

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 24 October 2012
9 (The hearing starts in open session at 9.06 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning and welcome the Prosecution team, legal representatives of victims,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and
21 court reporters.
22 Today we will start listening to the tenth witness called by the Defence, Witness
23 CAR-D04-PPPP-0051.
24 Before the witness is brought into the courtroom, the Chamber has some oral
25 decisions to deliver, starting by the oral decision on the applications to question

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1 Witness D04-51 by legal representatives of victims.

2 On 18 October 2012, the Chamber received an application from Maître Douzima on
3 behalf of the victims that she represents to question Witness D04-51 (Filing 2353-Conf).

4 The application contains a list of 27 questions. Similarly, on 18 October, the
5 Chamber received an application from Maître Zarambaud on behalf of the victims
6 that he represents (Filing 2364-Conf). The application contains a list of 40 questions.

7 Having considered the reasons given by both Maître Douzima and Maître
8 Zarambaud as to why the personal interests of the victims they represent are affected,
9 the Chamber allows the respective applications to question Witness D04-51.

10 Turning to the proposed questions, Maître Douzima is allowed to put all of her
11 proposed questions to the witness as set out in her aforementioned filing.

12 In relation to the questions of Maître Zarambaud, the Chamber allows him to put all
13 of his proposed questions as set out in the aforementioned filing except for question
14 17, which is inadmissible in the way it is formulated.

15 The Chamber has now an oral decision on the Prosecution's objection to the use of a
16 number of documents included in the Defence list of documents to be used during the
17 questioning of Witness D04-51.

18 The Chamber -- I ask, please, court officer to turn into private session in order for the
19 decision to be issued.

20 *(Private session at 9.10 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: On 6 September 2012, the Prosecution filed its
23 request to reject admission into evidence of several fraudulent documents disclosed
24 by the Defence on 12 July 2012 and submitted on 16 August 2012 (Filing 2371-Conf).

25 The documents in question include several governmental instructions and messages

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1 allegedly emanating from former or existing Central African authorities that were
2 provided to the Defence by Witness D04-11.

3 On 12 September 2012, Maître Zarambaud and Maître Douzima filed their
4 observations on the Prosecution's request, supporting the Prosecution's request to
5 reject the admission of the documents in question (Filings 2311-Conf and 2312-Conf).

6 On 25 September 2012, the Defence filed its response to the Prosecution's request,
7 arguing that the Prosecution's request should be rejected (Filing 2326-Conf).

8 On 16 October 2012, the Defence circulated its list of documents to be used during its
9 questioning of Witness D04-51. The list contains 24 items including the allegedly
10 fraudulent documents referred to in the Prosecution's request.

11 By email of 22 October 2012, the Prosecution objected to the use of the document -- of
12 documents 6 to 19 in the Defence's list, in accordance with the Prosecution's Filing
13 2301-Conf and previous emails objecting to the same documents.

14 The Chamber recalls that in its oral decisions of 18 September and 15 October 2012, it
15 held that pending its decision on the Prosecution's request in Filing 2031-Conf and on
16 the matter of admissibility of the documents referred to in that request, the
17 Prosecution's objection to the documents being admitted as evidence had no bearing
18 on the use of the documents during the questioning of a witness (reference
19 T-247-CONF-ENG-ET, page 50, line 15, to page 53, line 6, and T-254-CONF-ENG-ET,
20 page 4, line 12, to page 6, line 4).

21 For these reasons the Defence is allowed to use all documents included in its list
22 during the questioning of Witness D04-51.

23 Now the Chamber will issue its oral decision on protective and special measures for
24 Witness D04-51.

25 (Redacted)

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1 (Open session at 9.23 a.m.)

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

3 PRESIDING JUDGE STEINER: Thank you.

4 After the issuance of the oral decision on protective and special measures for Witness

5 D04-51, the Chamber asks, please, the court officer to turn briefly into closed session

6 in order for the witness to be brought into the courtroom.

7 *(Closed session at 9.24 a.m.) Reclassified as Open session

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

9 (The witness enters the courtroom)

10 WITNESS: CAR-D04-PPPP-0051

11 (The witness speaks French)

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

13 (Open session at 9.25 a.m.)

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

15 PRESIDING JUDGE STEINER: Mr Witness, good morning and welcome.

16 THE WITNESS: (Interpretation) Good morning.

17 PRESIDING JUDGE STEINER: Mr Witness, somewhere in front of you there is a

18 card on which is printed the solemn undertaking. Could you please read out the

19 words on the card.

20 THE WITNESS: (Interpretation) Solemn undertaking: I hereby declare that I will

21 speak the truth, the whole truth and nothing but the truth.

22 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, do

23 you understand it to mean that you must give answers to questions asked of you that

24 are true and accurate to the best of your knowledge and belief?

25 Can you speak a little bit closer to the microphone, Mr Witness?

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- 1 THE WITNESS: (Interpretation) Yes, I am ready.
- 2 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by
- 3 Victims and Witnesses Unit during the familiarisation process, you will be questioned
- 4 first by the Defence, then by the Prosecution, then by legal representatives of victims
- 5 that were authorised to put some questions to you and finally Defence, if Defence
- 6 wishes to put some follow-up questions to you.
- 7 The Chamber has put in place measures to protect your identity from the public and
- 8 you will therefore be referred to during your questioning as "Witness 51," or
- 9 "Mr Witness," or just "sir." Your name will never be mentioned.
- 10 Your voice and your image that are broadcast outside the courtroom are being
- 11 distorted. That means that the public outside the courtroom cannot identify you by
- 12 your face or by your voice.
- 13 In order to help us in keeping your identity concealed from the public, Mr Witness, it
- 14 is important that when we are in open session you don't give any information that
- 15 could lead to your identification; for instance, your name, the names of family
- 16 members, the names of former chiefs or bosses, the position you occupied previously,
- 17 the place where you live now. These are just some examples, Mr Witness.
- 18 If this kind of information needs to be given, you just let us know and we go into
- 19 private session. In private session, only the persons here inside the courtroom can
- 20 hear to what you say. Outside the courtroom nobody can listen to you and then you
- 21 can feel free to speak.
- 22 The Defence, the Prosecution, the legal representatives and the Chamber will help
- 23 you and suggest if it's better to go into private session in order for your identity to be
- 24 protected. In any case, if you feel insecure in giving any information in public
- 25 session, you let us know and we go into private session.

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1 Do you understand the protective measures, Mr Witness?

2 THE WITNESS: (Interpretation) Yes, someone explained that to me.

3 PRESIDING JUDGE STEINER: Mr Witness, we have also some very annoying

4 ground rules. Because we speak different languages, we have interpreters and we

5 have court reporters. We have simultaneous translation. We have simultaneous

6 transcripts of your testimony. In order to allow our interpreters and court reporters

7 to do their job, it is very important, Mr Witness, that you speak slower than normal,

8 as I'm doing now. Because it seems so unnatural, it's likely that you start speeding

9 up. In that case, I will have to interrupt you and ask you to slow down. Please

10 don't take offence. It is just for practical reasons.

11 We also have a rule that we call "the five-seconds golden rule." That means, when

12 any of the parties or participants or the Chamber put a question to you, you need to

13 count 'til five before you start giving your answer. These five seconds is the time the

14 interpreters need to conclude the translation of the question, so it is also a very

15 important rule in order to facilitate the interpreters' and court reporters' difficult task.

16 Do you understand our ground rules, Mr Witness?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: I will now ask court officer to turn into private

19 session, since the Chamber needs to address the witness on a confidential issue.

20 *(Private session at 9.34 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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

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1 (Open session at 9.39 a.m.)

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

3 PRESIDING JUDGE STEINER: Mr Witness, you will start now with your testimony
4 first being questioned by Maître Kilolo from the Defence. Please do not hesitate if
5 for any reason you need a break, just let us know and you will have as many breaks
6 as you need. Please feel comfortable to ask the Chamber for any break.

7 Maître Kilolo, you have the floor.

8 MR KILOLO: (Interpretation) Thank you, your Honour.

9 QUESTIONED BY MR KILOLO: (Interpretation)

10 Q. Good morning, Witness.

11 A. Good morning.

12 Q. First of all, I'd like to introduce myself once again. I am Mr Aimé Kilolo and I
13 am one of the lawyers of Mr Jean-Pierre Bemba and I'm the one who will be putting a
14 number of questions to you on behalf of the Defence. Do you understand?

15 A. Yes.

16 MR KILOLO: (Interpretation) Just before we go on, I'd like to remind you once
17 again about the five-second rule. This means that each time I finish my sentence, as
18 I'm putting questions to you, could you please wait and count to five in your mind
19 before you answer, and this will allow for my question to be translated into English so
20 that the English speaking people in the room can understand and I will try to do the
21 same thing myself.

22 Your Honour, could we go into private session?

23 PRESIDING JUDGE STEINER: Court officer, please.

24 *(Private session at 9.41 a.m.) Reclassified as Open session

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

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1 MR KILOLO: (Interpretation)

2 Q. Witness, we are in private session. This means that what we say here shall
3 remain within this courtroom. The public does not hear the sound of your voice and
4 we can speak freely. You must realise that the various people in this courtroom are
5 all bound by confidentiality. In other words, they are not allowed to disclose any
6 information that is provided in private session to the public. Do you understand?

7 A. Yes.

8 Q. I'd like to begin by asking you to introduce yourself. Could you give us your
9 name, your marital status and your profession?

10 A. (Redacted) I am
11 a gendarme by career and I've been -- I was seconded to the presidential security. (Redacted)
12 (Redacted)

13 Q. When did you join the CAR armed forces?

14 A. I joined the CAR army as a gendarme, second class, and during my career I
15 moved up ranks and I reached the rank -- (Redacted)

16 (Redacted).

17 (Redacted)

18 (Redacted)

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12 (Redacted)

13 (Redacted)

14 MR KILOLO: (Interpretation)

15 Q. During that period of time, (Redacted)

16 (Redacted) who was the Head of State?

17 THE INTERPRETER: Overlapping speakers.

18 THE WITNESS: (Interpretation) Ange-Félix Patassé.

19 MR KILOLO: (Interpretation)

20 Q. What country are you currently living in?

21 A. Country of residence? I was told not to say that and now you are asking me

22 the question.

