

Trial Hearing
Witness: CAR-D04-PPPP-0051

(Closed Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Friday, 26 October 2012
9 *(The hearing starts in closed session at 9.14 a.m.) Reclassified as Open session
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.
19 Good morning Prosecution team, legal representatives of victims, Defence team,
20 Mr Jean-Pierre Bemba Gombo. Good morning interpreters, court reporters.
21 We will continue and hopefully conclude today the testimony of Defence Witness 51,
22 and I ask, please, court usher to bring the witness in.
23 (The witness enters the courtroom)
24 WITNESS: CAR-D04-PPPP-0051 (On former oath)
25 (The witness speaks French)

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

2 (Open session at 9.16 a.m.)

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

4 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

5 THE WITNESS: (Interpretation) Good morning, madam.

6 PRESIDING JUDGE STEINER: Welcome back. We hope we can conclude with
7 your testimony this morning.

8 Mr Witness, I need to remind you that you are still under oath. Do you understand
9 that, sir?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE STEINER: I also want to remind you that you need to speak
12 slower than normal, really, really slower, and to give the five seconds after a question
13 is put to you before you start giving your answer, in order to facilitate the job of our
14 interpreters and court reporters. We appreciate very much your co-operation in that
15 respect, Mr Witness.

16 THE WITNESS: (Interpretation) Okay.

17 PRESIDING JUDGE STEINER: I will now give back the floor to Mr Bifwoli.

18 MR BIFWOLI: Good morning, your Honours.

19 QUESTIONED BY MR BIFWOLI: (Continuing)

20 Q. Good morning, Mr Witness.

21 A. Good morning, Mr Prosecutor.

22 Q. Today we will proceed from where we stopped yesterday and I'll try my utmost
23 to finish my examination as soon as possible so that you can return home. However,
24 to achieve this, I request you to be concise in your answers. That way we will be
25 able to move quicker and complete your examination. Is that fine with you?

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1 A. Yes, Mr Prosecutor.

2 Q. At T-261, page 30, lines 23 to 25, and page 31, lines 1 to 14, edited version, you
3 testified that you became aware of crimes committed by Bozizé rebels in the
4 neighbourhoods they occupied from 25 October on Radio Ndeke Luka, which was
5 working on the ground with the UN, and you stated this, a question put to you by the
6 Defence:

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

9 Answer: By radio. By radio.

10 Question: What does that mean?

11 Answer: There was Radio Ndeke Luka which was on the ground working with the
12 United Nations people who conducted information-gathering patrols and then
13 broadcast the information over radio and we were -- we became aware of that
14 information."

15 Witness, when you became aware of the crimes committed by Bozizé rebels, was it
16 before or after the arrival of the MLC soldiers?

17 A. Mr Prosecutor, you know, the date of 25 October is a very difficult date for me.
18 Yesterday you saw me crushed because of that date, and it is the day on which
19 Bozizé's people came in, they attacked my home, they pillaged, they killed my junior
20 brother and his body was there. It laid there for some time. People were afraid to
21 go into the compound and part of the dead body was eaten up by two dogs. I only
22 found this out later. Now, what happened then at that time only became -- only
23 came to our knowledge subsequently.

24 Q. So did you know about these crimes that were committed by Bozizé rebels
25 before or after the arrival of the MLC soldiers?

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1 A. It was after, Mr Prosecutor, and at the time I thought that maybe my junior
2 brother had sought refuge somewhere, that he was in hiding somewhere. No, I
3 thought maybe he had left the house or something, but it's only later on that I found
4 out that he had died.

5 Q. How many days after the arrival of the MLC did you know about these crimes
6 that were committed by Bozizé rebels?

7 A. If I do recall properly, when the MLC soldiers came into Bangui, I think they
8 were on foot and some were in a few pick-ups and they went to PK12. We were at
9 the airport, and then those who were on the ground, they began to understand what
10 was happening and they explained it. You see, these people had captured some
11 sectors and loyalist soldiers were not able to return to their homes, so it is after the
12 MLC troops had come and gone as far as the PK12, it is only then that people began to
13 find out that their homes had been pillaged and that we became aware of these
14 things.

15 Q. When did you know that your brother had been killed by Bozizé rebels?

16 A. It is after they left PK12 that I found out.

17 Q. When was that?

18 A. Around the 30th or 1 November.

19 THE INTERPRETER: The 31st or 1 November, said the witness.

20 MR BIFWOLI:

21 Q. And it is your testimony that you became aware of the crimes that were
22 committed by Bozizé rebels by listening on Radio Ndeke Luka. Is that so?

23 A. Mr Prosecutor, you see, Ndeke Luka and other Bangui radio stations visited
24 Bossangoa and other areas. They went that far to try to explain to the people and
25 even show on TV what had happened, and the people of the Central African Republic

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1 were all aware of that because these stations had informed them about what they had
2 done and the crimes that they had committed.

3 Q. So that it's clear, Mr Witness, so you also became aware, like other Central
4 African people, by hearing about these crimes by listening on Radio Ndeke Luka?

5 A. Yes, Mr Prosecutor.

6 Q. And like other Central African civilians, you also became aware of the crimes
7 committed by Bozizé rebels by seeing them being broadcast on the television. Is that
8 your testimony?

9 A. I told you - I already told you - that journalists and soldiers of the USP went to
10 film these events and broadcast them over radio and television, so people saw and
11 explained it to me. You see, by the nature of my work, Mr Prosecutor, I did not even
12 have a minute or two to watch TV by myself.

13 Q. Yesterday, at T-262, page 69, lines 13 to 15, real-time transcript, you testified that
14 you did not listen to Radio Ndeke Luka between October 2002 and 15 March 2003 and
15 this is what you said:

16 "Question: Did you listen to Radio Ndeke Luka between 30 October 2002 and
17 15 March 2003?

18 Answer: No."

19 So you have changed your testimony now, haven't you?

20 A. Mr Prosecutor, I don't know whether you understand what the role of an
21 aide-de-camp is. An aide-de-camp is someone who helps out in all circumstances.
22 He listens, he receives, he gathers information and then informs. Quite often I have
23 received a lot of information from my aide-de-camp, and they go out and come back
24 and they say, "This and this and this has happened" and they explain to me exactly
25 what transpired.

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1 Q. Mr Witness, let me just remind you, in your testimony just a few moments ago,
2 at page 5, line 24, I asked you, "So that it is clear, Mr Witness, so you also became
3 aware, like other Central African people, by hearing about these crimes by listening
4 on Radio Ndeke Luka?" And your answer on page 6, line 2, is "Yes, Mr Prosecutor."
5 Now you are saying you became aware through your aide-de-camp. You are
6 changing your testimony again; is that so?

7 A. Mr Prosecutor, I don't really know where you are headed, but I have already
8 explained to you that it was possible for me to listen to Radio Ndeke Luka when I am
9 free. If I am not free, it is my aide-de-camp who would listen to it and tell me. You
10 see, yesterday, last night for example, I was not able to sleep and so by midnight I
11 went on the internet Central African Press and if you read that page you would see
12 exactly what N'Douba, N'Douba said. N'Douba said the contrary here,
13 Mr Prosecutor. You may want to cross-check those facts too.

14 Q. Now, if you listen to Radio Ndeke Luka as you are testifying now, why did you
15 say yesterday that you never listened to Radio Ndeke Luka between October and
16 15 March 2003?

17 A. Mr Prosecutor, at that time I was concerned by many things. I don't know
18 whether I listened or not. You want me to say I listened; whether I listened or not?
19 Maybe I did. Maybe I didn't.

20 Q. So, Mr Witness, am I right to say you change your testimony when it's
21 convenient?

22 A. You can think whatever you want, Mr Prosecutor. Yesterday I explained
23 things to you. Today I'm explaining to you. I don't know. I don't know. Take it
24 as you wish. I listened if I had the time. If I didn't have time, my aide-de-camp
25 listened and reported back to me about a number of things.

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1 Q. During this period, now that you have testified that you also listened to Radio
2 Ndeke Luka, did you hear about crimes that were committed by MLC crimes (sic) on
3 Radio Ndeke Luka?

4 A. Yes, I listened to Centrafricaine -- I listened even when things happened and I
5 wondered myself. The soldiers with them, how could they --

6 THE INTERPRETER: Inaudible.

7 THE WITNESS: (Interpretation) -- MLC soldiers commit crimes, rape our sisters.
8 That upsets me as well. It angers me as well.

9 MR BIFWOLI:

10 Q. So it is your testimony that you heard that MLC soldiers raped Central African
11 civilians? Is that your testimony?

12 A. Yes. Even I went out in front of the airport, I came across the chief of the
13 section and I said, "How could people go along with that? How could people let
14 those things happen? How could they -- how come they couldn't control their
15 soldiers and keep them from committing those acts of violence and abuse?"

16 Q. Apart from rape, did you also hear on radio that they committed other crimes,
17 the MLC troops?

18 A. Yes, certainly. Certainly, but since it was broadcast, everyone heard about the
19 crimes. For instance, I accused our soldiers -- if the soldiers -- if they don't know the
20 family of a person who lives in a particular place, if they go to that place, who took
21 them there to commit those crimes? Our soldiers took them to those places.

22 Q. Did you -- did you hear that MLC pillaged properties of Central African
23 civilians?

24 A. Yes.

25 Q. Did you also hear that MLC soldiers killed Central African civilians?

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1 A. Mr Prosecutor, that was the same question. I've told you. I heard that there
2 were acts of violence and abuse, rapes, crimes. Many things happened.

3 Q. Mr Witness, you have mentioned that they raped, they pillaged, but so that the
4 record is clear, did you also hear that they killed Central African civilians?

5 A. Mr Prosecutor, you have to realize, when fighting occurs, there are impacts,
6 repercussions. No combat has no impact at all. Civilians may fall, soldiers may fall
7 and a tree may come down, a house may be burnt down. There are always impacts.

