

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Thursday, 3 November, 2011
8 (The hearing starts in open session at 9.35 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Court officer, could you please call
14 the case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
18 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre
19 Bemba Gombo. Good morning to our interpreters, court reporters.
20 We will continue today with the testimony of Witness 47. The Chamber received
21 information from VWU the witness still is feeling tired, a little bit of pain, has
22 not -- did not sleep very well, so we will try to see whether his testimony this
23 morning goes smoothly and we all make an effort for the witness to conclude his
24 testimony as soon as possible before we have another -- we have to interrupt for a big
25 number of breaks. So we count on the Defence to help us with the task of

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

- 1 concluding as early as possible the testimony of Witness 47.
- 2 I ask, please, court usher to bring the witness in.
- 3 (The witness enters the courtroom)
- 4 WITNESS: CAR-OTP-PPPP-0047 (On former oath)
- 5 (The witness speaks French)
- 6 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 7 THE WITNESS: (Interpretation) Good morning, your Honours and ladies and
- 8 gentlemen of the Court.
- 9 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
- 10 testimony?
- 11 THE WITNESS: (Interpretation) Yes, your Honour. It's true that I didn't get my
- 12 medication in time yesterday, I just got them just now a few minutes ago. I will try
- 13 to continue and if I feel unwell then I will certainly tell you of this.
- 14 PRESIDING JUDGE STEINER: Please do it, Mr Witness. We all will make all
- 15 efforts in order for your testimony to finish as soon as possible in order for you to go
- 16 back home to your country, to your family, and then I'm sure you'll feel much better.
- 17 Before I give the floor to the Defence, I need to remind you that you are still under
- 18 oath. Do you understand that, sir?
- 19 THE WITNESS: (Interpretation) Yes, I do, your Honour.
- 20 PRESIDING JUDGE STEINER: So Mr Haynes, you have the floor.
- 21 MR HAYNES: Thank you and good morning to you, your Honour.
- 22 QUESTIONED BY MR HAYNES: (Continuing)
- 23 Q. And good morning to you, sir.
- 24 A. Good morning, sir.
- 25 Q. Sir, this morning I'm going to change gears a little bit from where we finished

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 yesterday. The operation to transport soldiers from the Democratic Republic of

2 Congo was carried out by the navy of the Central African Republic, wasn't it?

3 A. Would you please repeat your question so that I can understand it better?

4 Q. Well, I'll break it down. Colonel Danjito was an officer of the Central African
5 navy, wasn't he?

6 A. Yes, sir, at that time he was in charge of the naval base.

7 Q. And Warrant Officer Odon was an officer of the Central African navy, wasn't
8 he?

9 A. Yes, he was.

10 Q. What about Sergeant Ilemala?

11 A. He was one of the men at that base.

12 Q. So I'll go back to my first question: The operation to transport the soldiers was
13 being carried out by the Central African navy, wasn't it?

14 A. All of those operations were carried out under the auspices of Colonel Danjito
15 and the other elements to which we have just referred.

16 Q. Thank you very much; that's very helpful. How many men worked at the
17 naval base under Colonel Danjito?

18 THE INTERPRETER: The interpreter did not catch the beginning of the sentence.

19 THE WITNESS: (Interpretation) The naval base is just at the entrance. Just
20 behind there's the motor brigade, those who escorted them by day, you'd see on
21 average 30 or 40 people at the base. At night all the people you saw by day were
22 absent; they all tried to hide themselves, camouflage themselves.

23 MR HAYNES:

24 Q. Thank you very much. And what jobs did those 30 to 40 people at the naval
25 base do?

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 A. I said that at day you saw them, they were not operational. You would see
2 people in the area where the motorbikes were parked, but at night-time you didn't
3 see them; they disappeared. All that was left was Colonel Danjito, Warrant Officer
4 Odon, Sergeant Ilemala and the other corporal.

5 Q. Sir, I'm not asking that question; I'm asking what sort of people did Colonel
6 Danjito have under his command at the base?

7 A. Danjito had Warrant Officer Odon, Sergeant Ilemala, the corporal who I spoke
8 about, he was under his control on the ferry.

9 Q. Well, let's cut to the chase. Amongst those 30 or 40 people who worked at the
10 base, were there boat pilots?

11 A. That's a very good question. There was a specificity. I've already told you
12 that those men, you saw them at daytime; they didn't work, there wasn't any work at
13 that time, so they weren't working. Colonel Danjito had those men, whose names
14 I've just given you, and I'm sure you'd agree with me when I say that on the part of
15 Danjito, well, it was up to him. It was a naval base and there were none of the
16 agents who could pilot the ferry. No one had been trained to do so. It was a
17 German-made ferry, two engines towards the rear and two rudders.
18 Within his service, there wasn't a single person who could pilot that ferry, and that is
19 why he made the request and they got in touch with the technical director so that
20 I could brought to the base.

21 Q. Were there boat mechanics at the naval base?

22 A. Sir, let me say that at the time of those events I didn't see a soldier at the naval
23 base who could help with problems on the boat.

24 Q. Who did the boat belong to?

25 A. The ferry is the property of the Ministry of Transport, and it was the road funds

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 that was responsible or dealt with that type of ferry.

2 Q. And did it have a regular pilot?

3 A. Before I arrived the boat had been destroyed, been damaged seriously.

4 Q. Before you arrived and before it had been damaged, did it have a regular pilot?

5 A. As far as I know, when I asked afterwards, there was a pilot before but during
6 the events I was told that the military went to get him from his home in the 7th
7 arrondissement. They didn't find him. They broke down his door, they didn't find
8 him there. The gentlemen had fled.

9 Q. And did the boat have a regular mechanic?

10 A. I don't know about that.

11 Q. Can I suggest some names to you to see if they ring any bells? The regular
12 pilot of this boat was a man called Pierro Deku (phon). Does that name ring any
13 bells with you?