23 Q. Indeed, you shouldn't give the name of that country in open session. You

24 shouldn't give your name, or your address, or your work, but when we're in private

25 session that is the time when we can speak freely so that the Court knows exactly who

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1 you are. So you can provide that information without any problem?

2 A. Okay. (Redacted)

3 (Redacted)

4 Q. When did you leave the Central African Republic?

5 A. After the coup in 2003.

6 Q. Why did you leave the Central African Republic?

7 A. Because I was arrested, tortured, put in prison. My family -- some people that
8 I used to know are no longer -- correction, people are surprised when they see me
9 because people thought I had been killed. This was after the coup d'état. We lost
10 track of one another. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 One day I came three times and the third day I was wearing certain clothing. I was

19 in the car. I got to the central market and I waited to cross and to go to the

20 roundabout. If you know that area, there's a spot where people sell watches, to the

21 right. So there was a taxi in front of me and I was waiting for the taxi to go by and a

22 four-by-four came up right along beside me, and they asked me to get out, and some

23 others came and they started to hit me with the butts of their rifles and there was --

24 THE INTERPRETER: Inaudible.

25 THE WITNESS: (Interpretation) -- Gabonese, a Gabonese person on the radio.

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1 They asked -- they wanted to keep the soldiers from hitting me, but others
2 reinforced -- other reinforcements came. They were -- became afraid. The soldiers
3 hit me. They put me in the pick-up and they took me away and we got to the
4 entrance and I was beaten badly. After, I don't know exactly what happened. I was
5 bleeding. I lost consciousness. I was taken to (Redacted). I don't know
6 exactly what happened, but my clothing had been removed. I was there. They
7 took me. So, you see, they abducted me at the central market. The people who
8 (Redacted) relatives, and they thought
9 I had been killed. At that time --
10 THE INTERPRETER: Inaudible.
11 THE WITNESS: (Interpretation) -- (Redacted)
12 (Redacted) and I stayed there and I think -- well, when I
13 woke up I thought I had been in an accident, and I had bruises all over my body and I
14 tried amongst the bodies.
15 I climbed up the tree and there were some branches there and I went out a (Redacted)
16 (Redacted). I opened the tap, I washed myself. I was also thirsty. And while
17 I was drinking water, there were some Chadian soldiers at the (Redacted)
18 (Redacted). They came and they spoke in Arabic. They spoke to me in Arabic. I didn't
19 understand what they were saying. And one of the soldiers, I don't want to say his
20 name because I was told not to give names, and they said "It's him. It's him, the one
21 (Redacted)
22 (Redacted) and when they said that the Chadian
23 soldiers took me. They tied me up, my hands and my feet, like this, as if I were a
24 goat, and they dragged me from there to (Redacted) and I was in the prison there.
25 I -- once I got there, I met up with a number of people and the room that I was in was

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1 not actually closed off. There was some -- from time to time I was able to raise my
2 feet a bit and I was able to rub the rope along the frame at the bottom of the bed
3 constantly for hours and hours to cut the rope. I -- when I tried to get up, I fell down.
4 I got up. I fell down.

5 MR KILOLO: (Interpretation)

6 Q. Could you slow down, please, so that the translators can follow what you're
7 saying?

8 A. Yes. I still am living with that, you know? I wanted to get up. I fell down,
9 and at the angle, you see, there was a tap. So I got down on my knees and there was
10 an empty can of tomatoes and with my elbow I tried to open the tap and everyone
11 else who was tied up asked for water as well. And, you see, they were tied up and
12 their heads were all swollen up. They were deformed. When you saw them, you
13 couldn't recognise them. Even -- you just couldn't recognise them. So I was able to
14 give water. The first fellow I gave water to drank some water, he thanked me, and I
15 gave some water to the next one. And then after that that was all. He died. And
16 after that I refused to give water and I -- I refused to give them water. I couldn't
17 keep on walking. There was gravel and, you see, when you're crawling about on
18 your knees it's very painful and I had some wounds.
19 We stayed there the night. At 4 in the morning, 3 or 4 in the morning, some people
20 came. They knocked at the door, they opened the door, they shone some light in and
21 they saw that I was standing and that the ropes -- that my ropes -- the ropes were
22 undone.
23 They shut me up. In the cell I found a little scrap of metal, so I went into the middle
24 of -- into the middle and I gradually rubbed with this scrap of metal and I was able to
25 open the door. When I opened the door, the others in the corridor saw me and one

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1 was a pastor and he said "My brother, why are you doing this? Why are you trying
2 to get out? Get me out as well." And I said "No, they've locked us all up". I tried
3 to open the door, but I wasn't able to because the space of the padlock was a bit too
4 big. I heard noises. They came and saw and I got out.
5 Then I started to go to the bathroom because, you see, there weren't even any toilets
6 where we were. There were just these black bags and you pissed and shit in them.
7 In the showers, I tried to see if (Redacted) whether they were
8 tough or not, and I tried to force them, and I saw that there were -- there had been
9 water there, so the rods were a bit soft.
10 Some of the relatives of these people came to ask for them to be freed. We stayed.
11 So I waited for a while and I spent nearly a month. All my -- correction, my relatives
12 thought I was dead. According to their explanations, which they gave to me later,
13 (Redacted)
14 (Redacted) but I was actually in the prison and the rain
15 was falling quite hard at about 2 in the morning and I was able to get out without
16 talking to the others.
17 (Redacted) got out and I started to go away, and I was very careful
18 when I went by immigration, and I went up the hill. I walked, I walked, I walked
19 and I found behind the hill a number of people who were living there and that was in
20 the sector. I went far there, I went there, and when I got there it was nearly 5 in the
21 morning, and when they saw me they were afraid and I said I was from -- I said I was
22 from the Central African Republic and I said I had fled and I showed them my
23 wounds.
24 They went and gathered some leaves. They held my head. You see, I had wounds
25 all over my body and sores. It was painful. It hurt. So they took care of me and

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1 gave me something to -- so I could sleep. I spent one night with them and I thought
2 that maybe people might come and try to find me. They gave me some old clothing
3 and it wasn't the right size because, you see, I had lost weight and the clothes were
4 falling off of me, but I managed to fasten them to me.

5 PRESIDING JUDGE STEINER: Mr Witness, I'm really sorry to interrupt you, but I
6 received from the interpreters a request that you please try to slow down. They
7 cannot follow you. You are speaking too fast for them to translate. So please
8 continue telling your story, but speak a little bit slower. Thank you very much.

9 THE WITNESS: (Interpretation) Very well.

10 So when they gave me the clothing, I wore it and I walked -- well, (Redacted)

11 (Redacted). I went -- I walked across the road and I went

12 (Redacted) and then I found my mother.

13 When she saw me, she started crying. That was towards 3 o'clock in the morning
14 that I arrived and she was crying. "They were telling me that you were dead," she
15 said, and "My son, don't stay here." She said to me "My son, don't stay here. If you
16 do, they're going to break down the house."

17 And when I was going to go, I decided to return to the country and I said "Well, I
18 have to be able to find money." And she said (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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21 to Nigeria and we went from Nigeria. When we got there, we tried to continue, go
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19 (Redacted)

20 MR KILOLO: (Interpretation)

21 Q. Please excuse me, we are going to go back into the details of your journey to
22 your country of residence.

23 A. Yes.

24 Q. For the moment I would like to ask you a series of questions.

25 A. Yes.

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1 Q. We can go progressively and in order to give you an idea of how much time to
2 speak for, I think in one minute you can, or for example you can take one minute by
3 way of answer in order to get to the point, unless you really need to speak more.

4 A. Okay.

5 Q. So just in order to understand this, the persons who tortured you in Central
6 Africa, were they -- under whose orders were they torturing you?

7 A. Well, we don't know who was -- we didn't know who their chief was, because it
8 was Bozizé who had brought them there, and among them there were soldiers who
9 I had trained who were -- well, I saw them when they were beating me up. I saw
10 them.

11 Q. Very well. Please don't forget every time to answer me after five seconds so
12 when I speak -- when I finish speaking please answer me five seconds later and we
13 will try to keep the same rhythm. That is to say we will limit ourselves, limit the
14 amount of time you speak for at the time you give your answer. These people who
15 tortured you, taken by General Bozizé, do you know why they tortured you?

16 A. No.

17 Q. Very well. And when they tortured you, when was it exactly; do you
18 remember?

19 A. Well, it's already a long time ago. I know that they arrested me in the central
20 market and beat me up and put me -- well, I've forgotten the date.

21 Q. Do you remember the month and the year?

22 A. (Redacted) Well, it's the date that I don't know.

23 Q. Which year?

24 A. 2003.

25 Q. At the time that they came to torture you, did -- well, were you in a position

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1 as -- of a fighter with regards to them?

2 A. No. When we left, when we left for ENAM, we had been disarmed. We
3 didn't have any weapons, so I'm just speaking out. I mean I arrived, I took my book
4 and I put today's date in it and I looked at what ammunition was being brought in
5 and that's what I would look at. That's what I was doing before.

6 Q. Very well. In order to understand things well, when was it exactly that you
7 left the army?

8 A. It was after my arrest, because when he came he asked that everybody go to
9 ENAM and I went there with everybody -- well, everybody we went there, and from
10 there there were people who went into companies. We were divided up into certain
11 brigades and, yes, people were assigned there and I thought that I was going to stay
12 in disarmament, but when I was arrested, well, I don't know where they were going
13 to send me.

14 Q. Very well. And in order to understand well, who was it who sent you to
15 ENAM? Who said that you had to go to ENAM?

16 A. President Bozizé. When he gave his speech, he asked all the military soldiers
17 of the presidential security, he asked all of them to go to ENAM.

18 Q. Very briefly, ENAM, what was its mission?

19 A. The school of administration for the judiciary.

20 Q. And what was the aim of your assignment with ENAM?

21 A. I don't know. This is a place where they have spaces, so it can include
22 everybody because there are other people. When they were asked to go to UK
23 football, they went to the places where people had to go.

24 Q. So you spoke about a hole in which you found yourself and there were bodies
25 in it. Whose bodies were there?

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1 A. The bodies? Soldiers of the presidential security. When they were on guard
2 there, the Bozizé's soldiers attacked Kandro.

