also at transcript T-254, page 43, lines 11 to 15, you also testified that
12 Bozizé rebels spoke Sango and Arabic on radio; is that right?

13 A. Yes, I had stressed that our radio that my chief had, we heard both Arab
14 words -- Arabic words and Sango words. I can confirm that, yes.

15 Q. In your testimony again, at T-254, page 21, lines 11 to 13, you testified that other
16 parties and loyalist forces were Miskine, Sarawi, Kudu, SPS, Balawa and Karakos.
17 Do you recall that?

18 A. Yes, but -- yes, I'm saying, yes, they were there, but I didn't know what their
19 positions were. I was not aware of their actual positions.

20 Q. Now, we will go one by one. Which languages did they speak, starting with
21 Miskine?

22 A. Miskine also spoke Sango and a little bit of French occasionally, but he spoke
23 Sango.

24 Q. What about the Sarawi militia? Which languages did they speak?

25 A. Well, I didn't understand everything, but they're also from the Central African

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1 Republic. They come from Muswara and they spoke Sango. Not all of them, some
2 of them came from villages so they didn't speak Sango, but for the most part they
3 spoke Sango. At their base they spoke Sango.

4 Q. And what about the Kudu militia? Which languages did they speak?

5 A. That militia spoke the language of the majority. They were from Chad, so they
6 spoke a Chadian language.

7 Q. When you say "the language of the majority," do you mean Sango?

8 A. The Kudu, not all of them, they all speak their own language from Chad, but
9 since I didn't go close to them I don't really know whether all of them spoke the -- the
10 majority speak the Chadian language.

11 Q. What about Balawa? Which languages did they speak?

12 A. They speak Sango too.

13 Q. And what about the Karakos? Again, I'll ask the same question. Which
14 language did they speak?

15 A. They too spoke Sango.

16 Q. In your evidence yesterday, at transcript 254, page 30, lines 21 to 22, you also
17 testified that the MLC spoke Lingala and occasionally French; is that correct?

18 A. Well, if you understood me properly, I said that the communication was as
19 follows: Our leader communicated in French to their leader, and from their leader
20 he would speak using the Lingala language to the DRC troops.

21 Q. Thank you, Mr Witness. It's now clear. And did the MLC speak the CAR
22 patois? For patois that is P-A-T-O-I-S.

23 A. I don't know, because I'm -- I wasn't amongst those troops, so I don't know if
24 they spoke that patois. I have no idea.

25 Q. Mr Witness, I'll move on to another topic and I am aware that at that time you

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1 were affiliated to a special unit, but I'm going to ask you a few questions about FACA
2 because it's important that we hear your answers on this issue. How was the
3 relationship between FACA and MLC during this period, if you know?

4 A. I don't know. I have no idea about that.

5 Q. Are you aware of any mistreatment of FACA troops by the MLC troops during
6 this period?

7 A. I heard on the radio and I told you that all the troops committed -- well, the
8 NGOs gave different explanations. That's what I heard on the radio, but I didn't see
9 those things personally.

10 Q. Does your answer mean that you heard on radio that MLC troops mistreated
11 FACA troops?

12 A. I heard on the radio, as I explained to you, that some violence occurred, but I
13 didn't actually see that myself and so I can't confirm, but I saw in the international
14 press and the domestic press and also -- well, particularly from the UN sources I
15 heard about that.

16 Q. So that it is clear, you are referring -- you are stating that you heard on radio
17 that MLC mistreated FACA? Is that what you heard?

18 A. It was said that the troops, the troops who waged war and the others, but I
19 didn't target anyone in particular. The troops -- after the war, the troops committed
20 acts of violence and abuse. That's what I've been saying ever since yesterday.

21 THE INTERPRETER: Interpreter correction: In the previous reply the witness
22 mentioned the Ndeke Luka radio station, not a UN radio station.

23 MR BIFWOLI:

24 Q. I understand you, Mr Witness, but I think you may not be getting my question.
25 My question is not about the crimes that were committed against the population.

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1 My question is about MLC troops having mistreated the FACA troops. Are you
2 aware of a case where MLC troops mistreated the FACA troops?

3 A. I was saying yesterday that FACA was divided into two parts, if you
4 understood yesterday. There was one group that were loyalists and they were
5 amongst the --

6 THE INTERPRETER: Inaudible.

7 THE WITNESS: (Interpretation) -- and then others were neither loyalists
8 nor -- personally, there were two groups of troops. There were some Bemba soldiers
9 there, there were USP soldiers there, but I don't know exactly who meted out that
10 treatment to the FACA troops and so I really can't be specific. I can't tell you that it
11 was one group of troops.

12 Plus, there were private forces. The Sarawego (phon) for example, they too had
13 problems with FACA, so there were many problems that I could tell you about. But
14 I really don't know who mistreated the FACA. I don't know exactly which group of
15 troops did that.

16 Q. Now, let's try to go through the incidents and see what you recall. Are you
17 aware of an incident where FACA soldiers were undressed, humiliated and weapons
18 taken? You may not know who did it, but are you aware of such an incident having
19 occurred?

20 A. I have no idea about that. Well, thinking back on the job I had at the time, I
21 couldn't be moving around to collect information on such things. So, you know, (Redacted)
22 (Redacted), so I have no idea about those events.

23 Q. Thank you, Mr Witness. And as I told you, it is very okay where you don't
24 have knowledge, you say so. I will also ask you about the second incident. Are
25 you aware of an incident where the MLC stopped Lengbe from investigating the

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1 death of the chief of intelligence at the time?

2 A. No.

3 Q. Thank you. Are you aware of an incident where two FACA soldier were going
4 to be killed by MLC at PK12, PK13, on allegations that they were Bozizé rebels? Are
5 you aware of such an incident?

6 A. No.

7 Q. Lastly on that, are you aware of an incident where FACA troops returning to
8 Bangui were arrested and disarmed by MLC troops?

9 A. Well, I've -- from my position, you know, things that happened in PK12 or PK13,
10 I know nothing about that. It's far from where I was so I don't know how I can give
11 you any details on those things. I have absolutely no idea. I can -- I really can
12 confirm that I just have no idea about that.

13 Q. Thank you, Mr Witness. Yesterday in your evidence, at T-254, page 32, lines 9
14 to 11, you testified that you received some amounts of PGA, that's allowances, with
15 the MLC. Did you state that?

16 A. I don't know if you understood me correctly. It's -- I didn't give a precise
17 amount. I mentioned the PGA, which was the daily allowance in the army that
18 existed in those days and it still exists, but the amount varies. It's nothing to do with
19 the MLC, it's from the Chief of Staff. It was the PGA that we got for the Presidential
20 Guard. I think you misunderstood what I said yesterday. It has nothing to do with
21 the MLC. I gave the name yesterday. Perhaps you misunderstood what I said
22 yesterday.

23 Q. Are you aware if the MLC also received allowances, this PGA, during this
24 period?

25 A. Yes, they had the same rights as the USP and they received the same treatment,

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1 for food, their allowances the same -- the same as for us.

2 Q. Now, regarding the amounts of the allowances, what you -- the soldiers from
3 USP, for example, received and MLC, were there any differences in the amounts that
4 were received?

5 A. Well, I said that they received the same amount. It depends on the rank of the
6 individual and the function of the individual.

7 Q. Mr Witness, another witness testified before this Court that MLC soldiers
8 received more PGA or allowances than their Central African Republic counterparts.
9 Is that true?