14 A. Pierro Deko (phon)?

15 Q. Yes.

16 A. Well, I told you that when I arrived the boat was in a state of disrepair.
17 Danjito said that they'd sent a military mission to the 7th arrondissement to get hold
18 of the former pilot, but they didn't manage to find him, and that is why they came to
19 the SOCATRAF to find somebody who could pilot the boat.

20 Q. I'll put the other name to you. The regular mechanic of this boat was called
21 Blaise Deku. Does that name ring any bells?

22 A. No, sir.

23 Q. So far as you know, did the boat operate after the period of 19 days you have
24 told us about?

25 A. After the period of 19 days, when I left, I left the ferry in a state of operation.

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 Q. Do you know if it was used to ferry Congolese soldiers back to Zongo in March
2 of 2003?

3 A. As far as I know, when I left, my technical director got hold of one of our
4 mechanics, it was Grégoire Ndamukundia (phon) and he piloted that same ferry.

5 Q. So it wasn't such a unique talent, then, being able to pilot that ferry?

6 A. You're talking about having a talent. The boat, well, there were the men from
7 the naval base; Odon, Danjito and the sergeant were there. As to whether it needed
8 a specific talent, well, I can say that they could deal with it. It was a German vessel;
9 there were two engines and two helms on the bridge. It was necessary to work with
10 both of them in order to pilot the boat. Within the workshop, I told you that I have
11 some knowledge of German, and when Coup came for the training session with us
12 I was fortunate enough in being trained to work with the German equipment so that I
13 knew how to operate it and how to pilot, and that's the advantage I had over others.

14 Q. Sir, I'm going to put this to you clearly: You didn't pilot that boat at all during
15 these transportations, did you?

16 PRESIDING JUDGE STEINER: Mr Iverson.

17 MR IVERSON: I'd like to object. The question is simply argumentative.

18 PRESIDING JUDGE STEINER: Sustained. Next, Mr Haynes.

19 MR HAYNES:

20 Q. What did you do after the period of 19 days?

21 A. Well, first of all, I'd like to come back to the question that you just put. You
22 said that, according to you, I didn't pilot the boat.

23 PRESIDING JUDGE STEINER: Mr Witness, you answer to this question only if you
24 want. You don't have obligation to answer this question because it's not really a
25 question, it is just an argument from the Defence.

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) I'm going to say "yes" to you, sir, during those
2 events I was the one who operated that vessel.

3 MR HAYNES:

4 Q. What did you do after the period when you say you had operated the vessel?

5 A. Could you repeat your question so I can understand it properly?

6 Q. Where did you go when you had finished operating the vessel?

7 A. Well, the circumstances under which I left that vessel, I told you that I felt I was
8 in danger of losing my life and that is why I left the ferry-boat. I saw my technical
9 director who had taken refuge at the French Embassy at that time, and I told them
10 about the situation, and he said to me, he said so in his -- he said it directly, himself.
11 He said, "All the events going on in the French -- were being monitored closely within
12 the French Embassy," and the information from the government, they were
13 monitoring all of that very closely.

14 I believe in the afternoon, or if there was a short lull, there would be --

15 THE INTERPRETER: The English interpreter apologises. Something about fuel.

16 THE WITNESS: (Interpretation) After they saw that there was a lull, he contacted
17 my unit head, Emmanuel, and the vessel was refuelled and I went to Brazzaville on
18 board the KEMO.

19 MR HAYNES:

20 Q. And how long did it take you to get there?

21 A. To get where, to Brazzaville?

22 Q. Yes.

23 A. East going down, well, that's six days.

24 Q. And how long did you stay there?

25 A. In Brazzaville, there was a problem with kerosene. In Bangui we had 24, and

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 in Brazzaville we crossed the road -- the river to Kinshasa to get some kerosene.

2 Q. And how long did that take you?

3 A. Three days of loading.

4 Q. And how long were you in Brazzaville in total?

5 A. Well, I told you once I was in Brazzaville there was a problem, there was a
6 shortage of fuel, of kerosene, and we spent 24 hours there and we crossed the river to
7 load up, to load the bulk products on to the boat.

8 Q. Were you in Brazzaville for about two weeks?

9 A. The average time, the average time? Since this was an urgent situation, it was
10 an emergency, there was time to go back to Brazzaville, time to organise the convoy
11 of barges. That might take one or two days, time to rest, and then the following day,
12 very early, you would leave the wharf. So on average, four or five days, something
13 within that general range; four to five days.

14 Q. Okay. And after that how long did it take you to get back to Bangui?

15 A. Well, that trip was an express trip, so to speak. We went all out and, on
16 average, well, we were sailing day and night, 12 or 13 days, and already we were in
17 Bangui.

18 Q. Thank you very much. And when you got back to Bangui, what did you do?

19 A. We got to Bangui. First of all, we had to drop off the petroleum products.
20 During normal times, one would raise the pushing devices right up to the wharf level,
21 but right -- but since Bangui, since the situation was very tense there, before getting to
22 the mouth of the M'Poko River, the helicopters from the French assistance, they were
23 already flying over the river to ensure we would be safe and we were told that we
24 needed to moor and unload the petroleum products and we went into the petroleum
25 port.

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 Q. Did you go to see anybody?

2 A. After mooring, myself, I was thinking -- well, my mind was not at ease at all.

3 Why? Because my technical director, Mr Christian Martin, when he went and

4 fetched me at night and put me on this ferry-boat I had no idea of what was going on.

5 I understood nothing. I asked him, I asked him, I asked my technical director.

6 Specifically I said to him, "Director, the last time you used me in a purely military

7 context, and that's not right. That's not part of my working conditions with

8 SOCATRAF and you yourself said that I had to defend the honour of the company.

9 And I did that. What I saw, what I experienced in the field, this -- I'm not happy

10 about this. Is there some kind of compensation for me, some kind of promotion to

11 make up for what happened to me? The sorrows that I saw, my manual dexterity,

12 the psychological distress."