8 Q. Mr Witness, you were a soldier yourself at that time. The Defence have
9 advanced a theory in this case that it is actually Central African soldiers speaking
10 Lingala who committed these crimes. What do you say on that?

11 A. I couldn't tell you much, because I do know that when they were mixed, berets
12 were exchanged, so some FACA troops had red berets and they got green berets that
13 the MLC soldiers had and the support people as well who had black berets. So
14 when the troops were mixed in the field, you couldn't know who was -- you couldn't
15 know who did what. So it's hard to say, Mr Prosecutor.

16 Q. But in your testimony, you testified you could quickly identify an MLC soldier
17 using language and you said you can quickly identify the accent from Kinshasa or
18 Brazzaville. Was that your testimony?

19 A. Yes. Myself, yes, I could recognise a Ugandan, someone from Burkina Faso,
20 someone from Senegal, or Guinea, by language, speaking directly to them, and I
21 would know where they were from.

22 Q. And so other Central African civilians could also identify their perpetrators; is
23 that correct?

24 A. Yes, they could identify the persons.

25 Q. You testified that Bemba addressed MLC soldiers in PK12. Do you recall that?

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1 A. Yes.

2 Q. The president, Patassé, addressed MLC soldiers in public during this period,
3 October to March 2003?

4 A. I no longer recall, Mr Prosecutor.

5 Q. Did the CAR authorities punish any MLC soldier for crimes committed in the
6 Central African Republic?

7 A. Mr Prosecutor, I don't know. When the attacks occurred in Sibut and Damara,
8 try to verify in the field. The punishment of the crimes by MLC soldiers, try to check
9 about that.

10 Q. Sorry, Mr Witness, I'll have to follow up on your answer, because the way it's
11 appearing on the transcript is not clear. I'll repeat my question. Did the CAR
12 authorities punish any MLC troops for the crimes that were committed?

13 A. Yes, but the CAR justice system is not the same as the justice system you
14 represent, and the Central African people and the crimes committed by the MLC, they
15 punished. They punished people for those crimes. That is why we are here today.

16 Q. Tell the Court who punished the MLC troops for those crimes?

17 A. Well, you represent the Central African Republic people. Perhaps not you
18 directly, but the Court can hear and hand down punishments to those soldiers
19 perhaps.

20 Q. Where were these MLC soldiers punished? Was it in a Central African court,
21 or where? Tell the Court.

22 A. I don't know. When the events occurred and everyone -- I've left since then.
23 It was nearly ten years ago when I left. I haven't even seen my children, so I don't
24 know. I really don't know what to tell you, but I do know that you are here now and
25 you are here in relation to those crimes.

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1 Q. Do you know how many MLC soldiers were punished for the crimes committed
2 in the CAR?

3 A. I don't know, Mr Prosecutor. I really don't know what to tell you. I don't
4 know whether they were punished, whether people were arrested or not. I couldn't
5 tell you.

6 Q. So, Mr Witness, it's your testimony that you don't know whether MLC were
7 punished and whether they were arrested or not? That's your testimony?

8 A. That's right, Mr Prosecutor.

9 Q. Mr Witness, do you know that Bemba ordered the arrest and investigation of
10 about eight MLC soldiers for crimes that were committed in the CAR; and that is
11 document CAR-OTP-0017-0363? Did you know that?

12 A. No, Mr Prosecutor. Even the documents that you showed me yesterday, it was
13 only yesterday I saw them. I don't know about anything -- anything along those
14 lines, Mr Prosecutor.

15 Q. Mr Witness, in view of the fact that Mr Bemba could order for the investigation
16 and arrest of MLC troops in the CAR, this shows that MLC soldiers in the CAR were
17 still under Mr Bemba's authority; is that correct?

18 A. Could you ask the question to Mr Bemba, who's here, and he could answer?
19 As far as I know, when they came to our country, they were under the command of
20 the authorities of the CAR army, and what's more, General Bombayake, who was
21 their leader in the field.

22 Q. Mr Witness, you can see there is evidence that Bemba ordered the arrest of MLC
23 soldiers in CAR, so it means he had authority over them; is that correct?

24 A. I haven't read anything about what you've said. I haven't seen any documents.
25 I haven't heard about that. I -- all I can do is listen to what you have said. Whether

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1 it's true or not, I don't know, Mr Prosecutor.

2 Q. Do you want to see the document now?

3 A. Yes, Mr Prosecutor.

4 MR BIFWOLI: Court officer, please display document CAR-OTP-0017-0363.

5 Number 5 on the list, your Honours.

6 Q. You recall seeing that document yesterday, do you?

7 A. Yes. Yes, Mr Prosecutor.

8 MR BIFWOLI: Court officer, can we go to the next page, please?

9 Q. Witness, can you read out the second paragraph from the top?

10 A. "Our intervention in this country led to several negative reactions; reactions that
11 were for the most part orchestrated by those who wished to destabilise the regime in
12 place in Bangui. At the current time, with the information that I have and unless
13 there are any -- there is any proof to the contrary, I am rather inclined to believe that
14 public opinion has been manipulated and twisted around. However, in no way can
15 the MLC go along with behaviour that violates the military code governing its troops,
16 particularly when such behaviour could have led to serious violations of human
17 rights. Consequently, on a preventative basis, I have ordered the arrest of eight
18 soldiers whose behaviour in Bangui violated the instructions given to both officers
19 and the rank and file before their departure to the Central African Republic."

20 Q. So there you have it. Mr Bemba is stating that he has ordered the arrest of
21 eight MLC soldiers in Bangui; is that correct?

22 A. Yes.

23 Q. So that means that he had authority over the MLC soldiers that were in CAR; is
24 that so?

25 A. Well, when you read this, yes.

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1 Q. Mr Witness, what do you do for a living?

2 A. A career gendarme.

3 Q. At the time, at this moment, are you employed? Do you work, or what do you
4 do?

5 A. (Redacted).

6 Q. (Redacted)

7 A. (Redacted)

8 Q. Do you recall when you first met members of the Defence?

9 A. First of all, they called me several times and I tried to determine who *these
10 people were, these strangers who were calling me. I left a message telling them to
11 leave me a message. They left a message and eventually an appointment was set up.
12 First I avoided, and then I agreed. (Redacted) and there were three of them.

13 Q. Do you recall their names?

14 A. Mr Kilolo, who's here, over there, and I believe the person beside, the gentleman
15 over there; the three of them.

16 Q. So you said "three of them," so the third one you don't know the name; is that
17 correct?

18 A. The lady, I didn't remember her name.

19 Q. How many times did you meet with the Defence?

20 A. Once.

21 Q. What was the duration of this meeting?

22 A. We spent nearly three hours.

23 Q. Did you sign a written statement?

24 A. No.

25 Q. Did the Defence contact you on phone or through other means after this meeting?

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1 A. Yes, they called me on the phone recently to ask -- well, to tell me that the OTP
2 wanted to meet with me, and I asked, "Why?" And they said, "No, they wanted to
3 meet with me," and I said, "Well, if they want to meet with me, they just have to wait
4 until the hearing is held."

5 Q. Prior to your testimony here and any meetings involving the Victims and
6 Witnesses Unit, when was the last time you had contact with the Defence?

7 A. Fairly recently. They said to me that I needed to -- well, when was it? They
8 said -- they asked if I was ready to come on 5 November for the hearing and I said,
9 "5 November? I'll have to see with my bosses. I'll have to see about the schedule,"
10 and then after the person from the Court here called me and said, "No, it's been
11 changed." They would come and (Redacted) and they would come with me for
12 the 22nd, and I said, "But my schedule's already been set. What I am going to do?"
13 And then the person said the Court would send documents to deal with this with my
14 bosses and have me made available immediately, as soon as possible.

15 Q. Did you have any contact with the Defence, through telephone or any other
16 means, after the person from the Court contacted you that you should come and
17 testify?

18 A. No, I explained to you that they called to inform me -- well, to ask whether I
19 was ready to come and give testimony on 5 November and I said, "Well, if that's the
20 case, I'll have to check with my bosses in relation to the November schedule," and
21 then after that, when we had finished, Mr Kuni (phon) - I think his name was
22 Kuni - who called and said, "No, it has been changed. You'll really have to try and
23 come for the 22nd." They would come and get me. They called -- he called and I
24 said, "No, that's not possible, the schedule's already been set," and he said I had to
25 come and they would take the necessary measures. So that's what happened.

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1 Q. Have you received any payment purportedly on Mr Bemba's behalf?

2 A. No. Even the Court, when I arrived, they gave me 44-euros and I wanted to
3 say "No" and I asked why they were giving me money and they said "Well, that's
4 your cigarette money," and they said -- and I said "Well, what's -- basically it's money
5 for minor expenses."

6 Q. Have you received any money at all in relation to this case?

7 A. No, Mr Prosecutor.

8 Q. Were any promises made to you in exchange for your testimony?

9 A. First of all, before coming here I had discussed this with Mr Kuni who said
10 "When I come, how is it going to be because I am working?" And I said that
11 if I -- well, I work a certain number of hours. (Redacted)
12 (Redacted), with the amount of hours then it -- well it's -- the pay I get in relation
13 to that, if I don't work I get nothing. So he said "Well, look at your timetable and
14 your pay slip and the Court will see how it could have the possibility to regularise the
15 situation." That's what I was told.

16 Q. Were you reimbursed your expenses for meeting or contacting the Defence,
17 that's like travel expenses, air time, or something like that?

18 A. Go and see the Defence, I'm sorry? (Redacted) they told me -- we met once
19 and then to come here, they said it was the Court here that sent the ticket with
20 Mr Kuni, who went to find me (Redacted) and we did the journey together.

21 MR BIFWOLI: Can we get into private session?

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

23 *(Private session at 10.02 a.m.) Reclassified as Open session

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

25 MR BIFWOLI:

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1 Q. Witness, you know (Redacted), do you?