10 A. Well, I'm not the one who paid it out, and there were very many different
11 soldiers in different groups, and I wasn't able to check how much each individual
12 received so I really can't tell you how much each individual received at that point in
13 time, Mr Prosecutor.

14 Q. Mr Witness, it's your testimony that the amount received by MLC soldiers at
15 different ranks were the same as the amounts received by USP soldiers at their
16 different ranks, there was no differences. Is that your testimony?

17 A. My answer is yes, there are difference according to the rank. What -- a first
18 class is going to receive a different amount from what I would receive, but the
19 amount that someone of the same rank as myself on the other side would receive the
20 same amount. So the differences are in terms of ranks. I don't know whether or not
21 a sergeant on the other -- in the other group would receive more or less than myself, I
22 just don't know.

23 Q. If a witness came to this Court and said an MLC sergeant received more than a
24 USP sergeant, would that be true?

25 A. Let me repeat that I wasn't the one who paid out these allowances, and if that

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1 witness can prove and show you the receipt of what they were paid, and that they
2 stated that before this Court with a receipt, and able to compare, then perhaps that's
3 the case, but I have no information as to that potential difference, Mr Prosecutor.

4 Q. So you stand by what you told this Court?

5 A. Yes, I do.

6 Q. Mr Witness, did President Patassé trust MLC forces more than CAR forces at the
7 time?

8 A. I don't know. I don't know what he thought. Well, maybe he made that
9 choice to prefer one or the other, but I'm in -- not in a very good position to judge
10 whatever choice he may have made, so that's about all I can tell you. I have no idea
11 about that.

12 Q. Thank you, Mr Witness. Do you know how many MLC battalions were in the
13 CAR?

14 A. I believe you've already asked me that question as regards the number of
15 soldiers, as regards our troops, and I wasn't able to answer. How can I know how
16 many members of the MLC were in the CAR? I don't know.

17 Q. So would I be right to say you also wouldn't know the people who commanded
18 the battalions that were there?

19 A. Well, I don't know them personally. I know that there's a leader, a chief.
20 I know that there's a chief, but I don't know that person personally.

21 Q. Mr Witness, in your evidence yesterday at T-254, page 31, lines 9 to 12, you
22 testified that, and I quote, "Now, the chief of the Congolese and the Chief of Staff
23 would communicate between themselves at frequency 1 or frequency 4, but they had
24 a frequency that was assigned and limited to them. " Do you recall testifying that in
25 Court?

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1 A. Yes.

2 Q. How regular were the conversations between these two chiefs?

3 A. I don't know in terms of numbers. Well, it wasn't for me, after all, it was my
4 chief who was using the radio and I only had it with me occasionally, so I can't really
5 give you a number. The radio wasn't my own, it belonged to my chief. You should
6 ask him about the frequency or the number of conversations.

7 Q. Do you know what these two chiefs discussed?

8 A. Well, I know that the chief communicated about certain aspects, certain events,
9 that had taken place during the day, about strategy, places that were to be attacked,
10 and he then was to communicate to his soldiers what was to be done during the day.

11 Q. Mr Witness, do you know if the Congolese chief contacted Mr Bemba during the
12 operations?

13 A. I have no idea about that, no idea.

14 THE INTERPRETER: In the previous answer, correct, it was not "events" of the day
15 but rather the "orders" of the day.

16 MR BIFWOLI:

17 Q. Thank you, Mr Witness. I'll repeat that question again. Do you know if the
18 Congolese chief was in contact with Bemba during this period?

19 A. I don't know how to tell you. I have no idea. You know, it was their troops,
20 but I was not able to follow the different frequencies. They had their own
21 communications. I have no idea of the dates, the days, the chiefs communicated to
22 each other, but again I would say I know nothing about that.

23 Q. Thank you, Mr Witness. Do you know if Mr Bemba was aware of what MLC
24 troops were doing in the CAR?

25 A. No. I told you yesterday that I saw Bemba from a distance twice, but I have no

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1 idea what kind of relationship he had. We didn't talk personally. He didn't tell me
2 any stories. I have no information about that.

3 Q. Thank you, Mr Witness, and just understand that it is important for the case that
4 I'm putting some of these questions.

5 Mr Witness, are you aware that according to how the MLC functioned at that time
6 Patassé and the CAR authorities could not order the Congolese chief, but only make
7 suggestions? Are you aware of that?

8 A. Well, that's something from the Chief of Staff. That kind of decision comes
9 from the Central African Chief of Staff. What I can tell you, to clarify for the Court,
10 is that Bemba was not familiar with the city. It was a neutral area, so there were no
11 initiatives, if you will, and their troops, so they needed to be supported by
12 non-commissioned officers from the Presidential Guard from the Central African
13 Republic. So what you're saying would be to ridicule the Central African soldiers
14 and officers. No. You know, we had to give them orders. They didn't know the
15 city. If only to drive through the city, it was Central African Republic drivers who
16 drove the trucks. So that's why I'm here to explain these things, but to say that they
17 gave orders, well, I -- that hurts me. I will say right away, no, that's not the case.
18 We communicated what had to be done. They didn't know the various different
19 places, PK12, Fouh, et cetera, and so when I -- so I heard the orders come to my chief
20 and that's why I can speak about these things before this Court.

21 THE INTERPRETER: The interpreter was not able to catch the various places
22 mentioned by the witness.

23 MR BIFWOLI:

24 Q. Sir, in your answer you mentioned various places. The interpreter did not get
25 them. Could you kindly repeat your answer regarding the places that you just

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1 mentioned?

2 A. Yes, I said from Port Beach to PK12 there are several towns. There's Borakela
3 (phon), Gobongo, Fouh -- Boy-Rabé, Fouh, Gobongo, et cetera, all the way to PK12.
4 So there's a series of towns there and they needed our help to get through those
5 different areas, those different towns.

6 Q. Sir, do you know if the Congolese chief in the Central African Republic at the
7 time checked with Mr Bemba and MLC senior officials in Gbadolite first before
8 implementing any orders, or suggestions, that came from the CAR authorities?

9 A. I have no idea. I have no idea about that.

10 Q. Mr Witness, are you aware of any communications between Bemba and
11 Patassé - President Patassé - at that time?

12 A. No.

13 Q. In your evidence yesterday, at T-254, page 39, lines 22 to 25, you testified that
14 Mr Bemba visited the Central African Republic and then went to PK12 to see his
15 troops and give necessary instructions. Do you recall stating that?

16 A. Yes.

17 Q. What are these necessary instructions that he gave to his troops? Mr Witness,
18 do you have --

19 A. (No interpretation)

20 PRESIDING JUDGE STEINER: Can you repeat the question, please, Mr Bifwoli.

21 MR BIFWOLI: Thank you, your Honour.

22 Q. Mr Witness, I'll repeat my question. In your evidence yesterday, at T-254, page
23 39, lines 22 to 25, you testified that Mr Bemba visited the Central African Republic
24 and then he went to PK12, amongst other things that he did, to see his troops and give
25 necessary instructions. Now, my question is this: Do you know these instructions

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1 that he issued to his troops?

2 A. I said "No," because Bemba came to the airport and he had his security people,
3 plus ourselves. We were at (Redacted),

4 (Redacted)

5 (Redacted)

6 (Redacted) So I didn't hear what he said to his troops.

7 I know that he was there, that he had arrived safely, that there was nothing in

8 particular. That's about all I can say, but I didn't -- I don't know what he said. I

9 didn't hear it.