13 Q. And what was the result of this conversation?

14 A. To his astonishment, Mr Christian Martin, telling me "Didn't you get an

15 envelope?" And I said: "Well, if I had received an envelope I wouldn't be coming

16 to see you about this." It surprised him, and he said to me, "Well, there was an

17 envelope with 11 million for you. Didn't you get it?" And I said: "No, I didn't

18 receive any such envelope, director." And then (Redacted)

19 (Redacted). He was not able to reach him, and he

20 said to me, "Well, since this is what has happened I will go right away down to the

21 head office and meet with him."

22 He left to go and see this gentleman at the head office, and I do know that

23 certainly -- well, that was my technical director. I knew him. I knew how he

24 reacted. Certainly he must have asked the question directly (Redacted) and he,

25 I don't know what answer he gave Mr Christian Martin, and Christian Martin, when

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 he came back, I was working.

2 Q. Did you get dismissed that day?

3 A. Well, it was at 2 in the afternoon. A khaki-coloured envelope was sent to me, I
4 received it, and inside there was a letter, a letter of dismissal.

5 Q. And can you help us approximately as to what date that was?

6 A. I believe that the letter of dismissal came to me -- I can't remember the month,
7 but it was after the general returned to the country.

8 Q. Well, you'll have to help us with this because I thought the letter of dismissal
9 was given to you the same day that you got back from Brazzaville. Is that right or is
10 that not right?

11 A. No, not the day I came back from Brazzaville, because that day we moored the
12 vessel. It was the next day that I went to see my technical director.

13 Q. Very well. So it was the day after you got back from Brazzaville?

14 A. When I went to see him.

15 Q. And it had taken you 13 days to get back from Brazzaville; is that right?

16 A. I've told you that on average, the time when there was a shortage of fuel, they
17 loaded up the product in such a way that we could bring it back quickly.

18 Q. And you've said to us today that you were in Brazzaville for four or five days; is
19 that right?

20 A. I am telling you that that was about the time that we spent at Brazzaville.

21 Q. And I can't immediately recollect what you said about it this morning, but how
22 long did it take you to get from Bangui to Brazzaville in the first place?

23 A. I believe I've told you that it took six days to go down the river.

24 Q. That's what I thought you'd said. So the trip to Brazzaville in total took about
25 25, 24 or 25 days; is that right?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 A. Well, you've done some calculations basing yourselves on the number of days
2 that I gave you.

3 Q. And I think you told me that the trip to Brazzaville followed immediately after
4 the conclusion of the transportation of the troops from Zongo to Bangui; is that right?

5 A. That's what I said.

6 Q. And in what month and year did that take place?

7 A. Could you repeat your question so I can understand it properly?

8 Q. Of course I can, sir. In what month and year did the transportation of the
9 troops from Zongo to Bangui take place?

10 A. I've told you that it was in October.

11 Q. So forgive me, it must follow therefore that you were dismissed in November of
12 2002?

13 A. No, sir. The reason that I'm telling you "no," I believe I've told you here that
14 the certificate, the record of service when the company gave it to me, you see, it was a
15 controversial matter and I believe I said that -- yes, I know that I left SOCATRAF
16 after, after the general came to power, and I think you'll agree with me that after I
17 went to Bangui they sent me once again to the south, to Mongoumba, so that proves
18 that I was still working within SOCATRAF.

19 Q. Sir, I'm going to come on to that. All I'm asking you is what was the date
20 when you received the notice of dismissal? Was that in November of 2002?

21 A. No, sir. I said that the letter of dismissal came to me after. When I received
22 that, it was not in accordance with my certificate of work, so it was only when I
23 received it that is what led me to turn to the labour inspectors, and they took the
24 document -- well, and it ended up going before the labour tribunal, and at the first
25 level I won and at the first level it was -- the decision was quashed. The same

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 gentlemen, (Redacted) and I said to myself, well, I can't waste my time. It
2 dragged on for a year. I might as well move on to doing something else and so that
3 is why I went into the mining sector to find another way of earning a living.
4 Q. Very well. I just want, please, to clear up something you said when you were
5 answering questions of Ms Douzima-Lawson the other day. And I apologise for the
6 absence of a French reference, but this is 31 October edited transcript, page 34, lines 4
7 to 11. I can give a French reference. It's 31 October, page 34, line 20 to page 35, line
8 7.
9 You were asked in short terms: "Now, when did you actually go to Mongoumba to
10 the place where these rivers meet?" And you said: "After doing the dirty work that
11 they did in Bangui, the technical director, Mr Christian Martin, my technical director,
12 he said to me to take the wheel cart, wheelbarrow, and to go directly to Mongoumba,
13 and so that is how it came to be that I went to that particular place, the mouth of the
14 rivers in Mongoumba."
15 That might be a misunderstanding. Can you just clarify for us, you didn't go to
16 Mongoumba directly after you had finished transporting the troops in October 2002,
17 did you?
18 A. Sir, I've told you that -- well, I think that you'll understand. I finished the
19 19 days. I went down to Brazzaville on the KEMO and I came back to Bangui. My
20 technical director, Mr Christian Martin, assigned me -- you see, there's a kind of
21 ferry-boat on the Lobaye River, on the Lobaye River, and then there's one on the
22 Ubangi River that is crossing to Batanga going over to Zaire.
23 At the mouth of the -- at Bomoloto, that is where that particular ferry-boat is to be
24 found and I was there on that particular ferry-boat. And Grégoire, who assisted me
25 on the ferry-boat, after I went down to Brazzaville, he went down on the ferry-boat

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 that was on the Lobaye River from Zinga where the trucks cross to Batanga.

2 Q. Thank you. I think you've cleared that up. Now, can you help us as to when
3 it was in fact that you first went to Mongoumba?

4 A. After going back up the river to Bangui, they sent me once again up the Lobaye
5 River. I left on the Lobaye River, and that was on the instructions, because of the
6 instructions that I had been given over the radio.

7 Q. Can you help us as to what month and what year that was?

8 A. That was almost, almost in March, when the general -- March/April when the
9 general had come back to Bangui.

10 Q. Thank you. And while you were there, just two questions: How were you
11 being paid?

12 A. Now, in the Lobaye, when you're on the Lobaye, you can ask your wage from
13 the Likwala Timber (phon). Likwala Timber is a forestry company that works in the
14 Congo-Brazzaville at Pitou, so if you work at Zinga, Mbaka, Bomoloto, your wage is
15 dealt with by the forestry company, at the Likwala Timber, and it gives you that right
16 up to the wharf side if you need that.