2 A. Yes, I know (Redacted).

3 Q. How do you know him?

4 A. He is the (Redacted) we didn't see each other.

5 Q. When was the last time you saw or spoke to him?

6 A. When I arrived in (Redacted), I started to take certain steps to try and approach
7 them because I had to have some money and he said to me "Well, come tomorrow or
8 the day after," and then afterwards he gave me nothing and I said "Well, okay," and
9 it's because of (Redacted) that I have got all these problems in the world and that's it.

10 Q. Which year?

11 THE INTERPRETER: I gave up on them, added the witness.

12 THE WITNESS: (Interpretation) It was in 2007.

13 MR BIFWOLI:

14 Q. (Redacted) is someone you know as well, I am right?

15 A. Yes, I said I know all (Redacted).

16 Q. When was the last time you saw or spoke to him?

17 A. We met in the town when there was a birthday party last year. He was with
18 (Redacted).

19 Q. So from last year you've not met him or spoken to him again? Is that your
20 testimony?

21 A. Prosecutor, if you understood I explained to you that I finished with them
22 because if I'm suffering today I'm not able to see my children and with what
23 happened to my children, my wife, that's because of them. So as far as I am
24 concerned it's finished with them.

25 Q. Do you know (Redacted)?

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1 A. Yes, a soldier like myself. We know each other, but I don't know what's
2 happened to him now. I've no idea.

3 Q. When was the last time you saw him, or you spoke to him?

4 A. That would have been -- well, I followed him on the internet and (Redacted)
5 (Redacted). That's something I followed. We didn't see each other, but I followed
6 him, all these things. I followed all the things that were happening on the internet.

7 Q. So is it your testimony that you haven't seen him or spoken to him maybe on
8 phone?

9 A. Well, all the soldiers from all regimes (Redacted) we
10 know all each others' addresses, but everybody stays in their area. And with regards
11 to my work, I started (Redacted). I often finished at 11, at midday, and then sometimes
12 I would sleep until 6 o'clock, regard some TV, sleep a bit and then at -- I just didn't
13 have the time to see anybody. I was even working on a Sunday, and that's to say I
14 worked (Redacted)
15 (Redacted)
16 (Redacted)

17 all of that, that's my work as well, and if there's anything going wrong people call me
18 and I'll even work the weekend. I work Sunday, the weekend if -- with regards to
19 my rest, then, well, even if I'm on a rest period, if something needs doing I finish.

20 Q. So it's your testimony that you haven't met or spoken to (Redacted)? Is
21 that your testimony?

22 A. No. Well, perhaps we met in -- for example in an evening, but I -- well, when it
23 comes to him, he's travelling a lot. (Redacted). I don't know. He said
24 that -- well, I saw that he was in (Redacted) and I don't mix with him. I've got my
25 children in the country. I don't want anything to happen to my children, who are

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1 still in the country, Prosecutor.

2 Q. So you said perhaps you met with him. Did you meet, or not? You need to
3 be clear on that.

4 A. Well, I could say "Yes, we met," but when it comes to the date and the time
5 I don't know, but I know that we did meet and he introduced himself. Yes, all of
6 that.

7 Q. Which year was that?

8 A. I don't remember, Prosecutor. I know that we met. I know that it was -- well,
9 I don't know -- I don't know the time or the date. I couldn't tell you that.

10 Q. Was it this year?

11 A. No, it wasn't this year. It wasn't this year. This year I heard that he'd been
12 (Redacted). That's something that I followed on the internet. And then
13 I also heard that (Redacted)
14 (Redacted). That's something that I followed in
15 the field, but I couldn't mix with him because there in that area, well, they are doing
16 their stuff, you I don't know about it, and it does bring concerns and problems to the
17 family if you get involved.

18 THE INTERPRETER: (Redacted)

19 (Redacted)

20 MR BIFWOLI:

21 Q. Do you know the reason why (Redacted)?

22 A. Well, on the internet, they didn't put the reason (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. Do you know someone called (Redacted)?

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1 A. He's my (Redacted).

2 Q. When was the last time you saw or spoke to him?

3 A. Well, I think when my (Redacted), then we called and that

4 must have been in the month of May I think and he didn't even come and see me.

5 He was angry with me. We spoke on the telephone, but he told me that he had work,
6 everything.

7 Q. When did you speak with him on telephone?

8 A. That was in the month of May. I called him (Redacted)

9 (Redacted), but he didn't come round, Prosecutor.

10 Q. So it is your testimony that since May you haven't spoken to him? Is that your
11 testimony?

12 A. Since the month of May 2012. If I had the time I would call him to get his news
13 and see how things are going, (Redacted)
14 (Redacted), but we don't have the
15 time to see or speak to each other.

16 Q. So it's your testimony that since May you haven't spoken to him; is that so?

17 A. On the telephone, yes, I haven't called him. When I called him, he didn't come
18 round, and I said "Oh, well, as he's busy, he's not coming round," and I didn't call him
19 back. Maybe if I come back now then I could give him a ring and get his news.

20 Q. You testified that you know (Redacted); is that correct?

21 A. Yes, he's the (Redacted).

22 Q. When was the last time you saw or spoke to him?

23 A. (Redacted)

24 (Redacted) I'm on

25 the other side. (Redacted)

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1 (Redacted). I haven't seen him.

2 Q. What did he say that happened to him here?

3 A. Prosecutor, if you have the time to read, you can read in the evening what he
4 said in your conversation with him, the messages which he said in the Central African
5 Republic.

6 Q. So you regularly follow (Redacted)?

7 A. Yes, the Central African press to have information about the country, and you
8 go to Central African press or Ndeke Luka and then you get news, Mr Prosecutor.
9 Still, despite the fact that we are not in the country any more, we are still nostalgic
10 about the country. We still want to hear about our family who are there, and we
11 follow the news and we listen to the news, for example. (Redacted), if I
12 go back home and then I'm a bit stressed, then I put on Radio Ndeke Luka and I listen
13 to it live at home.

14 Q. At page 23 you testified that he, (Redacted)

15 (Redacted). So that it is clear, can you elaborate more what you mean by
16 that?

17 A. Well, I said that he explained -- I didn't read it, but if you can get me the page
18 I can read it to you. I can read what he explained. He explained (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. And when did you see this, Mr Witness?

25 A. At the hotel yesterday, where I was, and when -- because I'm bored, I sometimes

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1 can't sleep, with what happened to me yesterday, so I left, I went to a cyber cafe and I
2 read it there.

3 Q. And had you been to this, because you said you are there regularly, did you
4 also see something before you came to testify regarding (Redacted)?

5 A. It was yesterday, yesterday that I read on Central African Press, 25th. I looked,
6 I looked at my email, and this morning I got up. I wasn't able to sleep and I went to
7 the sports place, I had a shower and I -- yeah, I was waiting.

8 MR BIFWOLI: Mr Witness, thank you very much for co-operating with the Court.

9 This has brought us to the end of the Prosecution examination. Thank you.

10 Thank you, your Honours.

11 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli.

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

13 (Open session at 10.19 a.m.)

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

15 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution concluded its
16 questioning. Before we give the floor to legal representatives of victims that were
17 authorised to put some questions to you, Judge Aluoch would like to seek some
18 clarification.

19 Judge Aluoch.

20 JUDGE ALUOCH: Mr Witness, good morning.

21 THE WITNESS: (Interpretation) Good morning, madam.

22 JUDGE ALUOCH: I want to pick up part of the evidence you gave on the 24th.

23 I think that was Wednesday, this week. I have transcript T-261, the English version.

24 Part of this evidence is when you are talking about the mixed, or joint, forces. For
25 example, on page 40, forty, you explained what mixed, or joint, forces meant, and I

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1 quote from line 21. I'll quote very briefly, "When we talked about mixed troops, we
2 mean that when the MLC troops came to Bangui, they did not know the city of
3 Bangui. They did not know the location of the rebels, so it was local soldiers,
4 meaning presidential security, RDOT support regiment, these local troops were
5 mixed for the purpose of the operation in order to accompany the MLC." That's
6 what you were talking about at that point.

7 Then Mr Kilolo posed a question to you. Mr Kilolo asked the following question.

8 This is now page 41 of the same transcript, T-261. Mr Kilolo asked you, "Did you
9 ever have to go to the battle-front during the events and, if so, can you tell the Court
10 about what happened?" Your answer was, "No," and I will not quote the rest of your
11 answer because it contains information that might identify you, but from line 25 on
12 that page you recalled one incident when you went to Damara and you described
13 Damara as the base of the joint forces. Do you remember that evidence? Do you
14 remember that, because I am about to pose a question now. I was just reminding
15 you of the evidence.

16 THE WITNESS: (Interpretation) You said that there was an incident, an incident
17 happened in Damara, and I said, "No".

18 JUDGE ALUOCH: Sorry, you only referred to one day when you were in Damara.

19 I do not quote the rest of it, because if I do I might -- it might identify you, so I'm only
20 going to quote the last part of it, that's all. And on that -- on line 25, this is what you
21 said. "Now ..." -- I'm quoting now, "Now, when we arrived at the gendarmerie at
22 Damara, where their base was located ..." I believe that's the base of the joint forces, "...
23 I noticed a number of houses that had been ransacked and they explained to me ...", I
24 believe that's the joint forces, "... they explained to me what had happened, but on that
25 occasion I did not see anything." And the last part of your testimony reads, and this

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1 is what I am interested in, you said, "I did not see any dead bodies or anything like
2 that."

3 My question is, Mr Witness, what prompted you to talk about this, to give this last
4 answer, "I did not see any dead bodies or anything like that"? Why did you talk
5 about this specifically? Because the question that had been posed to you, in my view,
6 did not really elicit this, so why did you specifically say, "I did not see any dead
7 bodies or anything like that?" That's what I want you to clarify. I'm interested in
8 that.

9 THE WITNESS: (Interpretation) Yes, your Honour. For me it was a clarification
10 in my explanation that I wanted the Court to know that my presence there -- well, I
11 said what I saw and what I noted, and that's what I tried to explain, your Honour.