10 Q. Thank you for that clarification, Mr Witness. Witness, are you aware of any
11 single case where Patassé or the CAR authorities punished MLC troops for the crimes
12 committed in the Central African Republic during this period?

13 A. I'm not aware of that. I've just heard it here before this Court. This is new to
14 me, but it's not something that I heard about. It's the first time I hear about that just
15 now.

16 Q. And are you aware of any incident where Patassé publicly addressed the MLC
17 troops in CAR?

18 A. Well, I don't know either through the media or what, but I know nothing about
19 that. Perhaps the president said something about Bemba's troops, but I know
20 nothing about that to state before this Court.

21 Q. Are you aware that Mr Bemba opened an inquiry and seven MLC soldiers were
22 arrested and taken to Gbadolite for trial? Are you aware of that?

23 A. As I told you already I couldn't be everywhere and, inasmuch as I don't hear it
24 on the radio or I'm not in contact with it since I wasn't myself in Gbadolite or wasn't
25 in contact with those soldiers, I know nothing about that.

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1 Q. Mr Witness, yesterday in your evidence, at T-254, page 37, lines 19 to 25, when
2 asked about Antonovs you stated as follows, and I quote:

3 "Question: Okay, and can we come lastly to the Antonov flights. After the five-day
4 suspension, what was the frequency of the Antonov flights compared to how it was
5 before?

6 Answer: Well, some soldiers needed to be in the field and they would bring them
7 back and then they would go back to their original positions. After we drove the
8 soldiers away, those flights resumed with some DRC soldiers and they had to be
9 clothed, and what I noticed was that they were given clothing. I remember that,"
10 end of quote.

11 Did Antonovs transport soldiers in the Central African Republic during this period?

12 A. That's what I said yesterday.

13 Q. Now, they transported these soldiers from Bangui airport to where, do you
14 know?

15 A. Well, in my opinion, the question is inappropriate. I don't understand. You
16 repeated what I said yesterday and then you ask a question. I really don't
17 understand what you're trying to get at, sir.

18 Q. I'll repeat my question and this is the question: Did the Antonov flights
19 transport soldiers in the Central African Republic during this period?

20 A. Well, it's clearer now. What I said was that after five days, the Antonovs came,
21 came in with soldiers that were to go out in the field, and once they had received
22 uniforms, they were taken back. That's what I said yesterday.

23 Q. Where were these Antonovs coming from?

24 A. The Antonovs usually came from the DRC, as you know. They came from the
25 DRC, and that's it.

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1 Q. Mr Witness, you know, you were there, you know, so some of these things you
2 may think we know but actually we don't know, that's why we keep on asking you.
3 But thank you for your answers. So, so that the record is clear, which soldiers were
4 brought by the Antonovs?

5 A. I think I will repeat myself. The DRC soldiers, Bemba's soldiers, is that the
6 clarification you seek, that I say it was Bemba's soldiers? The Antonov belongs to
7 Bemba and those who came in the Antonov were Bemba's troops. They came on one
8 occasion (Redacted), then they were given uniforms and
9 dispatched to join their other troops. Maybe that's the clarification you seek, and I
10 hope I have provided it.

11 Q. Thank you, Mr Witness. Indeed, that was the clarification. Again, yesterday
12 in your evidence at T-254, page 40, lines 18 to 20, you testified that on one occasion
13 Mr Bemba travelled with a private jet which was not an Antonov from the Bangui
14 airport with his family. Do you recall stating that?

15 A. Yes.

16 Q. Again in your evidence yesterday at T-254, page 34, lines 20 to 22, you also
17 testified, and I quote, "Antonovs are Russian planes. Some Antonovs landed there
18 allegedly coming from Gbadolite to take goods and fuel and other supplies and then
19 returned to Gbadolite." My question is this: Were these trips made by just one
20 Antonov aircraft or different Antonov aircrafts, if you know?

21 A. It was the same Antonov.

22 Q. Do you recall the tail number or the number that identifies the aircraft?

23 A. No.

24 Q. Now, Mr Witness, I have a record of flights that landed at Bangui during this
25 period, and according to this record it shows that there are four different types of

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1 aircraft belonged to the MLC, that they landed at this airport. Would you dispute
2 that?

3 A. (Redacted) You see, there is also a service
4 that knows about the tail numbers of flights and flight numbers. I do not work at
5 Cigna. (Redacted) Now, what I can tell you is that the plane,
6 maybe the planes may have the same colour but different numbers, so I do not have
7 the skills to distinguish. Now, if I knew the various numbers, then I would be in a
8 position to confirm that, but I did not know that such-and-such a number belonged to
9 such-and-such a craft and came at such-and-such a time to the Central African
10 Republic and that it belonged to the MLC. I have told you that I saw only one plane.
11 Now, I don't know the numbers. I don't know whether they are in front or at the
12 back. I really don't know.

13 MR BIFWOLI: Thank you for that clarification, Mr Witness.

14 Madam President, I request that we go into private session.

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

16 *(Private session at 10.06 a.m.) Reclassified as Open session

17 THE COURT OFFICER: We are in private session, your Honours.

18 MR BIFWOLI:

19 Q. Mr Witness, I'm now going to -- we are now in private session so feel free to
20 provide details because what you say will not go out of this courtroom. I'm going to
21 ask you a few questions. Do you know (Redacted)?

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. When was the last time you had contact with him?

2 A. I have not heard from him or about him in a very long time. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. Mr Witness, do you know (Redacted)?

3 A. That name doesn't ring a bell. I don't know him.

4 Q. And do you know (Redacted)

5 A. I think I would need some further details. Are you talking about a civilian or a
6 soldier? I need some specifics. Is it a soldier, a civilian? I was in the army, I have
7 been a student, I have colleagues. There are some names that resemble each other.
8 I went to high school, I was in college, I was in the university for six months, then I
9 went to the army and I am also part of society at large and I know many people, I
10 know many names, but when you throw a name like that at me, it's difficult. I don't
11 know who this person may be. Maybe I have met them, maybe not, so this name
12 may ring a bell, maybe it doesn't. Who is this person? What was his position?
13 What dates are you talking about? So I really don't know but in any event, I don't
14 know this name.

15 I told you already that I know (Redacted).

16 When you say (Redacted) that immediately rings a bell but when you just throw
17 another name at me like that without any specifics, Mr Prosecutor, it is difficult for
18 me to answer you.

19 Q. Do I understand you to mean if I gave you specifics, there is someone you know
20 with that name or various people that you know by those names, so that you need
21 specifics?

22 A. Yes, yes, that would be useful. It would be useful if you tell me that this
23 person was in this regiment or in this section, if he was a soldier. You know, there
24 might be people in other places whom I don't know. There might be names that in
25 the army might remind us of one thing or the other. People have also nicknames,

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1 nicknames that were used which can be useful in prompting one to remember,
2 whether they were friends or colleagues. And then you also have special
3 relationships within the army and, you see, one does not know everybody in the
4 army and that's why I would like some help from you. If I know the name or if
5 I know the person I would tell that I do, but if I don't I will also tell you that I do not.

6 Q. Do you know if there was anyone with such a name in the USP, for example?

7 A. No, that name doesn't ring a bell.

8 Q. Thank you, Mr Witness. And, Mr Witness, do you know someone with the
9 name (Redacted)

10 A. Well, can you pronounce that name again? Is it a Sango name, or I don't know?

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: Mr Bifwoli, Judge Aluoch wants to make a point.