3 Q. So this mass grave, where was this exactly?

4 A. It's not a -- it's not a mass grave. It's a hill. And so there's a hole at the bottom.
5 I don't know from what date it's from, but there are trees, there are mango trees there,
6 and you throw people in the middle of the tree trunks. You just throw people into it
7 there, and that is how I found myself also to be there.

8 PRESIDING JUDGE STEINER: Maître, if I may, these are kind of more general
9 questions that do not necessarily identify the witness. Could we try to go into open
10 session?

11 MR KILOLO: (Interpretation) Indeed, your Honour.

12 PRESIDING JUDGE STEINER: Mr Witness, we will go now into open session, so in
13 open session you don't mention names and you don't mention your specific function
14 at that time. Do you understand that?

15 THE WITNESS: (Interpretation) Yes, your Honour, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MR KILOLO: (Interpretation) Very well. I would therefore ask to go into open
16 session, your Honour.

17 PRESIDING JUDGE STEINER: Court officer, please.

18 (Open session at 10.26 a.m.)

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

20 MR KILOLO: (Interpretation)

21 Q. Witness, we're in open session. What does this mean? This means that you
22 should be very careful not to mention your name, your profession, nor any other
23 specific element which could lead to your identification. However, the names of
24 third parties such as officers, Central African soldiers, Heads of State, that is
25 something you can say in open session because these names have already been

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1 mentioned by other witnesses in open session without any problem. Do you
2 understand that?

3 A. Yes.

4 Q. So I would like now to ask you to speak about events which occurred in the
5 Central African Republic in 2002, if you are aware of them?

6 A. In 2002, the events started on 25 October when the rebels of General Bozizé took
7 parts - certain parts - of the capital and more precisely the entry to the capital, PK12,
8 Fough neighbourhood, Gobongo neighbourhood and some parts of the Combattant
9 neighbourhood. That's the one that is next -- well, the one that's next to the road
10 they didn't take, but the part of it that goes towards the Osebe (phon) Commissariat
11 they were there. The MLPC headquarters, Boy-Rabé neighbourhood, Boy-Rabé to
12 Boganda, the station on the 4th arrondissement as well, and there's also Marabena's
13 house too. They occupied that.

14 Q. Do you know how many -- for how many days General Bozizé's men occupied
15 these areas that you've just mentioned?

16 A. At least five days.

17 THE INTERPRETER: At least five days, repeats the witness.

18 MR KILOLO: (Interpretation)

19 Q. Do you know what type of relation or behaviour the rebels of General Bozizé
20 demonstrated with regards to the civilian population in these different
21 neighbourhoods?

22 A. When they arrived, it was a surprise. People were not expecting it. The
23 highest personality of the State and other distinguished persons were residing in that
24 area, from Golf to Cité Jean 23, those areas were inhabited by distinguished
25 personalities who encountered several problems. Their houses were looted like my

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1 house, my house was looted, trucks and buses were taken away and the whole house
2 was ransacked, so a lot happened.

3 Q. When you talked about houses being ransacked, who -- by whom?

4 A. By soldiers, Chadian soldiers, who had come. They looted the house. Even
5 when they got to my house, they took everything that was in the house. After they
6 left I wanted to go back to the house, but people warned me. They said mines had
7 been laid in the house and so they had to demine the area before I could go in and I
8 couldn't sleep in my house.

9 Q. Apart from the houses that were ransacked, what else happened? Do you have
10 any other information?

11 A. Yes. When they came in there were soldier, they had weapons and there were
12 victims. They shot at the MLPC headquarters. One of Patassé's nephews, who was
13 a customs officer, was killed. The aide-de-camp was also killed and a lot happened.
14 You see, when those things happened, we did not believe that. In fact, it is only after
15 they left that we observed the scope of the crimes and the damage that they had
16 caused.

17 At the beginning we did not quite know what was happening, because we were
18 focused on looking for ways of pushing them back so that they could retreat, but it
19 was not easy.

20 Q. I would like you to think back as far as possible and talk to the Court about the
21 various crimes that were committed by General Bozizé's rebel forces. Are you able
22 to do that?

23 A. Yes. You see, as I told you, I went to see my mother and when I saw her, she's
24 a woman who grew up in (Redacted)
25 prefecture, but I had built a small house for her in that area, something that she was

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1 quite proud of.

2 Now, when the soldiers came I left, but other soldiers went back there and I don't
3 know why and killed my mother right in front of her house. Now she's dead. They
4 told her "So you are the mother of so-and-so" and then did what they had to do. You
5 see, I wondered why? Why they had to kill my innocent mother? She had nothing
6 to do with it.

7 Q. Who killed your mother?

8 A. Bozizé's soldiers, when they went and burnt down villages and so on and so
9 forth. They are the ones.

10 Q. Please observe the five-second rule before answering my questions. Now,
11 question: How did you come by the information that you are giving the Court
12 today?

13 A. My elder sister is still alive today, so I called her one day and asked if she had
14 news of our mother. She told me she didn't want to tell me the news because she
15 didn't want to hurt me, or she didn't want to disturb me, so I said "Oh, really?" I was
16 in Mauritania at the time and I wanted to send money home at the time and I wanted
17 some of the money to be given to my mother. So she said "No, call me in the evening
18 and I will tell you." I said "No, I have the time to talk to you now. I am calling for
19 free." Now -- so she said "If you send money, I am going to ask people to go and
20 build a grave for your mother." So I said "What type of news are you telling me?"
21 She said -- well, she had learned that our mother had been killed there and so she
22 hadn't had time to go see her yet.

23 Q. Very well. How did you become aware that General Bozizé's rebels occupied
24 the various neighbourhoods which you mentioned a short while ago from 25 October
25 for a period of about five days? How did you become aware of this?

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1 A. Those neighbourhoods, the soldiers of the Presidential Security Unit, most of
2 them lived in those neighbourhoods and others lived in other neighbourhoods, so
3 when these things happened the soldiers wanted to leave their homes and get to the
4 bases.

5 Now, when they arrived, they did not try to find out where people lived, but it is
6 these soldiers who came back and told us what was happening in the
7 neighbourhoods and so we became aware of these things.

8 Q. Now, regarding those crimes that were committed in the various
9 neighbourhoods, how did you become aware of that?

10 A. By radio. By radio.

11 Q. What does that mean?

12 A. There was Radio Ndeke Luka which was on the ground working with United
13 Nations people who conducted information-gathering patrols and then broadcast the
14 information over radio and we were -- we became aware of that information.
15 Some soldiers of the Presidential Security Unit were stationed at the police school.
16 When they were killed, they actually placed grenades on their heads and pulled the
17 plug to the extent -- to the extent that if anyone came to try to collect the dead bodies
18 the grenades would explode and kill everybody else. So when we wanted to -- when
19 people wanted to collect some of the dead bodies, they were warned to be careful
20 because there were grenades around the bodies and placed in such a way that if you
21 took the body away the grenades would explode. So that's how some of these
22 people were killed and they were victims.

23 Q. I would now like to discuss with you about the organisation of the offensive
24 from a military standpoint. What happened exactly when Bozizé's rebels attacked
25 Bangui?

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1 A. There was a cabinet meeting, a Council of Ministers. There was a cabinet
2 reshuffle. Minister Ongwa was replaced by General -- a general whose name I now
3 forget, General Regonessa. General Regonessa. At the Chief of Staff, the late
4 person was replaced by Gambi and his deputy was Seregaza.
5 Now, Mazi was sent to the Presidency as a military adviser. General Kasai was
6 appointed a brigadier-general. So those are some of the things that I can remember
7 today.

8 Q. In concrete terms, can you tell the Court what happened when Bozizé's rebels
9 entered Bangui on 25 October? Which pro-Patassé units were in Bangui at that time?

10 A. (Redacted) and I went by PK5 up to Muskiné and Benz-VI Avenue,
11 it was not possible for me to go by the 1st district through the MLPC headquarters, so
12 I went the other way through the community hospital and then I saw Captain Barril
13 and his soldiers on roof tops and I saw some white people. So I was wondering who
14 are these white people on the building and I was curious.
15 So I went to the CEMAC building, took the lift to the top and I found out that these
16 were Captain Barril's soldiers who were able to use their binoculars and specialised
17 weapons from that rooftop and were -- at the rooftop with presidential security
18 guards with 60 millimetre mortars right at the roof of the house.

19 Now, then I went to Lenélé (phon), Lenélé is the television station, and there, all the
20 soldiers at Lenélé, that is the TV station, had been ordered to abandon or to leave
21 Lenélé and go to CEMAC. (Redacted)

22 (Redacted) as I was having that discussion (Redacted) showed up and said "I am
23 the one who had given the instructions for them to go from Lenélé to CEMAC."
24 (Redacted)

25 A. General Bombayake.

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1 Q. Which other pro-Patassé forces were present?

2 A. During Patassé's time, there were a number of troops, some of them had been
3 trained, and there were some special people who were trained who frightened even
4 us who were soldiers. They had talismans and gris-gris and that frightened even
5 some of us soldiers. So we had the Sarawi, who were under Miskine's care. Then
6 General Bombayake brought in the Mbakari. He is the one who brought them in.
7 Then there were the Karako. Karako who were brought in by Captain Usay. These
8 were young people who had been constituted into the Karako group from the
9 Boy-Rabé neighbourhood. Then there was the NCPS, which was a private militia, a
10 private security group, owned by N'Doubabe Victor, the president's driver. They
11 were armed. They were as armed as the soldiers of the USP. So those were the
12 various components. On the day of the attack, all of those groups were on the
13 ground.

14 Q. Did you hear mention of the arrival of any foreign forces, apart from the various
15 units that you have just referred to?

16 A. When we were there, first of all there were people I think from Sudan or from
17 Libya, Sudan or Libya. They were there on that day and they were firing at the rebel
18 positions at the Muskine roundabout and at the MLPC HQ. Then there were also
19 soldiers from Captain Barril. Captain Barril's soldiers who were in the building.
20 You see, if one were in that building, the Marabena building, somebody from the
21 Marabena building was firing at them and, since they had those guns with the
22 telescopic view or with binoculars, they were able to zoom in and find out who was
23 there. (Redacted) who were
24 at Lenelé. I was told that they were no longer at Lenelé, they had been shifted to
25 another position, and it is out of curiosity that I went to that other position to see what

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1 was happening at the rooftop.