12 JUDGE ALUOCH: The reason I'm picking on that last sentence is because I have
13 another transcript, Mr Witness. I have transcript 256, and in that transcript, again,
14 I'll read out to you. Mr Kilolo was questioning the witness, a Defence witness, in
15 that transcript 256, and it was on a different incident, the incident I think from
16 President Patassé's house to PK12, and this is what Mr Kilolo asked the witness:
17 "Between the president's, President Patassé's residence and PK12, along that itinerary,
18 did you notice anything special?" And the witness said, "What do you mean,
19 Counsel? Anything special or special occurrence?" And the witness said -- and
20 Mr Kilolo said, "Things like dead bodies along the road as you drove along, as you
21 went along." I'll stop there. I'll stop quoting there. That is why I was interested in
22 your answer, and my question to you, Mr Witness, which I would like you to clarify,
23 is when you talked -- you said, you tell me this morning that you are clarifying that's
24 why you talked about dead bodies, but I would like to propose to you that in my
25 view that is -- sounds like evidence that has been rehearsed. Am I right, or not?

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1 THE WITNESS: (Interpretation) I don't know how to answer you, if I am asked
2 the same question. You want me to answer on what basis?

3 JUDGE ALUOCH: Is this evidence that has been rehearsed that when you talk
4 about joint forces, you have to say that, you know, in an effort to distance the joint
5 forces from any crimes that were allegedly missed that you have -- you talk about the
6 dead bodies. Dead bodies is an issue, that they did not kill anybody. That's what
7 I'm driving at, or is this really your evidence? I just want you to try and explain to
8 me, because there's too much similarity and I am just wondering whether you have
9 rehearsed this evidence, or this evidence has been -- somebody has instructed you to
10 give this? I just want a clarification, please.

11 THE WITNESS: (Interpretation) Your Honour, as I am asked the question, well,
12 I think there are questions which come back to the same question -- the same question
13 comes back again, so I have to say what I've already said, and it still goes back the
14 same question, and that's that there's been repetition, but in my opinion I explained to
15 you that when I arrived in Damara, perhaps -- perhaps I didn't explain, but I wanted
16 just to shed light on things, clarify.

17 When I said -- well, there were houses that were on fire, but I did if you like -- if I
18 didn't see any bodies, for example, but for me it was a way of clarifying things, of
19 shedding light for the Court so it could progress, your Honour.

20 JUDGE ALUOCH: All right, Mr Witness, I'll leave it at that. Yes.

21 PRESIDING JUDGE STEINER: Thank you, Judge Aluoch.

22 Before I give the floor to legal representatives, I have a question to the Prosecution,
23 because I see by the Prosecution list of documents that some of the documents that
24 were used during the questioning of the witness, it's stated here that the Prosecutor
25 intended to tender into evidence, but the Prosecution has not tendered any of them.

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1 So just a clarification, which documents the Prosecution intends to tender as
2 evidence?

3 MR BIFWOLI: Thank you, your Honours.

4 It was, we are very sorry, an oversight on our part. However, we will be tendering
5 all the documents that we used, except the Belgian one which we will be putting in a
6 formal application so that we satisfy along your lines the indicia for admissibility.

7 PRESIDING JUDGE STEINER: Could you please give the court officer the ERN
8 numbers of the documents you are tendering into evidence.

9 MR BIFWOLI: Your Honour, we have not marked them at the moment. We
10 request that we provide the numbers after the break.

11 PRESIDING JUDGE STEINER: Of course.

12 Now, Mr Witness, I'll give the floor to legal representatives of victims, starting by
13 Maître Zarambaud.

14 Maître Zarambaud, you have the floor.

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

16 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

17 Q. Good morning, Mr Witness.

18 A. Good morning, Counsel.

19 Q. My name is Maître Zarambaud Assingambi of the Central African Bar. Here, I
20 am one of the two legal representatives of victims, what is usually referred to in our
21 Central African courts as counsel for the civil party, so before this Court I represent
22 more than 2,000 victims in this case. As the President or Presiding Judge already
23 told you, I have been authorised to put a number of questions to you and some of
24 these questions may also arise from your testimony during examination by the
25 Defence and by the Prosecutor.

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1 I am taking third position and for that reason some of the questions which I may have
2 put to you have already been dealt with by my two previous learned colleagues and I
3 therefore will not be putting those questions to you again, and again as a legal
4 representative I have only one hour within which to wrap up my examination with
5 you.

6 Mindful of this time constraint, I would like to ask you please to be concise in your
7 answers so that I may have room to put all my questions to you, and I ask you also to
8 please comply with the instructions that have already been given, such as speaking
9 slowly and respecting the five-second golden rule. You see, Mr Witness, you and I
10 are speaking the same language, which is French, and so when I put a question to you
11 I know that you understand what I've said easily, but that question has to be
12 interpreted into English, and so if you answer too quickly you will be interrupting the
13 translation and court reporting processes. It is for that reason that you have to obey
14 that rule and slow down.

15 Question number 1, I think you have already answered that question, and it is the
16 following: Who brought the MLC soldiers to the CAR?

17 A. Counsel, it was the former president, Ange-Félix Patassé.

18 Q. Thank you. Were you present when the MLC soldiers arrived in the Central
19 African Republic?

20 A. We were all in Bangui when they arrived, Counsel.

21 Q. Witness, here I am not a witness. I was also in Bangui and so we do not talk
22 about all people in Bangui. This question is specifically about you as an individual.
23 Were you personally present in Bangui when those soldiers arrived in Bangui?

24 A. At that time I was at the airport, but they landed at Port Beach, Counsel.

25 Q. When I asked you a short while ago a question, your answer to it was that it is

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1 late President Patassé who brought the MLC troops to the CAR. Do you know, or
2 have you been aware, of any document which points to the fact that President Patassé
3 invited the MLC troops to the CAR?

4 A. Well, I cannot answer that type of question. I'm a junior person and it is my
5 hierarchical bosses, my superiors, who may have those confidential documents which
6 we did not have access to. They are the ones who can tell who invited them to our
7 country and it is the supreme commander of our army, the then Ange-Félix Patassé,
8 who invited them to our country.

9 Q. Your testimony is that you were at the airport when the MLC troops arrived.
10 Did you have opportunity to see them later on and, if so, I would like to know from
11 you how those troops were dressed, what attires they were wearing and how -- what
12 shoes they were wearing and what language they spoke?

13 A. They all spoke Lingala. As for their clothing, when they came, the Libyan
14 army had sent us some uniforms which were at 124, that is at the president's
15 residence, and so the express office, which was nearby, was transformed into an
16 armoury and all the weapons that were received, as I've already explained to you,
17 were kept in that place, along with the uniforms. So (Redacted)
18 (Redacted), and so those who were there, we were asked to take the uniforms
19 to them so that they could be distributed or given out to them. That is what I saw,
20 Counsel.

21 Q. Thank you very much, Witness, (Redacted)
22 (Redacted)
23 (Redacted)

24 Now, let me move to question 19 on my list of questions, Madam President. I would
25 like to find out from you whether among the MLC soldiers who arrived were there

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1 any women and children?

2 A. In that group of soldiers, yes, there were women and there were children.

3 Children less than 18, yes.

4 Q. Thank you for your answer, Mr Witness. Now, some of those MLC women
5 whom you saw, were any of them carrying any babies?

6 A. I did not quite pay attention to that. I saw that there were women, but I didn't
7 pay attention to that detail, Counsel.

8 Q. Where were the MLC troops billeted immediately they arrived?

9 A. Counsel, I think that I already answered that question, but let me repeat.
10 When they arrived, they were billeted at the support regiment. Now, as their
11 numbers increased, it was not possible to keep them at that location because they
12 began to move about in the neighbourhood and it was difficult to control them and
13 that's why they moved them to PK12. That's how it is.

14 Q. Yes, I put this question to you so that we could move quickly. Yes, you have
15 already answered that question. My next -- my follow-up question is, did you learn
16 that upon their arrival at the support regiment the MLC troops pillaged the entire
17 regiment of its musical instruments and all the equipment and matériel that was
18 there?

19 A. Yes, we learnt about that over the radio and it is for that reason that they were
20 taken away from that location.

21 Q. Do you know that the MLC troops which were at the support regiment arrested
22 30 FACA soldiers, undressed them, took their weapons and beat them up, and those
23 30 soldiers may have included two lieutenants? Are you aware of this, or such an
24 incident?

25 A. Counsel, I am just hearing that now. You see, in terms of war, many things

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1 happen and it is difficult to be aware of everything, but what I can say is that I am just
2 learning about that incident from you here and now.

3 Q. Thank you. Did you learn that the director of intelligence had disappeared at
4 the support regiment and that Colonel Lengbe and the gendarmerie official searched
5 for his body, but only found his clothes which had been hidden somewhere and that
6 the MLC troops ordered them out of the location because it was late and that they
7 were the ones in control of that location? Did you hear any such thing?

8 A. You see, these things may have happened in the operational offices. We were
9 elsewhere. Maybe things happened there, but maybe it is only later on that one
10 learns of things that may have happened.

11 Q. Did you learn that the MLC soldiers at PK12 had arrested two FACA soldiers,
12 undressed them, unarmed them, tied them up and beaten them up, and that when
13 they came to fetch them they had to beg for those soldiers to be released?

14 A. We learnt about that, but it was in connection to some infiltrators who had been
15 with Bozizé. I heard Bombayake on the talkie-walkie mention it.

16 Now, when Colonel Lengbe and General Mazi went to the location I don't know what
17 happened there, but I've learnt here that they were not able to ask. I don't know.

18 What happened, as we learnt, is that some suspects had been arrested by our friends,
19 but I didn't know the details of what happened. It is only here that I learnt that
20 Colonel Lengbe and General Mazi went to beg for these people. And I say, no, no,
21 General Mazi is a man of very strong character. Although he was a short man, he
22 would not stoop to that level, so low as to beg Moustapha and kneel down before him.
23 No, I don't see Mazi doing any such thing.