17 JUDGE ALUOCH: Mr Bifwoli, could you make it easy by spelling it? Can you
18 spell out the name, please, to the witness?

19 MR BIFWOLI: Thank you, your Honour. You actually anticipated what I was
20 thinking, because my pronunciation of these names is not good.

21 (Redacted)

22 A. That name, I don't know it. (Redacted) is not a Central African Republic name to
23 begin with. It's a typical French name. It's not a Sango name. (Redacted)
24 I don't know. It doesn't ring a bell at all.

25 Q. Thank you. And does the name (Redacted) mean anything to you?

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1 Maybe I can spell for you? (Redacted)

2 (Redacted) Do you know someone by that name?

3 A. I sort of remember that name, but if you could give me what his function or
4 duties were I might know. There's a (Redacted) who was not a soldier, but who was
5 often with soldiers, and he was the one who tended to provide intelligence. Oh, and
6 by the way, there is also a friend working in the intelligence services of the
7 Presidential Guard who has that name and he's the one who was releasing our
8 positions to the Bozizé troops.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) So what was his

13 duty? What was his role? What was his position? Can you please give me that
14 information? Thank you.

15 Q. Now, maybe I'll do it differently. Have you been in any contact with any of
16 these two (Redacted)?

17 A. No.

18 Q. Mr Witness, do you know anyone by the name (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. No, I do not belong to his generation and he was not part of my units. He was
6 my superior. I have no contact with him. I had no contact with him and I don't
7 know whether he is still alive. I have not heard from or about him in the last ten
8 years.

9 Q. Thank you for that clarification. And do you know someone by the name
10 (Redacted)

11 (Redacted)

12 A. No, no. Maybe I have heard this name a long time ago, but I do not know the
13 person as such. To my mind these are people who used to hover around the
14 President, so to speak. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. And you know Prosper N'Douba, do you?

21 A. Well, if I say that I do not know Prosper N'Douba, that would be lying to the
22 Court. Prosper N'Douba was the victim of Bozizé's troops. He was the
23 spokesperson of the MLC -- MLPC party, whose president -- whose founder was the
24 president. He suffered extensively when Bozizé's troops came. He's the one who
25 was captured by Bozizé troops and he went through hell under his captors. They

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1 took Mr Prosper N'Douba to various regions, remote areas, and he really suffered.

2 I know his story, but I don't know him in person. I know that he was a figure of
3 distinction within the Central African Republic.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. And, Mr Witness, does the name (Redacted) mean anything to you?

24 A. Well, hold on, let me recall. Is the name (Redacted) Is that the name? Am I
25 correct?

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1 Q. You're correct, Mr Witness.

2 A. (Redacted) was a soldier even from his youngest years. He virtually joined
3 the army when he was in Year One in college and he rose to the ranks of sergeant, but
4 he was not able to make much more progress. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. And does the name (Redacted) mean anything to you? Let me spell. I
13 don't think my pronunciation is good. It is -- (Redacted)

14 (Redacted)

15 A. That name doesn't really mean much to me. I do not know that person in
16 person. There were many soldiers who left after the events of 2001. These might
17 have been soldiers who left before I joined the army. Since the mutiny of 1993, '96
18 and upwards, from '96 forward, many soldiers left the army. I was still a very young
19 person at the time. In fact, I joined the army in '99, and they may have left before I
20 joined the army. I know (Redacted) because I met him in the army, but this other person,
21 I do not know.

22 Q. And Mr Witness, when was the last time you had contact with (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR BIFWOLI:

7 Q. Mr Witness, the last time when you spoke with him on the phone, did you
8 discuss anything regarding this case with him?

9 A. I beg your pardon? I really don't know what matter you're talking about.

10 Q. I'll repeat the question. You've just stated that you spoke to him on phone.

11 During that telephone conversation, did you discuss anything about this case?

12 A. No, because -- well, this case I've come before the Court, well, this is my life and,
13 you see, as time goes by a person can change. It is possible that he might now be
14 with the new regime, I don't know. I have to protect myself. Perhaps once I'm back,
15 I'll speak to him, but before I left, I'm telling you, I'm careful. I'm quite careful with
16 other people.

17 Q. And lastly on this topic, do you know anyone by the name (Redacted)?

18 A. No.

19 MR BIFWOLI: Thank you, Mr Witness, for your co-operation, and that brings us to
20 the Prosecution questioning you and, from the Prosecution side, we thank you for
21 co-operating with the Court and thank you very much. Thank you.

22 THE WITNESS: (Interpretation) Thank you.

23 PRESIDING JUDGE STEINER: Thank you very much, Mr Bifwoli.

24 Mr Witness, legal representatives of victims, Maître Douzima Lawson and Maître
25 Zarambaud were authorised by the Chamber to put some questions to you, and

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1 therefore I'll give the floor, starting by Maître Zarambaud.

2 Maître Zarambaud, you have the floor.

3 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

4 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

5 Q. Good morning, Witness.

6 A. Good morning, Counsel.

7 PRESIDING JUDGE STEINER: Maître Kilolo?

8 MR KILOLO: (Interpretation) Your Honour, unless I'm mistaken, I believe we're still
9 in closed session.

10 PRESIDING JUDGE STEINER: Thank you very much, Maître, for reminding me.

11 Could, please, court officer turn into open session.

12 (Open session at 10.35 a.m.)

13 THE COURT OFFICER: We are in open session, your Honours.

14 PRESIDING JUDGE STEINER: Maître Zarambaud, you have the floor.

15 MR ZARAMBAUD:

16 Q. Witness, I shall introduce myself. We did have an opportunity to meet one
17 another. You met the other legal representative, Ms Douzima, and myself. I'm
18 Mr Zarambaud Assingambi and I'm a member of the Central African Republic Bar.
19 Here I am working as one the two legal representatives of victims, "lawyer
20 representing the civil parties" is how we would say it in our country, and I'm also
21 working with my fellow counsel, Ms Douzima Lawson, who will be asking you some
22 questions as well.

23 Now, Witness, you are here before the Court. Why? Because you wish to help us
24 come to a demonstration of the truth. Earlier today you said that you were
25 distrustful, that you didn't trust anyone, and that's quite normal, given your current

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1 situation. Now, it's also possible that when you saw lawyers from the Central
2 African Republic here in the courtroom, you may have some concerns because you
3 are giving testimony confidentially, and perhaps you fear that someone from the
4 Central African Republic might reveal your identity. I would like to reassure you
5 we are professionals and what we do here in the courtroom we keep to ourselves.
6 Under no circumstances can we break the vow that we have made.
7 Now, Witness, I have prepared many questions for you. Some were not authorised
8 by the Chamber, so I won't be asking you all of these questions, not all of them. I did
9 not prepare my questions on the basis of a particular file disclosed by the Defence.
10 What's more, you have already answered most of the questions that I had in mind
11 because of your replies to the representative of the Office of the Prosecutor. So I will
12 be dropping many of my questions, in actual fact.
13 Now, my first question is as follows and this is actually question number 7: Did the
14 director of the USP take part in the fighting himself?

15 A. Yes.

16 Q. If I could remind you of the five-second rule, because we're both speaking
17 French here. We understand one another immediately, but you have to allow for a
18 little bit of time for the interpretation into English. Now, so you are saying that he
19 did take part in the fighting personally. Now, when did he do so, and at what
20 places?