2 Q. How did things happen practically then? Was there -- were there any clashes
3 between the loyalist forces and Bozizé's rebel troops?

4 A. Yes, in order to liberate the MLPC headquarters there were clashes. When
5 they took the MLC HQ, people had to reconstitute and then attack and then recapture
6 the 4th district, the roundabout and the MLPC headquarters.

7 Q. Did you hear mention of a Congolese force known as the MLC?

8 A. They came in almost late, almost late, because by the time they came in the
9 soldiers of the Central African Republic had managed to ward off the rebels. I do
10 recall that they came in by ship at Port Beach. You know, I (Redacted)
11 (Redacted) to Camp de Roux and we were given a number of uniforms
12 to distribute to those soldiers who had arrived. We gave those soldiers who arrived
13 the same uniforms as those used by the USP, but they had the same types of boots
14 and the same type of haircut.

15 Now, when they went to the support regiment we put them there, but you see there
16 were many of them and they started going left and right, here and there, and because
17 we did not speak Lingala we tried to identify a number of ours who could speak
18 Lingala in order to show them around and organise them and indicate to them what
19 they had to do.

20 But as for their head-gear they had a green beret, so if the green beret was used by the
21 soldier from the other side they preferred to use or to exchange them for the red beret
22 of the FACA soldier and that is how they were able to exchange their berets. So
23 every now and then we saw FACA soldiers using our beret, the beret of the USP,
24 because they had received them from the others.

25 You know, so they said these were times of war, they used all types of insignia, they

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1 would wear the stripes of a commander, or a major, and everything happened in a
2 haphazard manner because these were times of war.

3 PRESIDING JUDGE STEINER: Mr Witness and Maître Kilolo, the interpreters are
4 asking both Mr Witness and Maître Kilolo to please respect the five seconds because
5 there has been lots of overlapping between questions and answers. And,
6 Mr Witness, again, I am sorry, but I need to ask you to slow down when giving your
7 answers; not only respect the five seconds, but slow down a little bit. Our
8 interpreters and court reporters are having a hard time.

9 THE WITNESS: (Interpretation) Thank you, your Honour.

10 MR KILOLO: (Interpretation) Thank you, Madam President.

11 Q. Yes, indeed, Mr Witness, it is important for us to slow down our pace. Now, I
12 want to advise that in order to slow down, please ask yourself whenever you're
13 speaking whether you are talking slowly and, if you do that, then you would slow
14 down and we'll be able to follow you properly. I will also make the same effort in
15 that regard.

16 Now, Witness, when did the MLC troops arrive in the Central African Republic?
17 What date, do you remember?

18 A. Yes, it was on 30 October. 30 October 2002.

19 Q. How do you know that it was on 30 October 2002?

20 A. I know because, when they arrived, the general informed us that the -- our
21 friends were coming. I thought that they were going to come by air and arrive at the
22 airport, but we suddenly learnt that they had arrived at Port Beach and they needed
23 vehicles to take them from the Port Beach to the support regiment.

24 Q. Do you know which vehicles they used in driving around in the Central African
25 Republic?

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1 PRESIDING JUDGE STEINER: Maître Kilolo, sorry.

2 Could please, court officer, turn very briefly into private session.

3 *(Private session at 10.52 a.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: You can repeat the question, Maître Kilolo.

6 MR KILOLO: (Interpretation)

7 Q. Mr Witness, you talked about vehicles. Do you know which vehicles MLC
8 troops used to move about in the Central African Republic?

9 A. When they crossed over, they did not bring any vehicles with them. They used
10 vehicles of the USP. Vehicles from the Presidency, the four-by-four vehicles, had
11 been assigned to them for work purposes. The support vehicles that we had
12 received from the Libyan army were also being used.

13 (Redacted)

14 (Redacted) We can turn

15 back into public session, please.

16 (Open session at 10.53 a.m.)

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

18 MR KILOLO: (Interpretation)

19 Q. Witness, do you have any idea about how MLC troops were able to get fuel for
20 their vehicles?

21 A. They got fuel from Camp de Roux, or from the Presidency of the Republic.

22 Q. How do you know that?

23 A. I was part of the USP and, if I needed fuel, I would go there to get fuel for my
24 vehicle.

25 Q. Very well, but how did you become aware that those people went to the same

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1 place for fuel?

2 A. Well, when you go to a filling station and there's a vehicle in front of you filling
3 up and then driving away, you're able to tell. You're able to know which vehicle
4 that is.

5 Q. Do you have any information on the weapons that the MLC troops had while
6 they were in the Central African Republic?

7 A. The weapons that the MLC troops used were provided by the Presidency.
8 (Redacted)
9 (Redacted) so that no one could see through.

10 All vehicles that came to collect the matériel would make sure that they were covered
11 and every piece of equipment that was taken out would be secured in such a way that
12 no one could see it, and then this would be taken to the Presidency of the Republic.

13 Q. Do you have any information about the ammunition that was used by the MLC
14 troops in the Central African Republic?

15 A. The ammunition for the MLC troops came from the armoury of the Presidential
16 Security Unit. At Camp de Roux all the good weapons were taken and, if you know
17 Bangui very well, you'll see there's the residency, then there was a press house behind
18 the Ministry of Transport. That press house was converted into an arms depot, or an
19 armoury, so all the ammunitions, rockets and what have you were deposited there.
20 The first key was given to the Head of State and the second key to General
21 Bombayake.

22 Q. One last question before the break. Do you have any information on the way
23 in which MLC soldiers who were wounded in combat were evacuated, or taken
24 away?

25 A. When the MLC soldiers were in combat, they were fighting along with other

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1 soldiers; the FACA soldiers of the support regiment and then soldiers from the USP
2 who provided support as well. Now, there were drivers who were made available
3 to them. Some of them were Central African soldiers, while others were Congolese.
4 Now, since these people did not know the ground, we are the ones who showed them
5 around. That is how things happened.

6 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

7 Mr Witness, we have now a break, half-an-hour. You can take some rest, a cup of
8 coffee or tea. We need to have this break as well in order to give some rest for our
9 interpreters and court reporters. It's 11 o'clock. We'll be back at 11.30.

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

12 *(Closed session at 10.59 a.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Recess taken at 11.00 a.m.)

17 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session

18 THE COURT USHER: All rise.

19 Please be seated.

20 PRESIDING JUDGE STEINER: Welcome back.

21 I ask, please, court usher to bring the witness in.

22 (The witness enters the courtroom)

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

24 (Open session at 11.37 a.m.)

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

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1 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

2 THE WITNESS: (Interpretation) Good morning.

3 PRESIDING JUDGE STEINER: Mr Witness, the interpreters and court reporters are
4 having difficulties in following your testimony and in providing the parties,
5 participants and the Chamber with the real-time transcripts that should mirror
6 exactly what you say.

7 I would like to ask you whether you would prefer to testify in Sango, or you prefer
8 continuing to testify in French?

9 THE WITNESS: (Interpretation) In French.

10 PRESIDING JUDGE STEINER: Please, Mr Witness, I again call your attention to the
11 fact that you need to speak really slower, otherwise the interpreters cannot
12 understand perfectly what you say. So please pay attention and speak really, really,
13 really slow. It's really important. If you do that, we won't have to interrupt you so
14 many times.

15 We would like to have you testifying without being interrupted every time, but
16 because of the difficulties faced by our interpreters and court reporters, if you don't
17 speak really slow, it will make for them very difficult to provide the parties and
18 participants with -- mainly with the transcripts that reflect exactly what you say.
19 Is that fine with you, sir?

20 THE WITNESS: (Interpretation) Yes.

21 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.

22 MR KILOLO: (Interpretation) Thank you, Madam President.

23 Q. Mr Witness, do you have any information on the first aid that may have been
24 provided to MLC soldiers on the ground, on the field, including any information
25 about medication?

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1 A. There was a military health team on the ground to provide first aid and health
2 services, so when they went to the battlegrounds, there were such services available.

3 In cases of emergency, the ambulance of the presidential security services would go to
4 the location and collect the wounded person and bring them to Camp de Roux for
5 medical attention or, if necessary, to the community hospital.

6 Q. How did you become aware of this?

7 A. We used the same radio frequency, the same walkie-talkies, and in that way we
8 were able to follow all movements and operations by radio.

9 Q. Do you have any information on the food that was provided to MLC soldiers at
10 the time?

11 A. Food? Food was at Camp de Roux. Fish was either cooked or grilled by the
12 cooks, and because there were many of them every now and then sardine and bread
13 would be distributed to them and then the PGA was also paid out by the Presidency
14 directly to the officers on the ground.

15 Q. What is the PGA?

16 A. It was the global allowance for food, or daily subsistence allowance.

17 Q. What is this allowance all about?

18 A. It is provided in order to feed the soldiers on the ground.

19 Q. A short while ago you talked about joint or mixed troops. What does that
20 mean specifically in terms of operations?

21 A. When we talked about mixed troops, we mean that when the MLC troops came
22 to Bangui they did not know the city of Bangui. They did not know the location of
23 the rebels. So it was the local soldiers, meaning presidential security, RDOT support
24 regiment, these local troops were then mixed for the purpose of the operation in order
25 to accompany the MLC. So our soldiers were in front, particularly the USP, in order

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1 to open up the way and then they would come from behind by way of rearguard or
2 support, and they worked with us together and it is for that reason that I referred to
3 this group as a group of mixed troops.

4 Q. Were you personally involved in the fighting?

5 A. No.

6 PRESIDING JUDGE STEINER: Sorry. Mr Witness, I thank you very much, you are
7 speaking slower, that is helping a lot, but I also have to remind you about the five
8 seconds before you give your answer, but thank you very much. You are -- we
9 appreciate that you are co-operating in terms of slowing down your pace.

10 Maître Kilolo.

11 MR KILOLO: (Interpretation)

12 Q. Did you ever have to go to the battle-front during the events and, if so, can you
13 tell the Court about what happened?