24 Q. In your capacity as a soldier, is tying up a soldier, undressing or disarming a
25 soldier, a type of military sanction and doing that publicly?

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1 A. No, but again, Counsel, I myself was a victim of such a thing. I was picked up
2 at the central market, I was beaten up, but when I caught my breath again what
3 happened is that I was tied up and so on and so forth. If you see me alive today it is
4 because I made some efforts to cut those ropes and to save my skin. So it is not
5 normal, but even as I speak to you I have flashes of the images of the people whom I
6 saw. No, but that's not normal.

7 Q. On several occasions you talked about joint or mixed troops and you said that it
8 was normal -- it was only normal that the Central African soldiers should be the ones
9 guiding the MLC soldiers and pointing out which direction they should take, because
10 the MLC soldiers were not familiar with the terrain. Is that your testimony?

11 A. Yes, that is correct, Counsel.

12 Q. I have with me here the testimony of a witness who was a quarter-head, and I
13 am referring to transcript 82, page 36, from line 11. The question to the witness was
14 the following:

15 "Question: Did he tell you ...", that is the MLC soldier about which that quarter-head
16 was talking -- "Did he tell you anything about the place to which he, the MLC soldier,
17 was going while he was in your neighbourhood, or about what he was doing while he
18 was in your neighbourhood?

19 Answer: He asked me where Boy-Rabé was located and I said, 'Boy-Rabé is not
20 here,' because I was afraid. I saw them take that woman and there were some
21 members of my family in the house, and so I told him 'Boy-Rabé is not in this
22 neighbourhood; that Boy-Rabé was 200 kilometres away. Then he asked me, 'Where
23 are the rebels?' And I said, 'The rebels are not here. They are 200 kilometres away
24 from here.'

25 Now, my question to you is the following: Do you think that Central African

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1 soldiers would not know the location of Boy-Rabé?

2 A. No, that would not be a Central African soldier. Central African soldiers know
3 their country.

4 Q. Can we then infer, if we go by the quarter-head's testimony, that when the MLC
5 soldiers went to Boy-Rabé they went on their own? Can we come to that conclusion?

6 A. If they went to Boy-Rabé neighbourhood?

7 Q. Yes, did they go by themselves without the Central African soldiers?

8 A. Yes. When -- when they were at the support regiment, I explained to you a
9 short while ago that -- and you confirmed that, that there was pillaging at the support
10 regiment and there were many of them. They could not be controlled. So some of
11 them went into town and we don't know where they went. Maybe you, who know
12 much better than I do because you're familiar with the area, you might want to clarify
13 this matter for me, Counsel?

14 MR ZARAMBAUD: (Interpretation) I am at question number 22.

15 Q. Did the MLC soldiers receive a salary?

16 A. As far as I know, when they arrived and when they were not too many in
17 number, the food that they received was prepared at Camp de Roux and given to
18 them. Then when their numbers increased, some cartons of sardines were shared to
19 them. The Libyan army had brought some tinned foods and cartons of sardines
20 which were distributed to them.

21 Now, when it came to the area from PK22 forward, ordinary military vehicles that
22 were providing their supplies could no longer cover those areas. So their leaders
23 received money directly from the Presidency and that money was referred to as the
24 PGA, which was designed to provide food for them in those areas. Now, whether
25 their leaders gave them the money, I do not know.

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1 Q. Yes, that was for their daily subsistence, but my question was to find out
2 whether these people received a salary different from the PGA, either from the
3 Central African government, or from the supreme commander, Jean-Pierre Bemba.
4 Did they receive any salaries?

5 A. Counsel, I am not in a position to tell you whether or not they received any
6 salaries. All I can say is that they got a PGA. I know nothing about salaries, but
7 our soldiers who were with them continued to receive their salaries, or they were
8 entitled to a salary.

9 Q. Now, talking about our own soldiers who were with them and who had their
10 soldiers -- had their salaries, at the time the MLC troops arrived in the Central African
11 Republic in 2002, did Central African soldiers and Central African civil servants have
12 outstanding arrears on their salaries and, if yes, for how long?

13 A. I am Central African. I know that we went through this, but I don't recall the
14 details, Counsel. But let me add, if I may?

15 Q. Please proceed.

16 A. Now, at the Presidential Security Unit, we received an allowance every 15th of
17 the month. This is different from the PGA, so it's called a security allowance, and
18 then we had our salaries, although there were some outstanding arrears. What
19 happened in those circumstances is that we managed to survive with the allowance
20 that we received.

21 Q. Yes. Am I then to understand that there were salary arrears outstanding, but
22 that you do not remember the number of months?

23 A. Yes, that is correct, Counsel.

24 PRESIDING JUDGE STEINER: Maître, would you mind if we go into our break?

25 We have just three or four minutes. You can continue after the break.

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1 MR ZARAMBAUD: (Interpretation) Yes, indeed, your Honour.

2 PRESIDING JUDGE STEINER: Mr Witness, we'll go now for our short break,
3 half-an-hour, to allow you to take some rest. It's almost 11. We'll be back at 11.30.

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

6 *(Closed session at 10.57 a.m.) Reclassified as Open session

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

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 10.58 p.m.)

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

12 THE COURT USHER: All rise.

13 Please be seated.

14 PRESIDING JUDGE STEINER: Welcome back.

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

16 Yes, Maître?

17 MR KILOLO: (Interpretation) I just wanted to intervene, your Honour, before the
18 entry of the witness, if possible?

19 PRESIDING JUDGE STEINER: Maître Kilolo, I would suggest that when we have
20 this situation that you inform in advance the court officer that you intend to take the
21 floor before the witness come.

22 You have the floor, Maître.

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

24 The Defence wishes to raise a number of concerns in relation to the question that was
25 put earlier by Judge Aluoch to the witness. Of course with all due respect - with all

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1 due respect - to Judge Aluoch, we were concerned because when she asked the
2 witness about his credibility she expressed an opinion, saying, "From my point of
3 view, it appears to me that you -- you may have rehearsed and thus provided such
4 detail, saying that you did not see any dead bodies at PK12 or in Damara."
5 Our concern is that when the Judge expresses that opinion, saying, "Perhaps you
6 rehearsed," I think we all know that this is a Defence witness and as such this leads us
7 to the question who would have prepared him? Who would have rehearsed?
8 Insofar as we wonder, in the final analysis, if ever - if ever, and I stress this, if
9 ever - the professionalism of the Defence is being questioned, one might wonder that
10 the presumption of professionalism and good faith that the Chamber has always
11 mentioned whenever ambiguity has arisen, does this also hold true for the Defence?
12 So I think you can see the concern. Perhaps there was a problem with the French
13 interpretation, I have no idea, but this is how it was perceived and this is what the
14 Defence heard, and we would certainly appreciate being edified as to the approach
15 being taken here with such questions.

16 Thank you.

17 PRESIDING JUDGE STEINER: Maître Kilolo, one thing that on behalf of the
18 Chamber I can ensure parties and participants to this trial is that the presumption of
19 good faith applies to everyone: Prosecution, Defence, legal representatives, et cetera.
20 I am not saying that is the case, but we had already in previous occasions some
21 concerns raised in relation to the use of one or other word by any of the Judges of the
22 Chamber, and it appears to me that it is importance sometimes given to one or other
23 word is a little bit exaggerated, since many times we can -- not only the Judges, but
24 parties and participants, or even a witness, says a word that taken out of the context
25 means something and inside the context something completely different.

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1 I'm not sure if that is the case to ask any of the Judges to explain what the Judge
2 meant, unless Judge Aluoch deems it necessary? For me, it doesn't mean absolutely
3 necessary. The presumption of the good faith is here. Prosecution as well many
4 times asked previous witnesses whether they rehearsed their testimonies without
5 implying in any moment, or at least this was not for sure the idea of the Chamber that
6 they were implying that the Defence had -- has had any kind of interference with the
7 testimony.

8 So I think this is not an episode that should be given so much importance. I think it's
9 much more fruitful if we just go ahead with the testimony of the witness that we
10 really would like to release the witness before the weekend, if possible.

11 In any case, your concerns are on the record, Maître Kilolo. If that is agreeable for
12 the Defence, could we just go ahead with the testimony?

13 MR KILOLO: (Interpretation) Quite so. I thank you for shedding light on that.

14 PRESIDING JUDGE STEINER: Thank you very much.

15 Court usher, please bring the witness in.

16 (The witness enters the courtroom)

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

18 (Open session at 11.44 a.m.)

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

20 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

21 THE WITNESS: (Interpretation) Good morning.

22 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

23 THE WITNESS: (Interpretation) Yes, your Honour.

24 PRESIDING JUDGE STEINER: Mr Witness, let me just remind you about the
25 five-seconds rule, before you give any answer, in order to allow the interpreters to

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1 complete the translation of the question. Since you and Maître Zarambaud speak the
2 same language, sometimes you forget that we need to wait for the English translation.
3 So I would very much appreciate if you bear in mind that there are anglophones here
4 in this courtroom. Thank you, Mr Witness.

5 Maître Zarambaud, you have the floor.

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

7 Q. Witness, my first question after the break is as follows, and this is question
8 number 7 on my list: Did the Director-General of the USP take part in the fighting
9 himself? Please wait five seconds before replying.

10 A. He was in his office and he went back and forth between the office and the
11 various positions. I don't think he took part directly, but some of our officers were
12 with the people in the field.

13 THE INTERPRETER: Inaudible.

14 MR ZARAMBAUD: (Interpretation)

15 Q. So he went back and forth to the various positions, you say. Were those
16 positions in Bangui, or when the fighting was in Damara, or Sibut, or Bossangoa, did
17 he also go to those places in the provinces?

18 A. No, he didn't even leave --

19 THE INTERPRETER: Inaudible.

20 THE WITNESS: (Interpretation) He stayed in the capital in Bangui. He went to
21 PK12. He went to Kandoro. He got -- he went there. He went to the television
22 station, to Quatra (phon), so he went around to see whether the positions -- whether
23 the soldiers there were indeed there.