21 A. Himself, he was preparing the war so he did write some things down about the
22 techniques, the strategy. That came from him. So I told you he took part in that,
23 and the air force that was bombing Boy-Rabé, he directed them personally. So that's
24 what I'm telling you, he did take part. He did take part in those activities personally.

25 Q. Well, I wanted to know whether he was actually physically present when the

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1 fighting occurred. So you seem to be telling me that he drew up the plans for the
2 fighting. Was he actually taking part in the fighting?

3 A. Well, let me put it differently. He was the captain, the captain of war. He
4 directed the fighting against the enemy who were in the terrain. The strategy came
5 from him, so that it came from him. What to do, when to do, the attack was
6 launched by him. So that's why I'm saying he was -- he took part, he was present.
7 Actively, technically, he was in the field.

8 Q. Thank you. Now, did this just hold true for the USP, but did it also hold true
9 for the FACA as well?

10 A. It was valid for the troops who were preparing, and let me repeat once again I'll
11 say not all FACA were there. The FACA were divided, if you don't realise that.
12 Some were on our side. The USP was there, the various -- and there were various
13 private forces that were present and there was also support from Bemba's troops as
14 well. They were there as well. So they just were waiting an instruction to regain
15 that territory, that ground.

16 Q. Yes, I've understood, but now you say that there were FACA troops who were
17 taking part who were loyalists and then there were the private forces and there were
18 the FACA. But I'm asking you about the director of the USP and I'm asking whether
19 this is also valid for the FACA. What was the role played by the FACA troops?

20 A. We found a single name. The loyalists were there, including the Chief of
21 General Staff, the Chief of Staff, and then the Presidential Guard. So the same thing
22 for Bombayake, he contributed with the USP.

23 Q. I'll return to the question and I'll try to sum-up. Perhaps this will make things
24 clearer, and I'm making reference to question number 9. Now, at one particular time
25 or another, was the director of the USP responsible for co-ordinating the efforts by all

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1 the forces; that is to say the FACA, the private militia, the USP and the MLC?

2 A. I can't confirm that. That's a matter of administration. For that decision to
3 come a decision would have to come from the president, and I didn't see any decision
4 saying, "Mr Bombayake, you're going to co-ordinate all of that." I didn't see such a
5 decision, so I really have no idea, Counsel.

6 Q. Thank you. This has allowed us to summarise the situation better. Now you,
7 yourself, did you take part in the fighting yourself personally?

8 A. I'm a soldier and when Bozizé's troops were in the field I was already in the
9 field before, so it was surprised -- (Redacted). We
10 were surrounded almost. They were in front of the UCATEX, Kajima and the other
11 road, so we had two choices: Either we fled, or we attacked. So there were the
12 various troops including the air force, there were also other brigades there, and we
13 prepared ourselves. We had some arrangements. (Redacted)
14 (Redacted)

15 Q. We've been told about that already. Please don't mention identities. This
16 could lead to your identity being known. Please --

17 A. My chief was there and we were in the office to listen to the instructions, and we
18 were listening on the radio and I was right beside him. His life depended on me. I
19 was holding all his weapons. He was giving strategy and he was talking to the chief
20 of platoon and we were preparing the attack, and when the air force launched its
21 attack in Boy-Rabé we too started to move forward to the combatants to direct
22 Bozizé's -- we took with the assistance of our position, so I was in the field too.

23 Q. Thank you. Now just to be clearer, other than the airport, did you personally
24 take part in fighting and, if so, at what other location? What location other than the
25 airport?

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1 A. No, not the airport. On the boulevard on the other side there are some
2 neighbourhoods and then there's the Cigna office and some neighbourhoods, and
3 then on the other side the market, combatants, and the soldiers were at a place that
4 was called Chicago Street and they even had camels. It was the first time I had ever
5 seen a camel in my life, and that was our -- and that allowed us -- we had to drive the
6 soldiers away to free the road from Kanduru to rue du Matir (phon) and then the
7 airport. We had to free that road so that fresh supplies could be brought. Once that
8 was done, we took the airport back as usual.

9 PRESIDING JUDGE STEINER: Maître Zarambaud, I'm sorry, if you allow me just to
10 seek a follow-up question.

11 Here on page 37, line 22, Mr Witness, you said, "My chief was there and we were in
12 the office to listen to the instructions and we were listening on the radio. He was
13 giving strategy and he was talking to the chief of platoon and we were preparing the
14 attack." Who was giving instructions to your chief at that point?

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted) I gave that name yesterday and I drew a diagram. He was the one
17 who had the command over us. He was the chief of section, or -- the chief of section,
18 and we were waiting for his decision.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

21 Q. Consequently, during the events that are of interest to us, namely from October
22 2002 to 15 March 2003, during those events did you have any opportunity to see MLC
23 troops?

24 A. I said so. I said "Yes," and I showed you how I saw them once at the airport.
25 The troops arrived, they came to the airport, then they left again, and regularly when

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1 I went by the support regiment which was their base, because that's where you had to
2 go to get your allowance, or get logistics. So I saw them there as well, and from time
3 to time amongst -- with our soldiers who were patrolling I would see them with them
4 as well.

5 Q. Thank you. You've already had an opportunity to provide sufficient
6 information. You spoke of them being given Central African Republic uniforms, but
7 what I wanted to ask you was this. Did the MLC troops have any sort of insignia
8 indicating their rank, or what unit they belonged to?

9 A. No, I didn't see that. And let me tell you this, let me inform you, that during a
10 war a good soldier doesn't need --

11 THE INTERPRETER: Inaudible.

12 THE WITNESS: (Interpretation) He takes that off. So I didn't even know their
13 ranks, and some soldiers -- some soldiers knew the secret of that. But during war if
14 someone dies, well, you're going to die and under some circumstances you just wear
15 whatever. You pick up your weapon and -- I didn't see any insignia of rank.
16 Amongst themselves they had a system. The chief would have something indicating
17 that he was the chief, but really no indication of rank.

18 Q. Thank you. Now, if I've understood what you've just said, during those events
19 the CAR soldiers did not wear insignia of rank or insignia indicating --

20 THE INTERPRETER: Overlapping speakers.

21 THE WITNESS: (Interpretation) That's a personal -- that's a secret, but it's not
22 important. I would know if a colonel was a colonel, but a low-ranking soldier, well,
23 you can't -- you might put it here, or there, or you might put it in your pocket, so
24 really there was no point in having that sort of thing. But you know that the person
25 is your leader when he talks to you, so really it's of no importance during a war.

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1 MR ZARAMBAUD: (Interpretation)

2 Q. Thank you. My question really isn't about the rules. I'm asking you about the
3 events, what happened. Did the Central African Republic soldiers -- during the
4 events, didn't they wear insignia on their sleeves, or on their chest perhaps; insignia
5 indicating their rank and what unit they belonged to?

6 A. Let me repeat. Not all of them had that system. Most -- well, the officers
7 might have that. The high-ranking officers would have something showing their
8 rank on them, but some soldiers, foot soldiers, low-ranking, people at my level -- the
9 high-ranking officers would have something like that, but people like us in the field --

10 Q. This may be my last question before the break. Amongst the MLC soldiers,
11 were there women or children?

12 A. I didn't see that myself. Once some degree of calm was restored there was
13 some talk of that sort of thing, but I didn't see any women or children myself. But
14 the people who came to the airport I didn't know them all, but most of them were
15 men. There might have been a few women, but I don't really know. They all were
16 shaved. They all had shaved heads. They all shaved their heads, so really I wasn't
17 able to identify each and every one of them and so I really couldn't tell you.