14 A. Go to the battle-front? (Redacted) and it is
15 those soldiers who were assigned to fight who went to the battleground. But I do
16 remember, if I'm not mistaken, that on one occasion I was at Camp de Roux and when
17 I got back I found (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) to any driver, and I opted to drive

22 it myself, so they loaded some ammunitions (Redacted) and I drove to

23 Damara and back. We, by the way, took one pick-up with us and left it there and
24 then came back.

25 Now, when we arrived at the gendarmerie in Damara, where their base was located, I

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1 noticed that a number of houses had been ransacked and they explained to me what
2 had happened but on that occasion I did not see anything. I did not see any dead
3 bodies, or anything like that.

4 Q. When you got to Damara, the ammunition that you were taking to Damara,
5 who was it for?

6 A. It was first of all for our soldiers, who were on the spot, and then it would be for
7 them to distribute the ammunitions. You see, on the ground, the MLC soldiers had
8 their own commander, they had their own chief, their own leader, but their leader
9 had to co-operate with our own soldiers who were in charge of the weapons, the arms
10 and ammunitions, and the distribution thereof, and also had a direct accountability or
11 reporting channels to our headquarters.

12 Q. A short while ago, in reference to the mixed or joint troops, I would like to
13 know from you whether there was any point in time at which certain areas of the
14 combat were reserved to the MLC exclusively?

15 A. Did the Central African Republic belong to them? How can you say that any
16 area was assigned to them? It is our soldiers who were ahead, or in front, and they
17 followed our soldiers. So that did not happen.

18 Q. Witness, I did not quite understand what you said at the end of your answer.
19 Please be clear and be articulate when you speak. You said "No," and I didn't get the
20 last part of your answer.

21 A. I said no, they do not know the field, they do not know the ground, it is our
22 soldiers who were with them, who showed them the way, who showed them where
23 to go, the positions to take, the villages to which to go and the areas in which to
24 operate in the morning or in the afternoon. So that is how things worked on the
25 ground.

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1 Q. How did you become aware of this?

2 THE INTERPRETER: Five seconds, please.

3 THE WITNESS: (Interpretation) I have said repeatedly that we had the same
4 frequency. When the MLC troops came, we had some spare walkie-talkies, radio
5 and telecommunication devices, which colonel -- well, I don't know whether I can
6 mention his name, but the colonel brought out those spare units. The maintenance
7 service worked on them, arranged them in such a way that we were operating on the
8 same frequency, the same code, so on the ground their leader and the security leader
9 were operating on the same frequency.

10 So information was shared that way, and their leader might speak to one of our
11 soldiers in Lingala, who would understand Lingala, and that information would be
12 translated to our chief and our chief would then be informed as to what their needs
13 were. This is how it happened on the ground.

14 MR KILOLO: (Interpretation)

15 Q. Let us now talk about languages. What various languages were used on the
16 ground, or on the field, by the Central African soldiers?

17 A. In principle, Central African soldiers speak Sango. Everybody speaks Sango.

18 Q. Apart from Sango, what other languages were used?

19 A. When the Central African soldiers were together with Libyan soldiers, they
20 used interpreters for the Arabic language that was used. If the Libyan wanted
21 something, he would speak and then the interpreter would explain to the leader what
22 the Libyans wanted.

23 Now, on the ground, when the MLC troops came, there are also a number of Central
24 Africans, many Central Africans who can speak Lingala, even in the Central African
25 army. Even in the times of late General Kolingba, there were many people who

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1 could speak Lingala fluently, and I'm talking about Central Africans who could speak
2 Lingala quite fluently.

3 Q. How is it that there are Central Africans who can speak Lingala?

4 A. Counsel, I have never been to Kinshasa, I had never went to school in Kinshasa,
5 but if anyone asked me today, if anybody said, "Good morning" to me in Lingala
6 today, I would be able to answer. I can answer when someone greets me in Lingala.
7 You see, we share borders with the Democratic Republic of the Congo.

8 Q. You mentioned a leader who came along with the MLC detachment to the
9 Central African Republic. Who was that leader?

10 A. His name is Colonel Moustapha.

11 Q. A short while ago you said that a communication tool was provided to him, and
12 I would like to know whether you can give the Court the name of the person who
13 gave him that communication tool?

14 A. Colonel Moustapha reported directly to General Bombayake. When they first
15 arrived, he was given a walkie-talkie and his troops were provided with arms and
16 equipped. Then there was a Thuraya telephone set that was charged and given to
17 them with two sets of batteries. So he had the same communications facilities as the
18 general, so that while on the ground he was able to call the general directly and report
19 to him directly in French, because he used to speak French.

20 Q. How did you become aware of this?

21 A. I belonged to the presidential security, and so when I saw him with equipment
22 that was similar to ours, the same equipment, the same walkie-talkies, I asked about it.
23 (Redacted) and I said "You have given them Thurayas, we don't have
24 Thurayas. Why?" And the general said "They are on the ground, you are not on
25 the ground, that's why you don't have the Thurayas." And that's how I came do

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1 understand that. Because they were on the battle-field, they had been given Thuraya
2 sets.

3 Q. Witness, when you testify, please provide names. Do not hesitate to mention
4 names. You said that (Redacted)
5 (Redacted)

6 A. Our boss at the time was General Bombayake, so I thought that it was clear. I
7 thought that when I said "the general," it will be referring to the presidential security
8 and the general would be known.

9 Q. Who are those who were able to hear communications over the walkie-talkie
10 that Colonel Moustapha was using? At that time, who was able to hear those
11 communications?

12 A. At President Patassé's residence, there is a communications radio station with
13 all facilities and telephone lines, and what have you, so all orders that were given
14 were monitored directly at the Head of State's residence, and that's on the one hand.
15 Then, in General Bombayake's office, there was also a similar unit. Then in Colonel
16 Ouandane's office, this was the intelligence office, there was also a similar unit. At
17 the CCS, which was headed by Colonel Lengbe and his people, they also had access
18 to that information. It was all co-ordinated, and everybody could hear the
19 transmissions live.

20 Q. Very well. Let us take them one-by-one. How did you become aware that
21 President Patassé had a communications system at his home that made it possible for
22 him to follow the communications with the MLC troops in the Central African
23 Republic?

24 A. (Redacted)
25 (Redacted)

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1 *(Private session at 11.59 a.m.) Reclassified as Open session

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Maître Kilolo, if I may suggest that every time you
14 want to ask the witness how do you know something it should be better if we go into
15 private session for the answer, because this kind of question is quite likely to lead to
16 an answer that could identify the witness.

17 Is that fine with you, sir?

18 MR KILOLO: (Interpretation) Would you like us to first ask him if he might be
19 giving an answer that might identify him, or rather --

20 PRESIDING JUDGE STEINER: Yes, you can try just to call his attention to that.

21 Let's try. (Redacted)

22 (Redacted)

23 (Redacted)

24 We can go back into open session, please.

25 (Open session at 12.01 p.m.)

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Witness: CAR-D04-PPPP-0051

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

2 MR KILOLO: (Interpretation)

3 Q. Witness, do you know why President Patassé listened to the messages - the
4 MLC messages - in the CAR; why he listened personally?

5 THE INTERPRETER: Five seconds, please.

6 THE WITNESS: (Interpretation) Well, he was the Head of State - the Head of State,
7 supreme leader of the army - so he listened to all the communications. Sometimes
8 when you call someone and you don't reach them, after a few minutes the telephone
9 rings and you think perhaps -- well, if your phone is -- has run down, you might
10 think, "Oh, it was the Head of State calling," and he listened to everything.

11 MR KILOLO: (Interpretation)

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)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: Mr Witness, first you are again speaking too fast.

13 The interpreters are having difficulties in following you. Second, we would like to

14 ask you please to try to be more concise and objective in your answers, because

15 Defence still has lots of questions to put to you and so you would help a lot if you

16 tried to be more objective and concise in your answers.

17 Is that fine with you, sir?

18 THE WITNESS: (Interpretation) Yes, ma'am.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 MR KILOLO: (Interpretation) Witness, I'd like to take advantage of this

21 opportunity -- well, I'd like to ask if we can go back into open session. Perhaps later

22 we'll go back to these various details that you're providing to us, but we'll go into

23 open session now and continue with the series of questions.

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

25 (Open session at 12.09 p.m.)

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Witness: CAR-D04-PPPP-0051

(Open Session)

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1 THE COURT OFFICER: We're in open session, your Honours.

2 MR KILOLO: (Interpretation)

3 Q. Witness, do you know who provided the military intelligence to the MLC
4 troops at the time in the Central African Republic?

5 A. The army -- well, the CAR is a State and there are various units within, so
6 within each State there are intelligence services. Each country has its own
7 intelligence service, and intelligence is provided directly to the head of -- to the
8 General Staff, or to the head of presidential security, which is led by an authority, a
9 colonel.

10 Q. Could you give us the name of the officer who was running the military
11 intelligence unit for the MLC operations in the CAR?

12 A. It was Colonel Ouandane.

13 Q. And what did Colonel Ouandane do in the CAR at that time?

14 A. Colonel Ouandane was the assistant director-general responsible for
15 presidential security.

16 Q. And how did you know that amongst these various officers led by Colonel
17 Thierry Lengbe that there was a -- how did you know that there was a system of
18 communications that made it possible to hear radio messages, or radio
19 communications, by the MLC in the CAR?

20 A. Well, it was a crisis unit. When they set up the office at Camp Béal we were
21 aware of that, because the General Staff of the army has meetings separately
22 and -- meetings are held separately and our meetings couldn't be listened into. If
23 someone listens into your meetings, you have problems. Military secrets can be
24 leaked that way.

25 Q. Do you know who was issuing the operational orders to Colonel Moustapha?

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1 THE INTERPRETER: Five seconds, please.

2 THE WITNESS: (Interpretation) Colonel Moustapha sometimes received orders
3 directly from General Bombayake, or if it was an operational order it would be from
4 the operational unit led by Lengbe.

5 THE INTERPRETER: Inaudible.

6 THE WITNESS: (Interpretation) -- staff alongside him, people responsible for
7 logistics, doctors and so on and so forth, who were members of the operational staff
8 and who co-ordinated things in the field, so it was from that office that Moustapha
9 received his instructions.