24 Q. Thank you. So if he was leading the fighting, how did he manage to lead the
25 battles in Sibut, Bossangoa, Bossemptéle and so on and so forth? Was it truly he

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1 who led the combat?

2 A. Counsel, I told you that the officers of the presidential security were with the
3 people in the field and those soldiers received instructions directly from General
4 Bombayake. Okay, he distributed Thurayas when they were far away. For
5 example, if I were to mention Miskine, who was nothing and who became a general,
6 he too had a Thuraya. He called Bombayake, explained how things were going on,
7 so that's how things worked.

8 Q. So from your point of view, while remaining in Bangui, thanks to
9 communications equipment he was able to be in touch with the officers in the field
10 and General Bombayake was able to lead the combat?

11 A. He could sum things up, so to speak, and with the co-ordination office - the
12 operational office - he set up new arrangements and he also was able to deal with the
13 various means that the people in the field needed.

14 Q. Were the MLC troops in a position to communicate directly with their supreme
15 commander; the accused person, Mr Jean-Pierre Bemba?

16 A. Because Colonel Moustapha had a Thuraya, and using that Thuraya he could
17 call Gbadolite directly to speak to Jean-Pierre. That was possible.

18 Q. Thank you. So I gather from that reply that Bombayake was in Bangui and he
19 communicated with his officers in the field and thus he was able to give orders.
20 Secondly, what I've gathered from your reply is that Colonel Moustapha, who was
21 the leader of the MLC contingent in Bangui, with his Thuraya he was able to
22 communicate with Jean-Pierre Bemba.

23 My question is based on transcript 262, page 17, line 11 and on. The question that
24 was put of a witness, and the witness said, "The troops were available, but just to
25 guide the MLC, to guide the MLC and the soldiers, but because they knew the field,

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1 but as for the orders - operational orders - to move forward and that sort of thing, all
2 of that came from the commander-in-chief, the supreme commander; that is to say
3 Bemba."

4 That is a witness who said that, and I've given you this quotation and now I'd like to
5 ask you this: Did you know -- well, at the end you said, I'm quoting line 24, "One
6 cannot command from far away, no. One has to be in the field with the soldiers so
7 that you can control them, and the orders, when you forward the orders, when you
8 give the message to a chief who is in the field to move forward, to command, to direct,
9 I don't know about, but the military hierarchy has rules and principles."

10 So my question is this: Why did General Bombayake receive information from his
11 officers over the Thuraya and command? Why couldn't Bemba have done the same
12 thing; that is to say receive instructions from his commanders in the field and
13 command? That is my question to you.

14 A. Really, your question is well put. I told you, since they were in the field there,
15 I don't know. Perhaps those soldiers informed him of their advance using a Thuraya
16 and he too gave instructions directly to them, but I couldn't tell you. As for the
17 reports, the daily reports in the morning and the evening, the leaders in the field from
18 the security who gave to Colonel Ouandane, who did a summary and passed it on to
19 General Bombayake and in turn that went to the operational office. So that
20 summary was based on the Thuraya communications. I couldn't hear the content of
21 those messages, but we knew that people were in the field, but -- but to say flat out
22 that I heard the message from Bombayake, no. I knew that he had Thuraya
23 equipment and he used it for the support troops in the field, and if ever -- if ever
24 something happened, so the doctor would be called and an ambulance would be sent
25 immediately to the place and then we would know that something had gone wrong

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1 somewhere.

2 Q. Thank you. Now, if I put it to you that from your point of view you didn't
3 know whether Bemba after receiving communications from his officers in the field
4 gave them orders, you don't know that now, do you?

5 A. No, Counsel.

6 Q. My other question is as follows: You mentioned the Thuraya equipment and
7 the Motorolas that were distributed. Do you know whether the people in charge of
8 the MLC had what a military witness called radio equipment; radio communications
9 equipment? Do you know that?

10 A. Communication radios, that's what -- that's what we call walkie-talkies. Now
11 there's new technology that's already in place. First of all, our soldiers who were in
12 the field, the support regiment provided support to them with military radios, but
13 those were installed in a special truck behind that sent messages to the headquarters
14 directly about movements, advances, but radios - communications
15 radios - when -- well, actually several radios were programmed and there were all
16 kinds of radio equipment already programmed, and all you had to do was put in a
17 battery and you could start to transmit. Sometimes you would be called to correct
18 the channels, because sometimes people were hearing things from the Head of State
19 over a particular channel and so that situation had to be dealt with.

20 Q. I was talking about the communication radios; particularly the ones that could
21 be put on a truck as you just mentioned. I was asking about the MLC troops. Do
22 you know whether the MLC troops had such radios?

23 A. I couldn't say if that was the case. When the command - the operational
24 command - at Camp Béal organised that, I don't know whether they brought their
25 own radios. I couldn't tell you, Counsel.

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1 Q. Thank you. Regarding the rapes, the looting and the murders, of course, these
2 are major concerns for the legal representatives of victims, who are authorised to ask
3 questions only if the questions are directly related to the interests of the victims we
4 represent. So the rapes, the murders, the looting, this is our primary concern, but I
5 won't ask you questions about those things because, in response to a question from
6 the Prosecution, the representatives of the OTP, you said that murders occurred as
7 well as looting and so on and so forth, and I think today's transcript shows this, page
8 8 and page 9. So I'd like to ask you one last question, and it's a very general question,
9 and I'll use this to go to another question. Other than the MLC troops, the FACA,
10 the USP and perhaps even the militia, were there other international forces in the
11 Central African Republic and, if so, which ones?

12 A. People, Captain Barril's men, they were also there. I think they accompanied
13 people into the field because they had a pickup. I don't know how they were
14 manoeuvring, but I saw them, when they were positioned on the roof of CEMAC.
15 They had rifles and when the troops came back on 25 October, they also had
16 binoculars.

17 PRESIDING JUDGE STEINER: Maître, if you allow me?

18 Mr Witness, just for clarification, from where these troops of Captain Barril came?
19 Where are they from?

20 THE WITNESS: (Interpretation) French. They are French. Captain Barril is a
21 French person. He's an adviser for the security of the chief of Head of State.

22 PRESIDING JUDGE STEINER: Thank you.

23 Sorry to interrupt you, Maître.

24 MR ZARAMBAUD: (Interpretation) Quite the opposite, your Honour.

25 Q. Now, we spoke about these foreign troops and CEN-SAD, we've spoken about

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1 Barril, we've spoken about CEMAC forces, et cetera, et cetera. Is it the case that there
2 was such a force?

3 A. Yes. Yes, there were CEMAC troops who were already in Bangui when -- well,
4 just up to 15 March there were CEMAC troops and at the airport, there were CEMAC
5 troops from Congo-Brazzaville who were based there and already we hadn't
6 understood that the -- well, everything had already been put into action and had been
7 done since then because when there was shooting to take the airport, the firing started
8 from the CEMAC people, from Congo-Brazzaville, asked the question, but how could
9 it be the case that fires were coming from that direction and if there is firing then there
10 has to be a response, and it was the commander didn't answer me, called on the radio.
11 There was a frequency, but I didn't get a reply and I called. I said, "It's becoming
12 chaos." It was very hard, so all action had been taken for Patassé to leave on that
13 day.

14 Q. I spoke about the CEMAC forces, and I asked with regard to the CEMAC forces
15 but I also asked my question for the CEN-SAD forces and you didn't answer that, but
16 if there were CEMAC forces from CEN-SAD, these forces, were they also preparing to
17 fight?

18 A. I think that it was asked for Libyan troops, or that they leave, and that was
19 before the arrival, because when the troops were there within Central African
20 Republic, the Libyan troops who were installed there had to clear all their barriers
21 and everything and take -- and withdraw. I think, I don't know if they were still
22 there or not at that time. That's something I can no longer remember, Counsel.

23 Q. Thank you very much. Well, under that condition I shall not ask my question
24 number 40, and as I already said, where it concerns issues of concern to victims, you
25 have largely answered concerning pillaging, rape and wilful killings. I therefore

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1 have finished with putting my questions, Witness, and I'd like to thank you for

2 having been so kind as to have answered all my questions. Thank you very much.

3 THE WITNESS: (Interpretation) Thank you, Counsel.

4 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

5 Mr Witness, now Maître Douzima Lawson, legal representative of victims, is going to

6 put some questions to you.

7 Maître Douzima, you have the floor.

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

9 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

10 Q. Witness, good morning.

11 A. Good morning.

12 Q. Witness, as the Presiding Judge has also mentioned, I am also a legal

13 representative of victims who have been admitted to participate in these proceedings

14 and, as such, I will also put questions to you with regard to your statement, it

15 is -- which are of interest to the victims that I represent.

16 Witness, could you tell us when the USP was set up?

17 A. I don't remember the date but I do know that it was set up after the -- after there

18 were forces in (indiscernible).

19 Q. Was it at the time of President Patassé?

20 A. Yes, it was at the time of the reign of President Patassé.

21 Q. What mission did the USP have?

22 A. Its mission was security, security for the Head of State. Security of the Head of

23 State.

24 Q. How was it organised?

25 A. Well, there's the organigram, you have the DG for security, DG for security and

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1 before it was Colonel Allam, Ouandane, who was a deputy, and then a guard
2 commander Guali (phon), second commander, and then there was a garrison officer.
3 There's an organigram of this presidential security and then there are those
4 responsible for each different unit.

5 Q. Who replaced DG?

6 A. General Bombayake.

7 Q. What's the role of DG of presidential security?

8 A. The DG of presidential security has a very direct role in ensuring the security of
9 the Head of State and his entourage, as well as security within the State itself.

10 Q. Witness, on the 24th at that hearing, transcription 75, you stated that it was
11 Bombayake, DG for presidential security, who managed General Mazi at the time of
12 the events. How did he manage or how did he administer General Mazi at the time?