18 MR ZARAMBAUD: (Interpretation) I believe it's time for the break now.

19 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

20 Mr Witness, we'll have now our half-an-hour break. You can take some rest. It's
21 almost 11 o'clock. We'll be back at 11.30.

22 I ask, please, court officer to turn into closed session in order for the witness to be
23 taken outside the courtroom. In the meantime, we will suspend and resume at 11.30.

24 *(Closed session at 10.58 a.m.) Reclassified as Open session

25 THE COURT OFFICER: We are in closed session, your Honours.

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1 (The witness stands down)

2 (Recess taken at 10.59 a.m.)

3 *(Upon resuming in closed session at 11.38 a.m.) Reclassified as Open session

4 THE COURT USHER: All rise.

5 Please be seated.

6 PRESIDING JUDGE STEINER: Welcome back.

7 Could, please, court usher bring the witness in.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE STEINER: Could, please, court officer turn into open session.

10 (Open session at 11.39 a.m.)

11 THE COURT OFFICER: We are in open session, your Honours.

12 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

13 THE WITNESS: (Interpretation) Thank you.

14 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE STEINER: Maître Zarambaud, you have the floor.

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

18 Q. Witness, before the break, I asked you whether amongst the MLC soldiers there
19 were women and children, and you gave me your answer. The following question is
20 how, how the MLC troops were fed. How did they get food?

21 A. There was a supply division organised by the Chief of Staff of the Presidential
22 Guard. We shared our reserves and everyone received their portions at the same
23 time.

24 Q. Did the MLC soldiers receive salaries?

25 A. To my knowledge, no, but they did get the allowance, the PGA. I think they

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1 must have had a salary. I don't know where they got it, but I do know that they did
2 get the allowance. Maybe they received the salary through the banking system, but I
3 really don't know how they received it. I have no idea about that.

4 Q. Thank you. As regards the Central African soldiers in general, civil servants in
5 particular, during the events did the soldiers or civil servants, did they receive their
6 salary or were there arrears?

7 A. Yes, as always, yes, but everyone didn't complain equally. There was a
8 problem. That problem did exist, indeed.

9 Q. In your opinion, under the former President Patassé when he was president,
10 how long a period of arrears was there for the payment of salaries?

11 A. Well, you know, I didn't work in the treasury. I'm not able to really know. I
12 can tell you about myself. I can tell you how long it was. I don't know about the
13 others. In my case there were five months in arrears when I was in the FACA and in
14 the Presidential Guard there was a five-month lag, so in my own case it was five
15 months. During a period of five months I did not receive my salary, but I can't tell
16 you if it was the same thing for everyone. I didn't work in the treasury department.
17 I can't really tell you exactly. I can't give you a precise number in response to that
18 question, sir.

19 Q. Thank you. That's perfectly normal. You're here to tell us what you know,
20 and if you don't know, that's not a problem. You are perfectly justified in saying you
21 don't know, as you've just done.

22 The former regime, that is the late Ange Patassé's regime and under André Kolingba's
23 regime, had there been arrears in the payment of salaries and, if so, how many
24 months in arrears?

25 A. Well, can I say "yes" or "no"? Well, there were arrears under both, but as

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1 regards the precise time lag, I can't really tell you. Under Kolingba, I was still in
2 high school, I wasn't working at the time so I really am not familiar with the situation
3 then, but I do know that some teachers did complain about that but, given my age
4 today, I don't really remember sufficiently to tell you exactly how much, how much
5 there was, how many months of arrears, for example.

6 Q. Thank you. I have a number of questions about the chain of command but,
7 since you have indicated that you were a sergeant and that you really were not aware
8 of what occurred at the higher levels of the hierarchy, I'm not going to ask you those
9 questions. Did you learn about the arrival, the arrival of soldiers at PK12?

10 A. I heard my chief talk about it to his friend because he wasn't familiar with the
11 name. I heard my chief talk about it at a distance on the radio, but I didn't follow
12 closely the content of their conversation in order to understand the substance, but he
13 wasn't that familiar with the city, so he confused the various places, and I don't -- I
14 can't really tell you much more about that.

15 Q. Thank you. Witness, you've given us details about the loyalist forces from the
16 USP, the FACA and the various militia groups, the private militia, and including the
17 MLC. Can you tell us, aside from those forces, were there any international forces or
18 forces from other countries or international forces that were in the Central African
19 Republic at the time of the events?

20 A. There was the UN forces, but their tasks were limited. Their mission had in
21 fact finished. I don't know, I think there were Senegalese and Canadians. I'm not
22 quite sure, but I do know there were foreign forces from the UN on-site and in front
23 of the presidential residence there were UN forces as well, but I don't know whether
24 it was Camp Béal. I think, yes, the UN forces were there, too.

25 Q. Do you know whether there were the CEN-SAD or CEMAC forces?

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1 A. The CEMAC, I think they came after my time. I heard about that. It was
2 when I -- when I was there, it was the UN forces, the MISAB. I forget the name.
3 The UN forces. As regards CEN-SAD, I don't know where they were. I know they
4 came from Tripoli, but I don't think they were there at the time when I was there. It
5 was the UN forces who were working near le BONUCA. I don't think so. I don't
6 know. Maybe there were there, but I didn't see them.
7 As for the UN forces, I saw their planes, but the ones you just mentioned, I think that
8 was created after I had already left the country, the CEMAC in particular. This was
9 after 2003, so it didn't exist in my time. That's my answer.

10 Q. Well, given that answer, I will not ask you question number 40, but I do have a
11 follow-up question. You referred to the Antonovs that were white that landed, and
12 you mentioned the arrival of Mr Bemba in a private jet. You said you saw him.
13 Did you see any other aeroplanes or helicopters coming from Gbadolite, other than
14 the Antonov that you've already mentioned and the private jet?

15 A. As far as I can remember, no, I don't remember seeing any others. (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)

21 MR ZARAMBAUD: (Interpretation) Thank you very much. Thank you very
22 much for having answered my questions. I have no further questions.
23 I have completed my questioning, Madam President.

24 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud, and now
25 I'll give the floor to Maître Douzima for the questions authorised by the Chamber and

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1 any follow-up questions.

2 Maître Douzima, you have the floor.

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

4 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

5 Q. Good morning, Mr Witness.

6 A. Good morning.

7 Q. Witness, let me introduce myself. My name is Maître Marie-Edith Douzima
8 Lawson. I am a member of the Central African Bar and here, in this case, I am the
9 legal representative of a number of victims. Your testimony is of interest to the
10 witness that I represent, and that is why I have asked permission of the Chamber to
11 put questions to you.

12 In the beginning of your testimony yesterday, you said that you know us, that is
13 Maître Zarambaud and myself, by name. You said you knew who we were, that is,
14 lawyers from the Central African Republic, and I would like to remind you that the
15 questions that we are asking you, it's not for ourselves but, rather, for the benefit of
16 the Chamber, and don't feel insulted if we ask you questions about things that you
17 think we should already know. You're here, as Maître Zarambaud has stated a
18 moment ago, to enable us to find the truth and, therefore, just answer the questions, if
19 you are able to do so. If you don't know, feel free to say, "I don't know," as you did
20 to the questions put to you by the Defence counsel and the Office of the Prosecutor.
21 Have you understood my comment?