10 MR KILOLO: (Interpretation)

11 Q. And Colonel Lengbe himself, whom did he receive his instructions from?

12 A. From General Bombayake, who would say, "This is what you are to do. Do
13 this. Do that." General Bombayake, you see, centralised a number of things. I can
14 give an example. When the cabinet shuffle was over, Buba (phon) was the DG of
15 protocol; the DG of military protocol. He took Buba, who was his brother-in-law, so
16 he was managing the Ministry of Defence through this person, and this was
17 with -- now the name escapes me, the general, the Minister of Defence. So he put
18 him there to run that.

19 Now, at the army headquarters where Lengbe worked, there was another colonel
20 who was his -- served as his eyes, so to speak, he kept an eye on people, and he was
21 linked directly to General Bombayake in the command. So everything that people
22 did, everything they said, in the smallest detail would be passed on directly with
23 General Bombayake.

24 Now, the name of the Minister of Defence was Regonessa, so Buba assisted by
25 Regonessa. He was somewhat influential because he was the brother-in-law of

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1 General Bombayake.

2 Q. How do you explain that it was General Bombayake who centralised command
3 over the MLC, whereas you said there was a Chief of General Staff as well?

4 A. The Chief of General Staff who had been appointed, because you see it was
5 necessary to appoint one, but -- but really in actual fact there was sort of a lock on the
6 command. General Bombayake was running the show. He was commanding.

7 Q. Now, did you know who had asked him to centralise all these things? Who
8 entrusted General Bombayake with this task?

9 A. President Patassé, because General Bombayake was the man. He was his
10 right-hand man and that is why he entrusted all that responsibility to him. He
11 listened only to him.

12 Q. Are you in a position to give us examples of operational orders that were given
13 to Colonel Moustapha?

14 A. Well, I wasn't in the operations office. I was working elsewhere. The orders
15 given there, sometimes Moustapha would get the orders via Thuraya and so I
16 couldn't hear those orders.

17 Q. Do you remember any of the operational conversations that you heard over the
18 walkie-talkie, conversations between the CAR military authorities and Colonel
19 Moustapha, if you could try to cast your mind back and tell us about that specific
20 point?

21 A. Yes. The company commander for the eastern region, the operations from
22 Bombari, Greenbari (phon), Sibut, so they centralised and formed one unit to repel
23 Bozizé's troops. Now, since he had -- he had a military -- he had military
24 telecommunications equipment and Colonel Ouandane -- Colonel Ouandane
25 transmitted to Bombayake, and we heard that there was an operation that was

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1 coming to meet up with the people who will be moving towards Sibut. So we
2 followed that. We heard that over the walkie-talkies.

3 Q. Do you have any information about how often working meetings were held at
4 the CCOP co-ordinated by Colonel Lengbe, only if you know?

5 A. What happened there was those were high-ranking officers there. We weren't
6 aware of what was going on there. We weren't aware of any particular operations.
7 We didn't even know -- we didn't know what was going on in the field. It was only
8 after that we learned about thefts and all that sort of thing. How were we to know?
9 If we evacuate, if an ambulance comes, if soldiers were injured or if the corpses of our
10 soldiers, but otherwise --

11 Q. Do you know who drew up the operational plans for the MLC detachment in
12 the Central African Republic?

13 A. I beg your pardon? What kind of plans?

14 Q. To allow the MLC to deploy in the field. Who do you know -- do you know
15 who designed the operational plans, the combat plans, that were provided to the
16 MLC contingents in the Central African Republic?

17 A. Well, it was the operational office. The operational office after the evacuation
18 in the field would tell us - would inform us - that General Ouandane would tell
19 General Bombayake, who would say, "Well, they are at this place, that place," so that's
20 how things worked.

21 Q. Now, in practical terms, to allow the MLC troops to launch an offensive, do you
22 know who drew up the combat orders that were sent on to the MLC detachments?

23 A. The MLC troops were commanded directly by General Bombayake and they
24 wore the same clothing as the presidential security. They were full-fledged
25 members, so Colonel Moustapha came under the orders of the General Bombayake.

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1 Q. And how do you know that?

2 A. Well, I think I've explained to you that when they crossed over on the ferry-boat

3 (Redacted)

4 (Redacted) to put

5 some things in the vehicle and then they would be distributed; uniforms, for example.

6 They had the same uniforms as us and with the same green berets.

7 Q. I would now like to ask you this: When the MLC troops were deployed in the

8 field, in the Central African Republic, when they were actually physically in the field,

9 do you know who actually checked things, or who did the -- who patrolled the

10 operational sites of the MLC contingent?

11 A. Colonel Moustapha was there and he wasn't alone. He had other commanders

12 with him. They were there as well. I've forgotten their names, but they were there

13 as well with him. So that was part of the MLC's troops' job, accompanied by each

14 detachment of our own soldiers who supported them, who showed them which way

15 to go and provided assistance to them.

16 Q. Witness, I would now like to ask you whether you have any information about

17 the arrival of Mr Jean-Pierre Bemba in the Central African Republic during the events

18 that occurred between October 2002 and March 2003?

19 A. Yes. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) "No, go directly to Port Beach. Go directly to Port Beach."

23 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry to interrupt.

24 Court officer, please turn into private session.

25 *(Private session at 12.28 p.m.) Reclassified as Open session

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

2 PRESIDING JUDGE STEINER: You can continue, Mr Witness.

3 THE WITNESS: (Interpretation) I thought that when the light was red it meant
4 that we were in private session? The light here is still green.

5 PRESIDING JUDGE STEINER: Mr Witness, the green light means that you can
6 speak freely because we are in private session, so feel free to answer the question.

7 THE WITNESS: (Interpretation) Thank you, your Honour.

8 Along the way we were told to go directly to Port Beach, so we got there. The
9 ferry-boat was on the other side of the river. When the ferry-boat arrived, we saw
10 that Jean-Pierre was on it.

11 For the authorities, General Bombayake thought it was him arriving with some of
12 the soldiers, whereas there were only a few of them, just a few people. The others
13 stayed at Port Beach and he got into the four-by-four, which was grey in colour, and
14 headed to President Patassé's residence.

15 Once at the residence of President Patassé, he was brought in. (Redacted)

16 And then he came out, got into the same four-by-four and headed towards Camp
17 Béal.

18 Once at Camp Béal, President Patassé showed him the suspicious vehicles, the
19 vehicles that had been seized with various equipment and matériels inside. They
20 stayed at least 20 minutes, after which time President Patassé went back home, went
21 back to his home. (Redacted)

22 (Redacted)

23 When we arrived in PK12, and we went to the football pitch, he brought together all
24 his soldiers and he spoke to his troops. (Redacted)

25 (Redacted) General Bombayake he was presenting General Bombayake to his troops.

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1 That was the idea.

2 PRESIDING JUDGE STEINER: Sorry to interrupt you. Can we go back now into
3 open session? (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Court officer, please.

9 (Open session at 12.32 p.m.)

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

11 THE WITNESS: (Interpretation) Yes. In PK12, Mr Jean-Pierre Bemba had spoken
12 to his troops and he firstly presented General Bombayake, and it was to him that you
13 should listen. He's the person who will be giving you orders. You have to listen to
14 him. And he also said, he also told his troops, that they had to have respect for the
15 command and also for the population." "You're going to work with the person
16 who's behind me, General Bombayake, he will be -- directly be giving you
17 instructions through Commander Moustapha." And he stayed for at least ten to
18 15 minutes, and afterwards they said, "No, he's coming," and (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MR KILOLO: (Interpretation)

23 Q. Who ensured Mr Bemba's security during this trip to Bangui? Which troops
24 were responsible?

25 A. Presidential security were the people responsible for ensuring his security.

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1 There were in the pick-up -- well, there was a driver, a camp aid in front who was
2 driving.

3 Q. The camp aid who was in the vehicle of Mr Bemba, what was his nationality?

4 A. The driver and the camp aid were both Central Africans.

5 Q. To your knowledge, Mr Jean-Pierre Bemba, how many times did he go to the
6 Central African Republic during the period of conflict between October 2002 and
7 March 2003?

8 A. That I know, twice. He came -- well, his family came from Brussels. He came
9 to stay at the airport. I put him in the VIP lounge and he got his family there and
10 then he went and he didn't return to the capital. So twice.

11 Q. I'm now going to ask you a question. Please tell me if you think that we have
12 to go into private session for your answer. I would like to know if you have
13 information, general information, concerning air traffic. Were there planes? Where
14 did they come from? Were they landing at Bangui airport during the period of the
15 conflict between October 2002 and March 2003?

16 A. Yes, there were planes which were landing. There were Antonovs which were
17 coming. They also came from Gbadolite. Those from Gbadolite, they came.
18 Mr Kamitatu, if my memory serves me well, Mr Kamitatu, he was responsible for
19 communication, I think. And there was also another person who I think was
20 treasurer of the MLC, they came and they -- well, Mr Kamitatu brought office
21 supplies, all office instruments, they brought that. They went to the central market
22 and there were sellers there, and they got into the taxi, came back, and put it in the
23 aeroplane and left, but the treasurer, he brought fuel, and to he brought this fuel in
24 containers, and they were put into the aeroplane to take them to Gbadolite.

25 Q. Very well. Now here, you are speaking about what he brought to Gbadolite,

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1 but I would also like to know when these Antonovs came from Gbadolite to go to
2 Bangui airport, what did they contain?

3 A. They were empty. When they arrived, sometimes they came with three or four
4 soldiers who didn't leave. They just stayed in the plane and waited. And, well, it
5 was shopping. Then it was the soldiers. Or sometimes he would ask for
6 permission when, for example, they had to go to the toilet, but they returned to their
7 plane. Sometimes it's very hot in the plane. When the motor stops, it's very, very
8 hot, as it is in Africa. And I said to come, sit in the shadow, in the shade rather,
9 while we wait for the people who are currently shopping in town to arrive. The
10 aeroplane was always empty.

11 Q. So I would now like to ask you a question: With regards to the ambassador, is
12 it possible that certain planes landed in Bangui, coming from Gbadolite, whilst
13 escaping or avoiding the control of the ambassador, to your knowledge?

14 A. No, no. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. In addition to these planes from Gbadolite, could you also speak to us about
24 other planes which landed, what they carried, what they were doing in Bangui?