17 Q. Thank you. And in what circumstances were you living?

18 A. What circumstances are you referring to?

19 Q. Well, I'm going to short-circuit this by giving you the chance to have a look at
20 what you said during your interviews. So can we put on the screen please, for the
21 witness, CAR-OTP-0028-0462, and those of us following in English will want to look
22 at CAR-OTP-0055-0143.

23 PRESIDING JUDGE STEINER: Court officer, please, the blinds.

24 THE COURT OFFICER: Document CAR-OTP-0028-0459, first redacted version, at
25 page 0462 is available on the screens. It's a confidential document and would not be

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 broadcasted outside.

2 MR HAYNES:

3 Q. Sir, there's a very long answer given by you there. Would you just read it
4 through to yourself, not out loud, and when you've done will you tell me and I will
5 ask you some questions about it.

6 (Pause in proceedings)

7 A. Yes, sir.

8 Q. You are finished? Not many questions about that, but having read that, for
9 how long were you in Mongoumba?

10 A. I told you I spent at least 60 days, 60 days at that particular place, at that
11 particular place. And when the ferry crossing, I spent that period on that ferry.

12 Q. That's your recollection now, is it?

13 A. What kind of recollection do I have now?

14 Q. Well, your recollection here and now is that you spent at least 60 days there; is
15 that correct?

16 A. The time that you're asking me to think about, I know that I worked
17 on -- following the orders of my technical director there, at that particular ferry, right
18 the way through to the arrival of -- of the -- of the general. So all these, all these men
19 that I've mentioned in this statement went to through particular spot.

20 Q. Because the phrase you used during your interview was "Easily 30 days."
21 Why did you choose that expression then and you now say at least 60?

22 THE INTERPRETER: Message from the English booth: The gentleman -- the
23 microphone was not working.

24 THE WITNESS: (Interpretation) I can tell you that, on the basis of everything
25 that occurred, I can tell you that I can't keep everything in my memory. If you say

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 30, and then I say 60 days, my head isn't an electronic box to retain dates, times,
2 minutes, all that, sir. I can't retain all that in my mind. I've got other things to do
3 than keep that in my mind, so on average, the average is what you can see here. If I
4 spent 30 days, it would be what you'd expect, to spend 30 days, and then I was called
5 upon to undertake other tasks.

6 MR HAYNES:

7 Q. Very well. Who was Abdoulaye Miskine?

8 A. Abdoulaye Miskine, you're asking me about him. I don't know him as such,
9 but it's a gentleman whose name was very much involved with the upheavals at that
10 particular time.

11 Q. Well, you say you don't know him. Did you meet him?

12 A. Meet him? Well, that would be to say something else, but I would just say that
13 this gentleman, when my technical director sent me here at the Lobaye River I told
14 you that this gentleman, (Redacted)
15 (Redacted). So he asked me, and this occurred when the
16 general had arrived and that he'd gone into the capital, so all the militiamen that went
17 in, each one was looking around because the local population was rushing towards
18 him, and it was Christian Martin, when he sent me to the site, it was with particular
19 instructions that in the case where these men, even if they're bearing weapons, even if
20 they are very experienced, as soon as they arrive I shouldn't ask questions. I should
21 just take them across the river, and those were the instructions that he gave me.
22 And this gentleman arrived at night-time, and when they arrived they shot into the
23 little village. They fired their weapons into the little village.

24 Q. Did this gentleman introduce himself to you as Abdoulaye Miskine?

25 A. Yes, sir. Yes, sir.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 Q. And in what language did he speak to you?

2 A. He was speaking in Sango.

3 Q. And what did he ask you to do?

4 A. He asked me to take across the river his entire cargo.

5 Q. And what position did it seem to you he held?

6 A. His position, I don't know the position that that particular gentleman occupied,
7 but it was a gentleman whose name was on everybody's lips in the capital during this
8 particular period.

9 Q. And what was said about him in the capital?

10 A. Well, I can't really well remember what it was said about this gentleman, but a
11 lot of people were familiar with his name in the Central African Republic's capital.

12 Q. From your dealing with him, did it appear that he was a commander in that
13 area?

14 A. In what region?

15 Q. Mongoumba.

16 A. No, sir, because from where I was Mongoumba was 10 kilometres away.

17 Before you get to Mongoumba, first off you have to -- you have to cross with the ferry
18 where I was. So where I was, to go right the way up to Zaire, you had to -- to go up
19 11 kilometres. You're on the Ubangi River first off. So one of our boats had to cross
20 over so you could get to the other side, Zaire.

21 Q. Well, in the area, 10 kilometres from Mongoumba, in relation to the soldiers or
22 militia who were with him, did it appear to you he was the commander?

23 A. It was the -- he held the rank -- well, the title was given to this Abdoulaye
24 Miskine -- "the commander" was the title that was given to him.

25 Q. So can I take it that your answer is "yes," he did appear to be the commander?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 A. When he came down, this particular gentleman asked me to have his cargo
2 cross the river and I couldn't try to understand who was there because I'd already
3 received the instructions from (Redacted). So if I didn't stick by those
4 instructions given my (Redacted), well, that could only protect me from what
5 was going on. So he told me, "Okay, cross the river." And I didn't seek to
6 understand the whys and wherefores, who he was. So when he introduced himself
7 as Abdoulaye Miskine, well, then he had to go across the river.

8 Q. Thank you. And was it the same military unit that was responsible for beating
9 up Grégoire?

10 A. This gentleman, when he arrived, before arriving at the place where I was, there
11 was a fork in the road. On the left it was to go to the mouth of the Zinga -- a fork in
12 the river, rather. When they arrived there, I wasn't yet in that place but Grégoire
13 was an employee that (Redacted) had tasked to deal with the ferry on the other side.
14 And when they arrived, I don't know what happened, but when they asked Grégoire
15 to take them across the river, Grégoire didn't adhere to the instructions given by
16 (Redacted) so they -- they beat him and they tied him up to take him down
17 10 kilometres of a stretch of water to where I was.