13 A. Counsel, this was at the time of General Bombayake. He had influence. I
14 tried to demonstrate that you. When they appointed Regonessa as Minister of
15 Defence, he took the State Secretary for Defence, who was Bouba Usambo (phon). So
16 he was managing the Ministry of Defence through that Bouba. Bouba reported to
17 him when he came to see him and with regards to everything, even the appointment
18 of -- or even when it came to dossiers to be signed, also now with regard to the staff,
19 he had been put there to -- in order to be able to control everything well. That's why
20 I said that Mazi didn't have power before General Bombayake.

21 Q. The issue isn't to see whether Mazi was above or below Bombayake. What we
22 need to know is how Bombayake was managing Mazi?

23 A. Well, if you look at PGA who was going to the Central African army, you have
24 Bombayake. Well, it was Mazi who had to go to the treasury, the public treasury, for
25 example, in order to get the money but, on the other hand, it was Bombayake who

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1 would distribute the money and sometimes it would be the president. Now it
2 would be him giving -- giving it to Mazi. So you have to understand that -- we have
3 to understand what that means.

4 Q. That's your opinion?

5 A. Yes. For me, because it doesn't leave his authority.

6 Q. What function did General Mazi hold?

7 A. He was chief, Deputy Chief of Staff.

8 Q. Was there a General Chief of Staff?

9 A. At the time, after General Betibangi died, Mazi was the person who was
10 responsible for everything.

11 Q. So Mr Bombayake, DG of presidential security responsible of the president,
12 could he -- could he manage General Mazi who he himself is Deputy Chief of Staff of
13 the army?

14 A. Counsel, I told you there is an influence that's there. Firstly, Mazi was not
15 from the tribe of President Patassé. Bombayake didn't confide in him too much, he
16 didn't have too much confidence in him, he didn't trust him too much, so you have to
17 try to understand.

18 And with regard to this event, even Mbakara -- even the Mbakara, who are the militia
19 of Bombayake who he put when he was Head of State, so they even flee in our lorry
20 and they check that before we go there when they search it on the instructions of the
21 general. So we're the real ones, people from security, but they are civilians. They
22 come from the neighbourhood and they found them and they carry out controls, but
23 they control us. So there's a structure that he sets up and this means that you can't
24 do anything. You can't go beyond that, Counsel.

25 Q. Thank you very much, Witness. I understand. You even on page 66, lines 3

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1 to 5, mentioned this, saying that, "Bombayake was the strongman, so it is probable
2 that he could give orders to Mazi." And now still on page 76, to continue with page
3 76, Witness, you also said that, "It was General Bombayake who was responsible for
4 presidential security and Colonel Gambi, who was Chief of General Staff of the
5 Central African Republic Armies, who was co-ordinating with him the military
6 actions in the field in addition to Seregaza and the operational office in the place
7 which they had set up."

8 So in your explanations, you stated that there was a General Chief of Staff, or a Chief
9 of Staff, who had died, and therefore I would like to know in what period was
10 General Gambi appointed General Chief of Staff of the army?

11 A. If I can still remember, I think it was on 17 January 2001. There had been a
12 reshuffle that Patassé had been carried out, where the Minister of Defence had been
13 put in place of Ongwa and the Security Minister, or the Minister for State Security, as
14 well, and Mazet was appointed Minister of the Interior and there was one who was
15 appointed minister responsible for the territory, and it was -- at this time it was the
16 same appointment as Colonel Gambi was also appointed and Seregaza too. I think it
17 was 17 January 2002, if I'm not mistaken.

18 Q. Witness, you say 17 January 2002?

19 A. Yes, unless I'm wrong it was January, but the date, well, I'm not sure. It's a
20 long time ago, Counsel.

21 Q. Thank you, Witness. So it was from January 2002 that General Bombayake
22 from the presidential security co-ordinated actions - military actions - in the field with
23 General Gambi, who was appointed Chief of General Staff?

24 A. Yes, Gambi was appointed Chief of Staff. He wasn't a general at the time. He
25 was a colonel. He was director at the time and it was Patassé who had made him a

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1 Chief of Staff. He was a colonel and Seregaza was also a colonel, so the two colonels
2 at the staff.

3 Q. You are perfectly right, Witness. I'm the one who made a mistake in this
4 regard. What was the role of the Chief of Staff?

5 A. The Chief of Staff is the boss of the army, the person responsible - the main
6 person responsible - for the Central African army. That is the person. Afterwards,
7 well, there's the second in -- the deputy is the Chief of Operations, but the boss of the
8 Central African army is the Chief of Staff.

9 Q. Thank you very much, Witness. You stated on 24 October, page 38, lines 7 to 9,
10 that, "The MLC troops came it may be late, somewhat late, because when they came
11 the soldiers also from the Presidential Guard tried to drive them -- drive the rebels
12 back, the FACA and the USP." I would also like to know what difference do you
13 make between on the one hand the Central African soldiers and the presidential
14 security on the other hand?

15 A. Since the failed coup d'état, with all the events that occurred in the Central
16 African Republic thereafter, when General Bombayake was at the head of the
17 presidential security, there was always a difference that was made between
18 presidential security and Central Africans. Now, even if the Central African army
19 was alongside a soldier from the presidential security, they always told us to be
20 vigilant to survey that person. Well, you have to mistrust that person. So I am
21 open, I have friends pretty much everywhere, but at my house, for example, we
22 receive and even privately we have people to eat, and then the next day they'll take
23 me to Kandoro and they'll say, "Oh, no, you're having meetings with people at the
24 type of parties you're having," and I say -- well, sometimes I'd be astonished. I'd say,
25 "Well, who? Who would have told? Who would have told them about our dinner

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1 to the staff with General Bombayake?" Sometimes I was really surprised by that.

2 Q. Thank you, Witness. So now the question is to find out the extent to which the
3 Central African soldiers had already driven back Bozizé's rebels and the MLC troops
4 had arrived late, according to you on 30 October 2002. So at that time when they
5 arrived, what did they do?

6 A. Counsel, I explained to you that when they arrived they were provided with
7 support, and when the convoy continued arriving they started to go into the
8 surrounding area and that degenerated and they took musical instruments even.
9 They took offices, they went in everywhere. Even the soldiers from the support unit,
10 they didn't manage to stop them because they were so numerous. It was difficult to
11 manage. That's why I was asked not to leave them to PK14.

12 Q. Exactly, Witness. On page 52, you stated that when they arrived they started
13 to go pretty much anywhere, anywhere they wanted. You also state that they had to
14 be brought back and all that. So what happened? What did they do? When you
15 say -- when you say that they started to go pretty much everywhere, what -- what are
16 you talking about in this?

17 A. Counsel, I've just told you they went into offices. They were taking
18 instruments from the support soldiers who were there. Office - office things - they
19 took them all. They even went to the officers' mess, where there were drinks and
20 everything. They started taking everything, all the drinks that were there.

21 Q. Thank you very much. On 24 October, page 57, you stated that it was General
22 Bombayake who gave orders - operational orders - to Colonel Moustapha. When
23 you were asked, lines 12 to 13, to give examples of operational orders that were given
24 to Colonel Moustapha by Bombayake, you answered the following, "I am not in the
25 operations office. I am in another unit. The orders that are given there sometimes

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1 are sometimes given to Moustapha by Thuraya. I couldn't hear that," so how can
2 you state that operational orders were given by Bombayake to Moustapha because
3 you could not hear anything?

4 A. Counsel, if Bombayake did not call Moustapha on the Thuraya that he gave it, if
5 he didn't call him on the Thuraya then the Thuraya that he gave him wouldn't be
6 used for anything, because he had given him a Thuraya and with this Thuraya it was
7 given to him so he could remain in contact with him.

8 Q. Witness, you've just said that the Thuraya made it possible for Bombayake to
9 stay in permanent contact with Moustapha, but the question is precise; that's where it
10 concerns the operational orders that Bombayake was meant to give to Moustapha.

11 Now, did you know of operational orders that Bombayake gave to Moustapha?

12 A. I couldn't tell you, because as I explained there's an operational office - office of
13 operations - at Camp Béal, with all the officers from different units who are there. So
14 these officers from different units, including the doctor, who were there, there to
15 manage the operations, well, they have guidelines, direct instructions from General
16 Bombayake, explaining to them, "Well, this is what happened in the field with
17 regards to what we've done."

18 Now, if they get information through Colonel Ouandane, well, they transmitted that,
19 and in order for the operational unit to act, well, it had to evaluate what it had to do
20 in order to improve the situation, or have a counter-offensive, and that was it.

21 Q. According to your explanations, Witness, you didn't listen to the operational
22 orders given by Bombayake, but you supposed, given that you provided him with a
23 Thuraya to be in regular contact with him, you draw your own conclusions.

24 Witness, on the 25th, lines 4 to 7, you stated that Bemba addressed his troops, to tell
25 them to listen and to respect Bombayake, and that until the date that Bemba stated

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1 that, or gave this speech, that was a question put to you by the Prosecutor, the MLC
2 troops were not really under the orders of Bombayake, and you answered by -- well,
3 you answered this in the affirmative.
4 Now on page 52, this is still on the 25th, you stated that when they arrived, what I just
5 read to you a moment ago, they started going anywhere. They had to be held back.
6 They had to be brought back and everything. The time that Bemba took to arrive,
7 that he speaks, that's when discipline starts is when he arrives, that's what you said
8 yesterday. Now, Witness, why should Bemba come himself to talk to these troops in
9 order to ask them to listen and to respect Bombayake?

10 A. When Moustapha arrived with the MLC troops, they thought that they had to
11 carry out operations by themselves, and when it started to turn bad, or in terms of the
12 behaviour of the soldiers who arrived, they were going into the neighbourhoods
13 nearby, they were going to SENEPS, they were going on the other side as well, going
14 up to the support unit, l'ONAF pretty much everywhere. Well, it's difficult to hold
15 them back. You have to make an effort. That's what General Bombayake, with the
16 Head of State, were saying. They were asking urgently, I don't know through which
17 channel, they were asking Mr Bemba to come and speak to his troops and so he could
18 discipline them with regards to their behaviour.