25 Could you keep us informed of that, could you inform us about that?

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1 A. Well, there are people who -- the Brussels, for example, there was Jean-Pierre on
2 the other side and they landed their plane. The plane, they would take the people in
3 the evening, they would bring them back, they would take the plane from here and
4 they would leave. So when we looked at their passports, we would see that they
5 came from Brussels.

6 Q. Who are these people?

7 A. Well, if somebody comes with a Falcon, then it's not just anyone who can hire a
8 Falcon in order to travel with that, so it's the authorities. If they bring the passport,
9 then you can identify them. I came, they crossed over to the other side, and we met
10 them. They came back, they took their plane and they left. There were also Libyan
11 Antonovs, which were also common. The Libyan Antonovs brought food.
12 Sometimes there were -- there was juice, there were also tins, et cetera, and canned
13 foods, so they would unload it and then that would go to Kandro.

14 Q. When we speak about these Libyan Antonovs which landed in Bangui during
15 the events, what did they also bring, to the best of your knowledge? Do you have
16 any idea in that regard?

17 A. I think I told you that they also brought ammunition, arms, weapons. General
18 Bombayake (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted) It
22 was -- would be pointing towards the forest. People couldn't see it. And the lorries
23 would come, and they would go behind it, and everything would be loaded into it,
24 and then the tarpaulin would be closed and they would leave with it.

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

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MR KILOLO: (Interpretation) Thank you, your Honour.

8 Q. So, Witness, when these planes unloaded, these Libyan planes unloaded

9 weapons and ammunition, I would first of all like to know the lorries who were

10 coming to get this matériel for the war, who did those lorries belong to and finally

11 who were these matériels aimed for? Who were the Libyans bringing these

12 matériels for? Which authority?

13 A. Counsel, perhaps it's the same question that's coming up again. I think I told

14 you that, when they arrived with their plane, when the -- it had been finished, and

15 when unloading was finished, everything was taken and it was taken to -- it was 124.

16 That was the residence of Patassé. There was a place that I explained to you and it's

17 the former press house. Now, that would be arranged and it was basically an arms

18 dump. I explained about this arms dump to you before.

19 MR KILOLO: (Interpretation) I would propose that we go into open session for the

20 last series of questions for the witness.

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

22 (Open session at 12.46 p.m.)

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

24 MR KILOLO: (Interpretation) I would like to ask the court officer to display on the

25 screen document number 1 of the Defence list. Now, this is document

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1 CAR-OTP-0042-0237.

2 Q. Witness, you have on your right screen a document entitled, "Central African
3 Republic, Ministry of National Defence, Army Chief of Staff."

4 THE INTERPRETER: Or "Army Staff," corrects the interpreter.

5 MR KILOLO: (Interpretation)

6 Q. Do you see the document?

7 PRESIDING JUDGE STEINER: Maître Kilolo, just confirm for the record the level of
8 confidentiality of that document?

9 MR KILOLO: (Interpretation) This is a public document.

10 Q. Witness, do you see "Subject" just below "Note de service," or memo? Do you
11 see "Subject" written? Could you read the text in bold? Following "Subject," there
12 is a colon and directly thereafter there is a title in bold, "List of personnel of the centre
13 of operations."

14 A. Where's that?

15 Q. And just above that it says the words "Mise en place." Could you read that,
16 please?

17 A. "Under the authority of the Director of the Chief of Staff of the armies, the centre
18 of operation is principally responsible for the preparation and planning of and
19 behaviour of military operations and carrying out military operations throughout all
20 of the national territory."

21 THE INTERPRETER: Says the witness.

22 MR KILOLO: (Interpretation)

23 Q. Witness, I would just like to know -- well, you spoke a moment ago about the
24 office which was led by Colonel Lengbe. Now, when we speak about planning, well,
25 what does that mean exactly?

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1 A. Planning? Well, planning of operations. Well, it's not just an individual
2 who's going to do that. You have a centre, a command centre, so planning -- so the
3 people who are responsible for logistics have to be here, the people who are
4 responsible for operations have to be there and the people who are responsible for
5 communications also have to be there. So they co-ordinate. These offices have to
6 co-ordinate things and they have planning of operations. They come up with a plan
7 and they put it into effect.

8 MR KILOLO: (Interpretation) I would ask the court officer now to go over to the
9 next page, 0238. Actually, could I have page 39 instead?

10 Q. Witness, when they speak about the unit called "Situation Synthèse," can you
11 tell us exactly what that means with regards to the role of the centre of operations,
12 Camp Béal?

13 A. Well, the situation unit is the intelligence unit concerning operations in the real
14 situation in the field, or where there are things of a slightly ambiguous nature in the
15 field this is the unit responsible for that.

16 Q. Could you tell us what you know about the other cell, or the other unit?

17 A. The conduct unit? As I said, at Camp Béal, well, I was responsible for the
18 (Redacted) and it's really -- well, this is something that I really can't define there.
19 Well, what I can say, what I learnt at the school which I can say, well -- but with
20 regards to what was done there, that's not something that I can really tell you exactly.

21 MR KILOLO: (Interpretation) Witness, so this ends the examination of the Defence.
22 We would like to thank you for having accepted to answer our questions. Thank
23 you.

24 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

25 Mr Witness, as we informed you in the beginning of your testimony, after

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1 Defence you will be questioned by the Office of the Prosecution, so I now give the
2 floor to Mr Bifwoli. He will put some questions to you.

3 Mr Bifwoli, you have the floor.

4 MR BIFWOLI: Thank you, your Honours.

5 QUESTIONED BY MR BIFWOLI:

6 Q. Good afternoon, Mr Witness.

7 A. Good morning.

8 Q. Mr Witness, as you recall, we met briefly during the familiarisation process, and
9 my names are Thomas Biwoli, I represent the Office of the Prosecutor and I will be
10 asking you questions about the events that happened at that time. Is that fine with
11 you?

12 A. That's fine.

13 Q. I will remind you to observe the five-seconds rule. Whenever I pose a question,
14 allow five seconds to pass before you answer in order to allow the interpreters to
15 interpret what I'll be saying and what you will be replying. Is that fine with you?

16 A. That's fine.

17 Q. As Madam President pointed out, any time you feel like you need a break you
18 let us know, okay?

19 A. Okay.

20 Q. Now, Mr Witness, you testified in this Court how you were arrested and
21 tortured and how you identified the people who committed these atrocities to you.
22 In your opinion, can a Central African civilian identify persons who commit a crime
23 on him or her?

24 A. No.

25 Q. Please explain to the Court why you think a Central African civilian cannot

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1 identify his or her perpetrator?

2 A. Well, if for example they're soldiers, they're in uniform, then the person will say
3 that these people were soldiers in uniform, but when they are vigilant they can
4 identify the person.

5 Q. Mr Witness, so that it's clear, is it your testimony that a Central African civilian
6 cannot identify soldiers in uniform if they commit crimes against him or her?

7 A. Well, what I know, there are soldiers in uniform who have done this, they've
8 done that, and if they said that, for example, the vehicle has got whatever registration
9 number that's something they can say, but when it comes to showing the face as they
10 came in a group, well, it's difficult. I mean, what I said was what I thought.

11 Q. So, Mr Witness, you don't know whether a Central African civilian can identify
12 their perpetrators, or not?

13 A. He can. Why not? He can. That's what I said, that if he is vigilant he may
14 be able to identify the person who hurt him.

15 Q. Mr Witness, can a Central African civilian identify a soldier, for example, who
16 raped her?

17 A. I am not in a position to tell you, but I was a victim of this thing but my wife is
18 not able to tell me who it is that raped her.

19 Q. So it is, so that it's clear, it is your testimony that you don't know whether a
20 CAR civilian can identify a person who raped her; that's your testimony?

21 A. What I have told you is that my wife was raped. She was summoned (Redacted)
22 (Redacted). The night, at night, they beat her up and now I
23 have told you that I have asked her the question and she can't answer. She died on
24 (Redacted), and I asked her over and over, "Do you know who did that to you?"
25 And she said, "Well, they were behind me, many of them," and so what really do you

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1 want me to say?

2 PRESIDING JUDGE STEINER: I thought it was just a theoretical question, because
3 first, when you talk about a Central African civilian, what a Central African civilian
4 can identify or not, we're talking about millions of persons. So it's a very generic
5 question. There are many civilians in the Central African Republic. And second,
6 I think your question is quite dubious, because when you talk about identify the
7 person is one thing, and I think this is what the witness is understanding. Identify
8 the person. Who is the person? And not identify a soldier from a certain platoon or
9 certain army, which is different. So if you want to insist in these kind of questions,
10 please be more precise, because identify the person is identify person A, or person B,
11 and this is what the witness is saying. As far as I understood, he cannot.

12 MR BIFWOLI: Thank you, your Honours. I think my follow-up questions were
13 getting more and more specific, for example, as to whether they can identify the
14 persons who raped them, and so on and so forth, but I take note of your advice.

15 Q. Now, sir, you have testified that your wife couldn't identify those who raped
16 her. Now, do you know if Central African civilians could identify an MLC soldier if
17 he raped one of them?

18 A. It is possible but I can't say no to that. It is possible. It may be possible if the
19 person saw the other person, then that person might be able to say, "Yes, it was this
20 person."

21 Q. Sir, how would a CAR civilian identify an MLC soldier?

22 A. Mr Prosecutor, when they arrived in our country, they were not wearing the
23 same clothes or uniform like us. General Bombayake asked that they all be provided
24 with the Presidential Security Unit uniforms. They were the same force as ours, the
25 same uniforms as ours. On the ground, they were mixed with soldiers of the FACA

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1 and the support regiment. Now, once on the ground, they exchanged berets, and so
2 the soldier of the support regiment who had a black beret would give his beret to the
3 MLC soldier who had a green beret. You see, they did not know what the value of
4 the green beret was, but the Central African soldiers knew. So they would
5 take -- they would trade their red berets or black for the green beret of the USP, you
6 see, so then people might claim that such-and-such an act was perpetrated by a FACA
7 going by the colour of the beret, whereas it may have been MLC soldiers. And the
8 reverse also happened. If our soldiers used the other beret, then they might be
9 mistaken for the Banyamulengue as well. So my answer is that it is very, very
10 difficult to provide a very specific answer to your question.