18 Q. Approximately when was Grégoire beaten up?

19 A. They beat him up, they beat up Grégoire at night. It was at night. I told you
20 that these military authorities, they were fleeing because the general was already in
21 the Central African Republic's capital. They took the road south in order to flee and
22 escape.

23 Q. Thank you very much; that's very helpful. Is this the same Grégoire you
24 mentioned earlier in your evidence?

25 A. Well, that's it. You would agree with me, sir, that (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 (Redacted). Maybe he'll provide you more details. I can tell you that this particular

2 Grégoire, who deputised me in the first 19 days, (Redacted)

3 (Redacted). So he found himself on the -- on the crossing ferry on

4 the Zungunde-type (phon) vessel, with a Dutch engine, and that was at Zinga. So he

5 was located at Zinga, so between him and me, there was 11 kilometres by foot. So

6 I was 11 kilometres away from him, and he was at the mouth of the river.

7 Q. But he certainly wasn't in Bangui piloting the boat backwards and forwards to

8 Zongo, was he?

9 A. I told you that I left and I -- I left the ferry in a good state of repair, it was

10 operational. Now, when they beat Grégoire, they tied him up and beat him so

11 that -- so that they could take him to where I was to tell me to go off to Zinga and to

12 get them crossing over the river because your colleague is obstinate. Now, once the

13 military authorities had crossed the river, (Redacted)

14 (Redacted), "My brother, after you at Bangui, this is what you experienced, well, I

15 also experienced terrible things at Bangui." And I was seconded quickly by

16 (Redacted) and then I arrived with the other hull. So from Bangui to Zinga, well,

17 there's 75 or 80 kilometres of water, stretch of water, 75 to 80 kilometres.

18 Q. Now, looking at the answer you gave in interview, and by all means have a

19 look at it again, one name we don't see there is the name "Mustapha." That's right,

20 isn't it?

21 A. Mustapha. If you read my written statement properly, you will see that

22 (Redacted) gave me instructions, instructions according to which I was to receive a visit

23 by military authorities. And these authorities, when they arrived, I didn't seek to

24 understand who was who, because at that particular point of time, if you just play

25 around you're playing with your life, so you had to take these people across.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 Abdoulaye, Mustapha, whoever, you had to get them across the river, and that was
2 that.

3 Q. In fact, and somebody will stop me if I'm being unfair, during the course of
4 hours and hours of interviews with the Office of the Prosecutor you never mentioned
5 the name "Mustapha," do you accept that?

6 A. Sir, I believe that this name, I gave it in my -- in my versions of the facts. I
7 wasn't asked about a gentleman called Mustapha, but I was told and I was given the
8 instructions by my hierarchical superior that military authorities would be coming.
9 Get them across the river. Don't seek to understand who is who, just get them
10 across the river. So how could I have -- how could I give you the name Mustapha?
11 No, when you think that already in my version of the events I'd already mentioned
12 the word Mustapha and Abdoulaye Miskine.

13 Q. Can we take it that you didn't meet anybody called Mustapha during the time
14 that you say you were conducting the transportations?

15 A. What transport? You need to be accurate here. From Bangui, you are from
16 the south.

17 Q. Sir, you're quite right to chastise me. I meant during the period of 19 days?

18 A. No, sir. During the 19-day period I didn't convey or even see Abdoulaye
19 Miskine or, again, Mustapha. I got them across in the south when they were fleeing.

20 Q. And can we take it you didn't meet him during the month or so you spent going
21 to and from Brazzaville?

22 A. I met him on a friendly basis. Well, no, no, I didn't meet them. I said that I
23 got them across the river because I was obeying the instructions given to me by my
24 technical director, and he told me, and my technical director said, that I would be
25 receiving a visit of military authorities: Don't seek to establish who is who, just get

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 them across the river.

2 Q. Thank you. And that would be a convenient moment.

3 PRESIDING JUDGE STEINER: Yes, Mr Haynes. And, Mr Haynes, if you allow me,
4 just in order to facilitate for everyone, we had already many times problems with
5 questions that put the verb "meet." Have you met or did you meet? So maybe we
6 could find from now on something more precise for the witness, because he's fighting
7 with the understanding of the meaning of "to meet."

8 MR HAYNES: I'll certainly do my best. I don't think that verb will arise again in
9 this examination.

10 PRESIDING JUDGE STEINER: Thank you. Mr Witness, Mr Witness, we will now
11 take our mid-morning break in order for you to have a coffee, some tea and take some
12 rest. It's 11 o'clock. We'll be back at 11.30.

13 I ask, please, court usher to take the witness outside the courtroom.

14 (The witness stands down)

15 PRESIDING JUDGE STEINER: We'll resume at 11.30.

16 THE COURT OFFICER: All rise.

17 (Recess taken at 11.00 a.m.)

18 (Upon resuming in open session at 11.40 a.m.)

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

20 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
21 the witness in.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

24 THE WITNESS: (Interpretation) Good morning again, your Honour, ladies and
25 gentlemen of the Court.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 PRESIDING JUDGE STEINER: Can we continue with your questioning by Defence?

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

3 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Mr Haynes, you have the
4 floor.

5 MR HAYNES: Thank you, your Honour.

6 Q. Before we move on, can I just complete the topic we were talking about before
7 the break and ask you what was it that Abdoulaye Miskine asked you to take on your
8 boat?

9 A. Before I answer that question you've just said "your boat." It wasn't my boat, it
10 belonged to the SOCATRAF.

11 Q. I understand that, and I wasn't suggesting that you owned the boat, but what
12 was it that Abdoulaye Miskine wanted you to carry on the boat of which you were
13 the pilot?