22 A. Yes, fine. Thank you very much, Maître.

23 Q. Thank you. Witness, during yesterday's hearing, this was the French transcript,
24 page 60, you stated that USP's mission was to protect the President of the Republic,
25 his family life but also his own life. Can you tell us, in practical terms, how the

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1 presidential security functioned in order to protect the life of the president and to
2 protect his family?

3 A. Well, I'm going to use some technical terms and some military jargon to answer
4 your question. First of all, we were trained in order to accompany a president in his
5 movements. That's part of our task. We were on guard duty. That's also part of
6 how we protect him and we also learned how to react, as was the case when Bozizé's
7 men attacked in 2002. That's the kind of thing that's involved in protecting the
8 president, because the soldiers who came to the Central African territory they came
9 very close to endangering his life and our task was to protect him from that attack.
10 So that would be my answer to your question.

11 Q. Thank you, Witness. Do you mean that you had to be present wherever the
12 president might be?

13 A. In a society, or in a group, first of all, everyone is not close to the president to
14 protect him, so the -- we were divided based on our different missions. So this was
15 really the close bodyguards of the president. (Redacted)
16 (Redacted) but that's part of protecting the
17 president, and also protecting all those whose task it was to protect the president.
18 Well, for example, there were men guarding the residence, his territory, and even
19 before the president arrived, they had to provide for the security. If you will,
20 everyone was not involved as close bodyguards. I don't want to go into all the
21 details and use military jargon that might be confusing, so that's what I would say at
22 this point.

23 Q. Thank you, I understand. Again, referring to the Presidential Guard,
24 yesterday on page 50 you said that the director-general of the USP was
25 Mr Bombayake. That's correct, isn't it? As such, was he a -- was he a close

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1 bodyguard?

2 A. Yes. I would say, yes, he's the one who defines the strategy. He directed the
3 overall security strategy. On any particular day when the president had to travel, he
4 was the one who would decide which meetings the president would go to, or which
5 sections were going to be involved. He would work all night. For example, if the
6 president was going to travel, he would decide which men would be following the
7 president. He would write it down and he -- yes, I would say he was a member of
8 the close Presidential Guard.

9 Q. Witness, today, a short while ago, Maître Zarambaud asked you the following
10 question when he sought to find out whether Mr Bombayake took part in the fighting.
11 At page 34, line 6, your answer was the following, that he participated in the fighting
12 and that he was at the battle-front. You even went on at line 20 to add that the
13 shelling of Boy-Rabé was under him.
14 Now, the question is the following: Going by Bombayake's functions and role that
15 you have just described, did what he -- did what he did fall within the parameters of
16 those duties?

17 A. Yes, that was within the scope of his mission. The strategy came from him.
18 The enemies were already on ground and, if the assault wasn't conducted
19 immediately, then the various troops who were on ground would not be able to move.
20 That was his strategy. I am only able to make an interpretation at my level. I do
21 not understand why he decided to proceed in that manner. It was maybe a kind of
22 pre-emptive move that helps the army to recover territory and hold back the enemy.
23 He knows why he opted for that strategy and it may be more appropriate to ask him
24 why he opted for that strategy, Counsel.

25 Q. My question only arose from your answer, Witness. Now, were you there,

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1 were you (Redacted), or did you see him on the field fighting the enemy?

2 A. That is the point on which I wanted us to have a proper understanding.

3 Bombayake was the one, so to speak, prosecuting the war. Now, in matters of

4 strategy -- by the way, I don't know where he was when he put all those strategies in

5 place. Now, whether he was the one in the plane shelling himself I do not know, but

6 I know that he is the one who laid out the strategy. He was on the ground, whether

7 it was in his office or wherever, but I'm not in a position to tell what his physical

8 location was. (Redacted) All I waited for was for orders to attack,

9 given that the enemies were nearby, so I don't know, Counsel, if this is helpful?

10 Q. I have understood you very well. (Redacted) but you knew that

11 this was the strategy he adopted; is that the case?

12 THE INTERPRETER: Witness shrugs.

13 MS DOUZIMA LAWSON: (Interpretation)

14 Q. Boy-Rabé is in Bangui. I would like to know whether this strategy was also

15 implemented in the hinterland, in other areas such as Sibut, Bossangoa, Bossembélé

16 and other such remote areas? Were you able to learn or find out that he used the

17 same strategy in the other towns of the Central African Republic?

18 A. I really have no idea. All I can say is in relation to my position at the time of

19 the war. Anything that happened from PK12 beyond really is unknown to me. I

20 don't know how they recaptured the other territories. I don't know what support

21 they had in the hinterland. Really, Counsel, I have no idea about what transpired

22 there.

23 Q. Now, what was the role of the FACA in all of that?

24 A. What I can say is that - and I have said so consistently - the FACA was divided

25 into two parts: The Head of State, Commander-in-Chief and his Minister of Defence

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1 and their Chief of Staff, Colonel Antoine Gambi. Now, that was in a way the
2 political dimension to this thing but I don't know how they worked. But then you
3 had FACA soldiers who were also on the other side, but they were not where I was.
4 Now, I think that on the ground you had Antoine Gambi, a colonel who was the Chief
5 of Staff, Mr Ongwa, Minister of Defence, was also there, and there was some kind of
6 communication between them.

7 Now, if I were to stretch beyond those points then I might be lying, so there might
8 have been other strategies and other things on the other side, Counsel. I really don't
9 know.

10 Q. When you say that some loyalists were on your side, who are you referring to as
11 the loyalists, by the way?

12 A. Well, from the time of the mutinies that took place in the Central African
13 Republic involving several soldiers, well, you had the FACA, the national armed
14 forces, who supported the president and the USP, and when I talk about national
15 soldiers, those are the people I'm referring to them as the loyalists; that is those who
16 were loyal to the ideas of the president. I don't know if you understand what I'm
17 trying to say, Counsel?

18 Q. Very well. Now, so you're saying that some FACA troops were on the side of
19 the USP?

20 THE INTERPRETER: Witness nods.

21 MS DOUZIMA LAWSON: (Interpretation)

22 Q. Now, your USP operations, were they conducted alongside the FACA troops
23 who were on your side?

24 A. Well, when I say "FACA," I also want you to understand that I was FACA. I
25 was also a FACA, although seconded to a unit. That is why it was referred to as a

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1 unit, the Presidential Security Unit, which brought together people from different
2 branches of the army, the gendarmes and the police and soldiers. So those who were
3 in FACA were also involved in the fighting at the same battle-front, just like we were.
4 So if you were to talk about various assemblies then that might be different, but the
5 fighting, or the war as a whole, was being prosecuted in the same way.

6 Q. Witness, you say that you were of the FACA, but at the time of the events you
7 were at the USP. Is that a proper understanding?

8 A. No, you haven't understood me well. I was seconded to the Presidential
9 Guard in July 2001, that is after the coup d'état of May of 2001, and so -- the failed
10 coup d'état. So at that time I was FACA, but I was then seconded to the USP and I
11 was no longer considered to be a FACA. I was a soldier of the USP.

12 Q. Witness, we have understood you clearly, but let me revisit my question. Did
13 the FACA and the USP work together during the events?

14 A. Yes, they worked together.

15 Q. Who was their commander?

16 A. I do not know the commander's name. I don't know who their commander
17 was, but I can talk about Mazi and Lengbe. They were of the FACA and then you
18 also had other officers. What I can say is that I don't have the names of the other
19 FACA officers, to the extent that my duties were limited, Counsel.