11 Q. Witness, a witness, an expert witness testified in this Court, at T-89, page 50, line
12 25, and page 51, lines 1 to 2. This witness, Professor Samarin, testified as follows,
13 and I'm quoting to you: "And I say the Lingala language is a signifier and identifier
14 of the military force that is alleged to have committed crimes during the events in the
15 Central African Republic in 2002 and 2003, and I stand by that conclusion."

16 Do you agree with this expert?

17 A. Mr Prosecutor, maybe you followed what I said a short while ago. There are
18 Central Africans who are very fluent in Lingala. My parents, or my relatives live in
19 (Redacted), my cousins live in (Redacted). When they speak Lingala, you would think
20 that they are from the Congo, whereas they are Central Africans. So there are
21 Central Africans who are so fluent in Lingala that they may be mistaken for someone
22 else. Then there are Central Africans who speak such good Arabic that they can pass
23 for Chadians.

24 Q. So, Mr Witness, can one identify the MLC troops using language, or not?

25 A. It is possible to identify them. You see, when they speak French, it is with an

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1 accent which can tell you that they are either Congolese, Gabonese or Chadian. It
2 was possible to quickly identify who was before one on the basis of those criteria.

3 Q. So you agree with the expert who testified before this Court that it was possible
4 for the Central African civilians to identify the MLC using language, do you?

5 A. I have just told you that there are also Central Africans who are -- who are
6 fluent in Lingala, although they never crossed to the other side. They never crossed
7 over the river. They are still able to speak Lingala. Now, during the events, I
8 cannot tell you "yes" or "no" as to whether such-and-such a thing happened. I was
9 not on the ground with them. It is only later on, when we heard that such-and-such
10 a thing had happened, and I was myself quite surprised to learn that a number of
11 things had happened, so -- and I'm also bothered by those things. We're talking here
12 about my fellow countrymen, my brothers and my sisters. I am sure that going by
13 their accent it would have been possible to say that this was done by an MLC soldier.

14 Q. Do you know Prosper N'Douba?

15 A. Yes. He was the adviser on information to President Patassé.

16 Q. Yes. Mr N'Douba testified that the MLC, that he identified the MLC using
17 language, and this is what he said at T-246, page 32, lines 23 to 25, and page 34, lines 1
18 to 9: "No doubt, they were Congolese friends. Although they themselves were able
19 from their own country, the DRC, since they were fighting the central government in
20 Kinshasa, the driver shut off the motor. One the Congolese combatants glanced into
21 the vehicle and saw that there were two officers from the International Red Cross who
22 had gone by the day before. They had crossed the check-point before heading
23 towards Damara. Nearly all of them were speaking in Lingala, a language spoken in
24 the DRC, and I understand a few words of it. They spoke to the Swiss national
25 beside them, beside myself, and one of them asked him in French who is this

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1 gentleman who is sitting behind you?" He was asked a question: "Mr Witness,
2 would it be fair to say that you identified these soldiers" - meaning MLC
3 soldiers - "based on their clothing and their language, as well as their weapons?"

4 And his answer was, "Yes, yes, you could say that."

5 So you agree with Mr N'Douba that it is possible to identify MLC using language,
6 weapons and clothing, do you?

7 A. Mr Prosecutor, I have already explained to you that if someone is before me and
8 speaks, I am able to quickly determine whether that person is a Congolese from
9 Brazzaville or from Kinshasa. I'm able to do that. When they speak, I can
10 distinguish between them. I know -- I know that.

11 Q. And, Mr Witness, would a witness who stayed with MLC for ten days, heard
12 them talk and even told them that they were Bemba's men, would this witness know
13 that they are MLC?

14 And that is for reference T-82, page 34, lines 1 to 4. Witness -- sorry, it's T-129, page
15 42, lines 13 to 15, and then page 32, lines 6 to 8, and that is Witness 119.

16 Would a witness who stayed with the MLC for ten days, talked to them, they even
17 told him that they are Bemba's men, would he be able to identify that they are MLC?

18 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

19 MR KILOLO: (Interpretation) Madam President, that question calls for speculation.
20 The witness is testifying about how he himself can identify a soldier. Now, when
21 asked about what someone else who was not with him may have or may have not
22 been able to identify a soldier, that simply calls for speculation.

23 PRESIDING JUDGE STEINER: Maître Kilolo, I tend to agree with Defence. Until
24 now, the impression we've got is that the questions are either speculative or asking
25 for the opinion of the witness, who is not an expert. So whether civilians in CAR

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1 could identify Congolese people, I would ask please Mr Bifwoli to try to be more
2 specific or I will start asking you to justify the relevance of these questions.

3 MR BIFWOLI: Thank you, your Honours. The purpose of these questions was
4 actually to confirm from the witness, who is also from the Central African Republic,
5 that indeed we have evidence from witnesses who are civilians and who could
6 identify and he could confirm that. However, I am, as Madam President pointed
7 out -- I think I'm fine with the answers that I've received so far and I can move on.

8 Q. Mr Witness, Defence witness D-50 at T-254, page 18, lines 18 to 22, and another
9 Defence witness, D-57, testified that orders came from Bombayake to Mazi, who then
10 transmitted them to Lengbe for implementation. Did you know that?

11 A. General Mazi -- before the cabinet reshuffle, Mazi, yes. The Chief of General
12 Staff became Gambi. Seregaza was his deputy and Bombayake was then in charge,
13 and Mazi was at the presidency. I can't say much more than that.

14 What I know, however, is that when the command chain changed, it is the other
15 group that took over. Maybe they know those details, but as far as I know this is
16 what the military hierarchy was like; namely General Bombayake was in charge of
17 presidential security, Colonel Gambi was Chief of General Staff Joint Services and
18 who co-ordinated with him the military activities on the ground along with Seregaza
19 and the command office on the ground.

20 Q. Did you know that orders came from Bombayake to Mazi, then to Lengbe for
21 implementation? Did you know that?

22 A. I've already told you that Bombayake was the strongman. He's the one who
23 had everything under control. He was the one who could order Mazi to tell Lengbe
24 to do this and that. So that is correct, he was the strongman. Everyone was afraid,
25 and I was afraid, for example in relation to my ethnic group, I cannot talk about that

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1 to you now, but you know these are the type of things that happened.

2 Now, if you want me to explain further, we can go into private session and I'll
3 provide the details.

4 Q. Lengbe co-ordinated the joint operation between the MLC and the CAR forces,
5 do you agree?

6 A. Yes.

7 Q. And so the people who dealt directly with the MLC were Bombayake, Mazi and
8 Lengbe, do you agree with that?

9 A. But you forget some names; Colonel Gambi, Chief of General Staff, his deputy
10 Seregaza, they all had Thuraya sets. The Minister of Defence also had a Thuraya.
11 So that staff, they all had a role to play, discussing about the operations, and it is then
12 that Lengbe will receive orders which he will then pass on to Moustapha.

13 Q. Mr Witness, so that it is clear, all these people you've mentioned would channel
14 their orders through Lengbe, who would then pass them to Moustapha, is that your
15 testimony?

16 A. Yes. You see, when they get together, they have what can be referred to as a
17 crisis meeting, which would discuss what needs to be done, what equipment needs to
18 be made available, what vehicles should be assigned for evacuation, and so on and so
19 forth. So at such a meeting, they discuss all these issues. Then the orders are given
20 to Lengbe for implementation and Lengbe passes on those orders to Moustapha on
21 the ground. That's the hierarchy.

22 Q. And therefore Lengbe would know the orders that were issued to Moustapha,
23 wouldn't he?

24 A. Well, so long as he was in the co-ordination bureau, he must have been aware of
25 these things. They discussed the issues among themselves, they talked about lack of

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1 equipment, and so on and so forth, and so there was direct communication between
2 them. He was aware, and I don't know that when he appeared before you he said he
3 was not aware. As far as I know, the officer in charge of operations must know
4 everything that happens, including any firing of gun-shots and any such incidents
5 that may occur in combat.

6 Q. Witness, Lengbe testified before this Court that he could not issue orders to
7 Moustapha. Do you agree?

8 A. He was my hierarchical superior. I must respect him. Now, I don't know
9 whether he said so, but you see when there's a fire you try to put out your own fire
10 first before you put out the other person's fire, so I don't know. What I know is that
11 the organisational chart provides as follows, such-and-such and such-and-such, but if
12 he says that he didn't know, what do you want me to say? What can I say about that,
13 once he has testified that he did not?

14 Q. He also testified that Mazi could not issue orders to Moustapha. Did you
15 know that?

16 PRESIDING JUDGE STEINER: Yes, Maître Kilolo. The references.

17 MR BIFWOLI: Sorry, your Honour. That is T-182, page 41, lines 1 to 11, to T-183,
18 page 17, lines 1 to 8.

19 Q. So, Mr Witness, to repeat my question, Lengbe testified that Mazi could not
20 order Moustapha, and that him and Mazi, all they could do was to go and beg
21 Moustapha. Did you know that?

22 A. I find that to be quite strange, for an officer and a general to beg someone?
23 I don't know. Maybe things change, maybe hierarchy can change, but to my mind,
24 no. Mazi was a strong-willed individual, although he's dead, but he was not the
25 type that would kneel down in front of Moustapha, no, not at all. He was of very

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1 strong character, very strong character. He was a short man, but, you know, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted). Mazi was a man of very strong character.

5 PRESIDING JUDGE STEINER: Mr Bifwoli, we have to adjourn. I'm sorry, we have
6 to adjourn.

7 Mr Witness, we will adjourn. It's enough for today. It's been a long morning. We
8 thank you very much, and we hope you have a very, very restful afternoon and
9 evening. We will resume tomorrow morning at 9 in the morning.

10 I thank very much the Prosecution team, the legal representatives of victims, the
11 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much the efforts, very,
12 very difficult efforts made by our interpreters and court reporters in order to provide
13 the Chamber with interpretation and transcripts.

14 I will ask, please, the court officer to turn into closed session for the witness to be
15 taken outside the courtroom. In the meantime, we will adjourn and resume
16 tomorrow morning at 9.

17 *(Closed session at 1.30 p.m.) Reclassified as Open session

18 THE COURT OFFICER: We're in closed session, your Honours.

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

21 *(The hearing ends in closed session at 1.31 p.m.) Reclassified as Open session

22 RECLASSIFICATION REPORT

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

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

25