14 A. On that boat he asked me to transport him according to the instructions
15 received from my technical director. In no way was it possible for me to resist, so I
16 took them across with their four-by-fours, the heavy weaponry that was in the other
17 four-by-four, together with a lot of coins, they were 500 CFA franc coins, the other
18 four-by-four was full of them. So there were all of those men who were behind that
19 gentleman, and I took them all across from Zinga to Batanga, Batanga which is in
20 Zaire.

21 Q. Was there anything else? Were there any household goods?

22 A. In the cargo of Abdoulaye Miskine, no, there weren't any. I told you there was
23 the four-by-four, the weapons, the coins, they were just coins, an awful lot of them,
24 and their weapons, and I took them all across from Zinga, from Zinga to Batanga.
25 Batanga is a town in former Zaire.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 Q. And I know this may be difficult, but can you give us any better description of
2 the four-by-four motor vehicles, what make they were, what colour, et cetera?

3 A. They were of a Chinese-type, these four-by-fours. The brand is referred to as
4 Faw, F-A-W. It is metallic blue in colour, and there were D8-D Hilux Toyotas.

5 Q. How many vehicles in total?

6 A. The number, well, now with all of the questions that I've had to deal with, I can
7 but refer you to what I've said in my testimony, so I refer to what I gave you in my
8 testimony.

9 Q. Very well. Well, let's move on. I want to come back to where we finished
10 yesterday, but before I do (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 MR HAYNES: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 And I think he's done that for the commencement of his evidence twice during the
6 course.

7 Your Honour, I'll move on. I don't want an unnecessary argument.

8 Q. Sir --

9 PRESIDING JUDGE STEINER: I would allow the question, but if you prefer to
10 move on I prefer as well.

11 MR HAYNES: Yes. Well, I can always come back to it.

12 Q. Sir, are you today prepared to tell me how many incidents of rape you say you
13 saw; two, three or four?

14 A. It was the second that you gave.

15 Q. What does that mean?

16 A. You asked me how many I saw, two, three, four, and I said it was the second of
17 those.

18 Q. So you mean three. Can you help us as to why it is you are prepared to
19 answer that question today, whereas yesterday you were only prepared to refer me to
20 your witness statements?

21 A. I think that in beginning my testimony before this august Court, I was told
22 about the golden rule that has to be respected. If one doesn't understand a question,
23 one has to ask for the question to be repeated so as to have a better understanding of
24 it. And I think that all of these questions that have been put to me here have
25 allowed you to see that my physical well-being yesterday, as well as that of this

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

- 1 morning, after I'd taken a few tablets, show you that I'm not the same as I was
2 yesterday afternoon.
- 3 Yesterday I was physically too tired to be able to testify. It's not an easy thing to do.
4 All of my senses, everything within me, is concentrating on answering questions. I
5 give my answers and you want such precision, such accuracy, so if I'm feeling
6 physically unwell, and sometimes I'm unable to do this, then I just can't do it. Put it
7 to the Presiding Judge to ask me.
- 8 If you take a look at the number of questions that I have been faced with so many
9 questions, it's the first time since I was born that I've been faced with so many
10 questions, so I think you have to understand my position.
- 11 Q. Did you make contact with anybody in the Central African Republic yesterday?
- 12 A. No, sir.
- 13 Q. Thank you. Now, can we establish, please, some of the circumstances which
14 are common to each of the incidents of rape you have described. Did each incident
15 involve a large number of military men?
- 16 A. If I've understood correctly in this question, well, when you say "military men,"
17 that means men who were trained, who were in the national armed forces. They
18 have a military number. They wear a beret so that everybody can recognise them as
19 military men. I told you that, as regards these three incidents that I witnessed, there
20 were no military men. They were militiamen, and I said that there were three
21 incidents of such abuses and violence that I witnessed myself.
- 22 Q. Well, let's not argue about the difference between "military men" and
23 "militiamen." Each incident involved a large number of men; is that right?
- 24 A. And those men had their names. They were referred to as "militiamen."
- 25 Q. And those men were nowhere near the front lines, were they?

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

- 1 A. Please repeat your question so I can understand properly.
- 2 Q. Did they arrive in military vehicles?
- 3 A. They were FAW-type vehicles, which they used quite a bit.
- 4 Q. And that was on each occasion?
- 5 A. Well, it varied depending on the events. They tended to use Faws, F-A-W,
- 6 four-by-fours. Sometimes for transportation they wouldn't use the four-by-fours,
- 7 but they always were using these FAW lorries.
- 8 Q. Thank you. And to get to your location on each occasion they must have
- 9 driven through the centre of Bangui; is that right?
- 10 A. Could you please repeat this question so I can understand properly?
- 11 Q. I will. To get to the port these vehicles had to have been driven through the
- 12 centre of Bangui, didn't they?
- 13 A. Some of them.
- 14 Q. And according to your understanding these vehicles had travelled many
- 15 kilometres to reach the quayside, hadn't they?
- 16 A. Those vehicles, where they left from, well, you see, I wasn't with them. I don't
- 17 know where they came from; where they came from in the town of Bangui.
- 18 Q. Well, forgive me, but you do because you say the women told you where they
- 19 had been collected from, didn't they?
- 20 A. Sir, I know what you're driving at and -- but it doesn't hold -- I told you that I
- 21 saw three episodes. Now, if you want to unravel all the various details of the first
- 22 and the second and the third I think that is all right, that's normal, but you might for
- 23 example look at one little thing, put a comma in here, take a comma out there.
- 24 Q. Each incident was loud, wasn't it? It involved screaming and gunfire.
- 25 A. Yes, sir.

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 Q. And according to you each incident was committed literally under your nose; is
2 that right?

3 JUDGE ALUOCH: Mr Haynes, if I may?

4 MR HAYNES: Your Honour, of course.

5 JUDGE ALUOCH: This word "literally under your nose," what would be another
6 word for it? Within your sight?

7 MR HAYNES: Absolutely, your Honour.

8 JUDGE ALUOCH: Maybe that would be a much more frequently used word.

9 MR HAYNES: It's my fault.

10 Q. All of these incidents were committed in your sight; is that right?

11 A. These events that you're asking me about I can only tell you what I saw, what I
12 experienced at the naval base, at the water pumping station, on the ferry-boat. So
13 the events that occurred at that place I just mentioned above, those are the events that
14 I experienced and I can only give you an account of these events that I lived through.