19 Q. Would you know whether after Bemba came, his troops followed his
20 instructions and obeyed Mr Bombayake?

21 A. You know that in any group of soldiers there are always people who cannot be
22 controlled so, but I'm not able to tell you what happened because I was not with them
23 on the ground. But from what I heard, I know that they committed some acts of
24 violence and that hurts me too. Those who were with them and who were
25 supporting them, when they noticed that they were committing these acts, why did

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1 they not report directly to their superiors? So I think that some of our soldiers who
2 were with them did not take care of them, did not explain things to them and let them
3 loose, so to speak, and that led to the consequences that flowed from their conduct.

4 Q. I thank you for those explanations, Mr Witness, but against the back-drop of all
5 what happened, are you aware of any complaints that may have been lodged by any
6 victims after those events?

7 A. Yes. Like all Central African citizens, I became aware that some complaints
8 were lodged against -- or regarding those acts of violence and abuses that were
9 committed against the Central African army.

10 THE INTERPRETER: Or people, rather, interpreter corrects.

11 MS DOUZIMA LAWSON: (Interpretation)

12 Q. Prior to the events of 2002/2003, was there any -- or was there any armed
13 conflict in the CAR before those events?

14 A. Yes. Following the elections, which brought Ange-Félix Patassé to power, with
15 Kolingba having left, then there were some changes and Patassé wanted to bring in
16 some divisions and some of the presidential security troops who had voted for
17 Patassé were being set aside, even though they had worked for Kolingba. Now, this
18 brought in some division within the army and the USP.

19 Q. Are you aware of any armed conflict or armed conflicts which may have taken
20 place following those tensions which you talked about?

21 A. Yes. It all began over the PGA. You see, when the soldiers on the ground did
22 not receive their PGA, there was trouble, you know, and since the PGA was not being
23 paid out, they clamoured for their PGAs. They wanted to receive their salaries and
24 so things became quite complicated.

25 Q. Witness, when I talk about conflict, I'm referring to clashes. Were there any

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1 clashes between rebels and government troops, or anything of that nature, because of
2 the tension which you have talked about?

3 A. These were not rebels, they were mutineering soldiers, they are brothers in arms,
4 and we used to live with them and we shared everything, but because of the tension,
5 several groups were created, some on this side and others on the other side, and then
6 here and there you would hear mention of pillaging, gun-shots and what have you,
7 taking place in Bangui and such clashes.

8 Q. Now, were there any complaints arising from those clashes and those tensions
9 regarding any crimes that may have been committed because of that?

10 A. Yes, I do recall seeing some names mentioned in relation to a complaint and
11 some of them, some of the people who are involved are in Bangui today, they are
12 working there and some even belonged to General Bozizé's KNK.

13 Q. Were there any cases of rape? And I'm referring here to events that may have
14 taken place before 2002 and 2003.

15 A. Cases of rape? Well, I know that both sides committed acts of violence, but I
16 didn't hear mention of any cases of rape.

17 Q. Thank you, Witness. Let me now revisit the MLC soldiers. Which language
18 did these soldiers speak among themselves?

19 A. Lingala, Counsel.

20 Q. In which language did they communicate with Central African soldiers?

21 A. There are some Central African soldiers who were part of us and who were able
22 to speak Lingala, so they were there and when matters were explained to them in
23 Lingala, they would interpret to us in Sango. So there was always one, at least one
24 soldier who would provide translation.

25 Q. Witness, on the 24th, at page 72, lines 18 to 23, the question was put to you

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1 whether it was possible to identify MLC soldiers by language, and your answer was,
2 yes, that it was possible to identify them because when they speak French there is an
3 accent, an accent which can be quickly recognised and which tells you that, in front of
4 you or before you, there is a Congolese, a Gabonese, or a Chadian, and that this can
5 be determined by their accent. That is what you said. And then the question was
6 whether all Central Africans can -- or rather, the question now is can all Central
7 Africans recognise Congolese by their accent?

8 A. Each and every one of us has an individual capacity to know a number of things.
9 I have worked abroad. I have worked with foreigners, and when somebody speaks
10 to me, I am able to know who they are. That's what I told you. But if you take a
11 DRC national in the Central African Republic, can be identified even if they speak
12 Sango. You see, so a Central African should be able to identify a Congolese if such a
13 person were standing before him.

14 Q. I will put a question to you and please answer if you can. What do you mean
15 by the Congolese accent?

16 A. You see, people from the Congo, even if they are here before you and they
17 speak French, they will say something like nonante-trois, that is the type of French
18 they speak in the DRC. And so there are certain things that give it away because you
19 would understand directly that such people are not Central Africans and they might
20 use a Central African accent but you can tell from other indicia that they are not
21 Central African.

22 Q. Thank you, Witness. Apart from language, are there any other indicia that can
23 point to the fact that these are not Central African soldiers?

24 A. Yes, there are some differences. The uniforms might be the same but the
25 Central African soldiers had Rangers, while the MLC soldiers had plastic boots. So

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1 when you saw the plastic boots, you would know that these are MLC troops, whereas
2 our own soldiers had Rangers.

3 MS DOUZIMA LAWSON: (Interpretation) Thank you, Mr Witness, for your
4 co-operation.

5 Madam President, that will be all. I thank you.

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

7 I now turn to the Defence and ask whether Defence intends to redirect?

8 MR KILOLO: (Interpretation) Not at all, Madam President.

9 PRESIDING JUDGE STEINER: Mr Witness, this now concludes your evidence, and
10 before you leave the court, I want on behalf of the Chamber and behalf of the Court,
11 to express our thanks for the time and trouble that you have taken to come to this
12 country and give evidence in this trial.

13 In order for the Judges to find the truth in this case, it's crucial that witnesses such as
14 yourself are prepared to come and give evidence and assist the Judges on relevant
15 issues of the case.

16 We are aware, Mr Witness, that this may have been inconvenient for you and for this
17 reason we thank you very much. But before you leave the court, Mr Witness, the
18 Chamber would like to ask whether there is anything you would like to address to
19 the Judges? If you so wish, this is the opportunity and you have the floor.

20 THE WITNESS: (Interpretation) I thank you, Madam President. Well, yesterday
21 was a very difficult day for me. I could not sleep at night. I know that things have
22 been disguised or camouflaged, so to speak, but I think that in some of the questions
23 that were put to me, my identity has already been somewhat disclosed. That is how
24 I explain to you that the (Redacted) foreign minister gave authorisation for my wife to go
25 to the (Redacted). Now, at that time she was requested by the consul

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1 officer to bring her passport. I asked her to make some photographs and to take the
2 form. She was arrested at (Redacted). She was raped. She was not able to
3 explain things to me, and she died on (Redacted).

4 Now, my children are all by themselves and on their own, so I am scared that these
5 people went and searched the house. And I have already given the papers relating
6 to my wife's death to my lawyer. Now, these things are already here before your
7 Court.

8 (Redacted), there were channels which the United Nations
9 could use to bring out children from difficult situations. My request to you is
10 whether you can help me to bring my children out.

11 I have no further requests of you, Madam President, and I thank you.

12 PRESIDING JUDGE STEINER: Mr Witness, although you have finished your
13 testimony before this Court, you will continue to be assisted by the Victims and
14 Witnesses Unit, VWU, of this Court. If you have any kind of concerns, you are
15 entitled - it is your right - to address your concerns to VWU, and VWU, they have the
16 people able to give you information on what is possible to be done, what is not
17 possible to be done. The only assurance we can give you is that VWU will continue
18 assisting you.

19 I also wanted to remind you that you gave your testimony under protective measures.
20 People outside this courtroom could not identify you because your voice and image
21 were distorted all the time. (Redacted)

22 (Redacted)

23 (Redacted) It's not gone to the public knowledge. But in any case, Mr Witness, VWU
24 is responsible for your protection and the protection of your family, and please feel
25 free to address them in case you still have concerns. Do you understand that, sir?

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1 THE WITNESS: (Interpretation) Yes, madam, I have understood.

2 PRESIDING JUDGE STEINER: Before we adjourn, Mr Bifwoli, you asked us to wait
3 until after the break in order to inform about the documents Prosecution intends to
4 tender into evidence. Are you ready to do that?

5 MR BIFWOLI: Thank you, your Honours. The documents that we intend to tender
6 are document number 36 on the list, CAR-OTP-0069-0271; document number 37 on
7 the list, CAR-OTP-0069-0272; and document number 13, CAR-OTP-0013-0082.
8 Thank you.

9 PRESIDING JUDGE STEINER: Thank you very much, Mr Bifwoli.
10 That concludes our hearing today. I would like to thank very much the Prosecution
11 team, legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
12 Gombo. I would like to thank very much our interpreters and court reporters, our
13 court officer, court usher.
14 We will adjourn for today and resume on Monday, at 9, when we will start with the
15 testimony of Defence Witness 55, if I'm not wrong.
16 I will ask court officer please to turn into closed for the witness to be taken outside the
17 courtroom. In the meantime, we will adjourn and resume on Monday morning, and
18 I wish you all a very nice and restful weekend.
19 Court officer, please.

20 *(Closed session at 12.51 p.m.) Reclassified as Open session

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

22 (The witness is excused)

23 THE COURT OFFICER: All rise.

24 *(The hearing ends in closed session at 12.53 p.m.) Reclassified as Open session

25 CORRECTION REPORT

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1 The Court Interpretation and Translation Section has made the following correction
2 in the transcript:

3 *Page 12 lines 9 to 12

4 "I tried to determine who gave me their -- gave them my name. Some messages
5 were left and eventually an appointment was set up. I agreed, (Redacted), and
6 there were three of them."

7 Is corrected by

8 "I tried to determine who these people were, these strangers who were calling me. I
9 left a message telling them to leave me a message. They left a message and eventually
10 an appointment was set up. First I avoided, and then I agreed. (Redacted) and
11 there were three of them."

12 RECLASSIFICATION REPORT

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

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