20 Q. I do understand you, Witness. This morning, transcript at page 17, from lines
21 24 to 28, and then on to page 18 of this morning's transcript, this is what you said:
22 That you, meaning the USP, were the ones who led the MLC soldiers in the various
23 neighbourhoods, such as Fouh, Boy-Rabé, et cetera, because the MLC did not know
24 the terrain or the ground properly.

25 My first question to you is to find out how you were leading them or guiding them.

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1 Were you in front of them, or were you behind them?

2 A. Well, you said "USP." Yes, USP. Now, I can speak about what I did, what we
3 did. (Redacted), including some
4 loyalists from the air force, we were maneuvering in that area. I don't know what
5 the others were doing in other areas; whether it was the FACA or the MLC who
6 would jump before the others. You know that in war times things happen in very
7 complicated ways. All I can say is about those of us who were at the level of the
8 airport, because at that level it was only those of us who were not of Bemba's troops,
9 the USP and a number of us who were maneuvering in that area, but I don't know
10 who or how things were happening on the other side. Whether it was the loyalists
11 who were in front or who were the FACA, or was it the FACA who were behind, or
12 whether it was Bemba's troops that were in front, I am not in a position to tell you
13 clearly who was in what position in those other locations.

14 Q. Going by what you know, having guided or led the MLC troops in the various
15 neighbourhoods, what did the MLC troops then do? After you had, so to speak,
16 introduced them to the terrain, what did they do?

17 A. Counsel, I was not omnipresent at that time. I do not know what I can say to
18 tell you that I saw what they did. I cannot explain to you how they began to deploy
19 or occupy the terrain. Were they sitting down? Were they bent over? I don't
20 know. I hope that you can understand me. I was not omnipresent, and I therefore
21 can only give you some limited answers.

22 Q. Witness, I do understand you very well. You have shared with the Court what
23 you heard. Now, what do you know about crimes committed by the MLC troops?

24 A. Counsel, I have appeared before this august Court to help the Court to discover
25 some truth, and I'm speaking under oath. I did not see with my own eyes any

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1 physical acts which I can talk about to this august Court. However, I heard over
2 radio, the national radio and private radio stations such Ndeke Luka and
3 international radio stations, I heard after the fact or after the events that all troops
4 were involved in acts of violence. They committed abuses and excesses.
5 Well, we may say that these were foreigners talking about things in my country but
6 yes, indeed, it is my country. Now, if I had seen anything with my own eyes I
7 would tell the Court. The victims were Central Africans, my fellow countrymen and
8 women, but I did not see any of these acts of violence being committed. I only heard
9 over radio. I hope you can understand me, Counsel. That is my position.

10 Q. Mr Witness, I do understand you very, very well. You heard over radio that
11 the different troops committed acts of violence and abuses. Other Central Africans
12 certainly must have heard those things over radio as well. Now, given that you
13 were there in the Central African Republic, what was the reaction of the people, of the
14 population, of the authorities, of military authorities, what was the reaction of the
15 people upon learning about these things over the radio?

16 A. I think each individual reacted according to their own temperaments, their own
17 character and their own thoughts. I have my own personal disposition as well.
18 Now, let me confess to this august Court that if I had seen, and if I had been on the
19 ground, and seen that a foreign force had come into my country and attacked
20 somebody in front of me, and I'm talking about myself, maybe I would have had
21 something to say but I did not see these things. I heard about them over radio, over
22 the radio, and I'm hurt by it all but, you see, what can I say? I was just an ordinary
23 soldier, receiving orders, but that doesn't spare me the pain that I'm feeling there,
24 Counsel. That's what I -- that's I'm talking about.

25 Q. Well, Witness, I talked to you, I raised this question as a Central African

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1 Republic citizen myself, who was there and who heard about these things. Now, the
2 last question is the following: Did you hear that there were some complaints about
3 these acts of violence and abuses?

4 A. Yes. I do not remember the year, but Mr Bemba was arrested, and that must
5 have been as a result of some complaints and, you know, court proceedings cannot
6 start without a complaint, so I don't know who filed a complaint. All I know is that
7 there must have been a complaint. Somebody must have cried out for their rights to
8 be upheld and I think that this is what triggers the process and -- but what I can say is
9 that I did not see any complaints myself.

10 MS DOUZIMA LAWSON: (Interpretation) Thank you very much, Witness, for
11 your co-operation. Madam President, that will be all.

12 THE WITNESS: (Interpretation) Thank you.

13 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. I turn to the Defence
14 and ask Defence whether Defence would like to redirect?

15 MR HAYNES: No, thank you very much, your Honour.

16 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. That concludes
17 your evidence and, before you leave the Court, I want on behalf of the Chamber to
18 express our thanks for the time you have taken to come to this country to give
19 evidence at this trial.

20 In order for the Judges to find the truth, it is critical that witnesses such as yourself are
21 prepared to come to The Hague, to sit before us and to assist us in the relevant issues
22 of the case.

23 We are aware that this may have been inconvenient for you and you therefore leave
24 us with our sincere thanks.

25 Before you leave, Mr Witness, I would like to ask you whether there is anything you,

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1 yourself, would like to address to the Bench? If you so wish, you have the floor.

2 THE WITNESS: (Interpretation) I do not have much to say, but I'm just convinced
3 that I really desire to assist this Court in pursuing justice for the entire world. Thank
4 you.

5 PRESIDING JUDGE STEINER: We wish you have a nice trip back to your home.

6 I ask, please, court officer to turn into closed session in order for the witness to be
7 taken outside the courtroom.

8 *(Closed session at 12.23 p.m.) Reclassified as Open session

9 THE COURT OFFICER: We are in closed session, your Honours.

10 (The witness is excused)

11 PRESIDING JUDGE STEINER: We can turn into open session, please.

12 (Open session at 12.24 p.m.)

13 THE COURT OFFICER: We are in open session, your Honours.

14 PRESIDING JUDGE STEINER: The Chamber was informed that next witness,

15 Witness 57, that was supposed to start his testimony on Thursday, will arrive at The

16 Hague this evening, so the Chamber is in consultation with VWU in order to assess

17 the possibility of Witness 57 to start giving testimony tomorrow, and therefore

18 anticipating the beginning of the testimony in order for the Chamber to ensure that

19 we have no gaps, unnecessary gaps.

20 We are still waiting for the confirmation of VWU, since in any case the familiarisation

21 process can only take place tomorrow in the morning, so in principle, the Chamber

22 intends to sit tomorrow in the afternoon on an exceptional basis.

23 The Chamber is planning to sit, to start the hearing tomorrow at 1.30 in the afternoon,

24 and to have two sessions of two hours, finishing at 6 in the afternoon. So, in

25 principle, the parties and participants are on notice that we'll be sitting tomorrow at

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1 1.30.

2 Any changes, upon information given by VWU, that it was not possible for any
3 reason to finalise with familiarisation process, the parties will be - and
4 participants -- will be informed in due time.

5 So I would like to thank very much the Prosecution team, legal representatives of
6 victims, Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very
7 much our interpreters and court reporters.

8 We will adjourn for today and, unless otherwise decided, we resume tomorrow
9 morning at 1.30 in the afternoon.

10 The hearing is adjourned.

11 THE COURT USHER: All rise.

12 (The hearing ends in open session at 12.27 p.m.)

13 RECLASSIFICATION REPORT

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

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