15 Q. But each incident was witnessed by other people, wasn't it: Warrant Officer
16 Odon, Sergeant Ilemala, the corporal? Any others?

17 A. Those weren't incidents. They weren't incidents. They weren't incidents.
18 They were events that were exposed, that were revealed. They were not incidents.

19 Q. Was Warrant Officer Odon present at each event?

20 A. Warrant Officer Odon was never away during those 19 days. Sergeant Ilemala,
21 the corporal -- there was a corporal, warrant officer. Colonel Danjito at that naval
22 base never was away during that entire time during which those events occurred.

23 Q. Thank you. And is each of those men alive and well and living in Bangui?

24 A. Well, the question that you've just asked me, I've told you that there was
25 Colonel Danjito, there was Warrant Officer Odon and Sergeant Ilemala and there was

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Private Session)

ICC-01/05-01/08

1 a corporal. And you asked me whether all those men are still alive and are they still
2 living in Bangui. That's the question you asked me.

3 Q. (Microphone not activated)

4 A. Sir, you asked a question. I'm trying to think of the answer, I'm following the
5 rule, but you just jumped in there with the microphone. As I was saying, amongst
6 all these various men you mentioned, Warrant Officer Odon, Chief Warrant Officer
7 Odon, who was supervising these events, (Redacted)
8 (Redacted) that's the place where all the FACA soldiers are
9 trained.

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

11 *(Private session at 12.16 p.m.) Reclassified as Open session

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

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

14 THE WITNESS: (Interpretation) I ran into Warrant Officer Odon in Bouar, and
15 when he saw me we greeted one another and, well, we remembered those nasty
16 memories. And he himself told me directly, he said to me, "Brother, I was subject to
17 a great deal of questioning after those dirty events, but since you're telling me that
18 (Redacted) take care of yourself. It's not an easy thing. I'm
19 telling you this just in case -- well, I'm a soldier, I've briefed you," and we shared a
20 juice and then I left. So there you have it. We hadn't seen each other for two years
21 and at one point when I came back to Bangui I ran into -- (Redacted)
22 (Redacted) and
23 I went down to see his family, and when I asked, I was told that Warrant Officer
24 Odon had passed away.
25 Warrant Officer Odon, the fellow that you saw on these photographs, is now

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Private Session)

ICC-01/05-01/08

1 deceased, and when I asked how the chief warrant officer had died, his relatives told
2 me that the circumstances were very odd. He had died under very odd
3 circumstances. They were at the prefecture of Mbaka and that is where he died, and
4 his body was brought back to Bangui.

5 So if you can see, that is how that particular person spent the last few days of his life.
6 He wasn't even 50 years of age. That's what happened to him.

7 PRESIDING JUDGE STEINER: Mr Witness, we will try to go back into public
8 session. I would ask you again to avoid giving any reference as to where you live,
9 your family lives, no matter where. If the question put by the Defence leads you to
10 give this kind of answer, you are authorised not to answer. Do you understand that,
11 sir?

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

13 PRESIDING JUDGE STEINER: Court officer, we'll turn into public session. If the
14 Defence continues to put questions that could lead to the identification of people that
15 are or are not under the protection of the Court, the Chamber will not allow the
16 question.

17 (Open session at 12.22 p.m.)

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

19 MR HAYNES: Well, Madam President, I will do my best but if I cannot ask a
20 question which leads to the identification of people who are or are not under the
21 protection of the Court, that means I can't ask any question leading to the
22 identification of a person.

23 PRESIDING JUDGE STEINER: Mr Haynes, I'm not going to play words with you.
24 If you need to ask questions that could lead to the identification of people that could
25 be at risk because of their names being mentioned in session, we are going to private

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 session. And you know the rules, Mr Haynes.

2 MR HAYNES: I do.

3 Q. Each of these events took place within a few metres of the French Embassy,
4 didn't they?

5 A. * I am saying before your Court that these entire events occurred in front of the
6 French Embassy in Bangui. More specifically, my technical director told me that all
7 those events that occurred from inside because, you see, at that time they took refuge
8 in their embassy. They were seeing all of that on screens. They have all the details.

9 Q. Thank you very much. And was each episode reported to Colonel Danjito?

10 A. Could you please repeat your question so I can understand it properly?

11 Q. I will, sir, but it is my ambition to finish by 1 o'clock, and if I have to repeat
12 every question I ask you I won't achieve that, but was each episode reported to
13 Colonel Danjito?

14 A. All those events that occurred -- let me reiterate: Colonel Danjito never left his
15 base. Warrant Officer Odon reported back from where he was in the base. He saw
16 everything that was going on.

17 Q. Thank you. Now, let's briefly go through the events. The first event, how
18 many men and how many women do you now say it involved?

19 A. When the first acts of violence and abuse occurred, there were -- there were 22
20 militiamen and eight women.

21 Q. Did they arrive in the hours of daylight or the hours of darkness?

22 A. 7.30 in the morning.

23 Q. The two vehicles arrived at 7.30 in the morning, is that what you're saying?

24 A. I said 1730. You're talking about 7.30 in the morning.

25 Q. That was how it was translated, sir. So was that during the hours of daylight

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 or darkness?

2 A. I'm saying 1730, 1730.

3 Q. I understand that, I'm not interested in the time, I want to know whether it was
4 during the day or during the night, whether it was light or dark? Surely you can tell
5 us that?

6 A. Well, I could certainly see at 1730. Even with the time zones in Africa and
7 Europe, there's a lag or a difference, but even at 5.30 in the afternoon here a person
8 can see clearly; isn't that so?

9 Q. When you gave evidence to Mr Iverson, you said it was at 3 p.m., which would
10 certainly have been in the hours of daylight, wouldn't it?

11 A. Sir, I believe that a few moments ago, when I was talking about 1730, you were
12 talking about 7 in the morning, and you have just told me that that's how it was
13 translated. That proves that a person can also mistranslate. I am saying 1700 hours
14 30; 1730.

15 MR HAYNES: Very well. Then can we briefly have a look, please, at
16 CAR-OTP-0055-0376, and for the benefit of those following in English the last four
17 digits are 0082. It is a confidential document and the blinds will need to be lowered.

18 THE COURT OFFICER: Counsel, if I may, could you please indicate the first page
19 of the document that you want to be displayed because I cannot find document 0376?
20 I imagine it's not the first page.

21 MR HAYNES: Yes, it's because I gave erroneously the first four digits. It's
22 CAR-OTP-0028-0376. I'm very sorry.

23 PRESIDING JUDGE STEINER: The first page of the document is 0369.

24 THE COURT OFFICER: Document CAR-OTP-0028-0369, first redacted version, at
25 page 0376 is now available on the screens. It's a confidential document and would

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 not be broadcasted outside.

2 MR HAYNES: The witness will need to see the bottom half of the page.

3 Q. Tell me when you've finished reading it, sir.

4 (Pause in proceedings)

5 A. I have finished, sir.

6 Q. Sir, can we agree that in Bangui, in October, 1500 hours would be broad
7 daylight and 1900 hours would be night, would be dark?

8 A. Sir, I think that before this very courtroom yesterday, when I was in my
9 fatigued state yesterday, you asked me the following question: "How many acts of
10 violence and abuse took place?" I was tired. And now it's the time, it's the time.
11 And what I'm saying now, just as earlier on, you're talking about 7, I'm talking about
12 700 hours, and here it's 1900 hours. I think that things can happen such as that, so I
13 said earlier on that I stand by my written statement and if it's the time as 1700 hours
14 to 1900 hours, that could be the case. I can't keep everything top of mind with -- in
15 total accuracy in my mind, sir. Consequently, I stand by what I said. If they
16 arrived at 7 -- at 1900 hours, rather, well, then that's what happened, they arrived at
17 1900 hours.

18 Q. And would 1900 hours in October in Bangui have been after nightfall?

19 A. All right. Sir, where the naval base was located, next to the naval base there
20 is the Chad Embassy, there is the French Embassy, all that entire sector had power
21 supply. The water pumping station received electricity supply and throughout
22 these events the French Embassy had massive projector lights that lit up the cars of
23 the French nationals that were parked along the road. So the entire area, in that
24 entire area you could see very clearly what was happening.

25 Q. But you wouldn't have seen lights at 3 o'clock in the afternoon, would you,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 because they wouldn't have been on?

2 A. Sir, earlier on I gave you an example. I was talking about 1700 hours and you
3 were talking about 1900 hours, and a little earlier on you said that this is how it was
4 translated to you. So, so this never happened before? No. And I stand by my
5 written statement. If it's 1700 -- if it's 1900 hours, then it is 1900 hours.

6 Q. Thank you. The second incident, what time of day did that occur, daytime or
7 night-time? Have a look through your mind's eye and see if you can tell us.

8 A. The second incident took place on the premises of the naval base, and it was
9 night.

10 Q. And how many men and women were involved?

11 A. Would you mind repeating your question so I can understand it properly?

12 Q. I didn't think it was that complicated a question, but I asked you how many
13 men were there and how many women were there?

14 A. It occurred -- well, it was towards 2100 hours. There were 40 women.

15 Q. And men?

16 A. The men that arrived, there were 15 of them.

17 Q. Well, to cut matters short, the English reference is CAR-OTP-0055-0093. In
18 your interview with the Office of the Prosecutor you said that the second episode
19 involved 50 men and 22 girls. Which is correct?

20 A. I said that the second act of abuse took place at 2100 hours on the naval base's
21 premises. There weren't many men belonging to Colonel Danjito at that time of
22 upheaval. When it was night, they abandoned the position to camouflage
23 themselves. These militiamen entered with four-by-fours. They were all full of
24 armed men with foam mattresses, TV sets, household goods and satellite dishes.
25 They said they were looted goods that they wanted to stockpile. And a little time

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 later a four-by-four arrived followed by a similar vehicle. They disembarked young
2 girls and women. The Colonel Danjito left and when he left he himself, he hadn't
3 the proper authority, he had no authority, and he ordered us to withdraw, to leave
4 the perimeter. So we left on the side of the investigation brigade. The colonel and
5 18 people, a number of militiamen, was over and beyond 50. They numbered 50
6 armed men. They put their hazard lights on. 22 young women and girls, including
7 two disabled individuals.

8 Q. So we can disregard what you told me a minute ago and adopt what you said in
9 your witness statement; is that your position?

10 A. Sir, I think you're putting a question to me in order to shed light on this matter.
11 Now, when I explained myself and give you the facts, you approach what I say from
12 a different angle. What do you really want me to say? Now what I say I stand by
13 this and I told you what I said. Now you tell me something quite different. Well,
14 there we are.

15 Q. Sir, on 28 October, when you were answering questions to Mr Iverson - and it's
16 at page 15, line 2 in the English; page 15, line 22 in the French - you were asked how
17 many incidents of rape you had seen, and you said two. Which two did you have in
18 your mind when you answered that question in that way?

19 A. You're asking me this question. It's true when I was asked the question. You
20 know, these are events that are quite a long way away timewise and, to give
21 testimony, all my senses, everything is honed in order to provide proper clarity to
22 this type of deposition. I believe things always come in threes, but sometimes twos.
23 So today I'm confirming the fact that it's three, yes, it's not -- I think it's what you'd
24 expect, because it really depends on the state in which I found myself when
25 providing the answer last time. If it's two and I confirm it's three, then I don't really

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 see why you are labouring the point if I -- well, you know, whether I side two or three.

2 I know that I didn't say ten, I didn't say 20, I was in that range two or three.

3 Q. After General Bozizé came to power in March 2003, did you report any of the
4 crimes that you alleged that you witnessed to anybody in authority in the Central
5 African Republic?

6 A. A very good question. Sir, if you really need to see the proper shape of things,
7 President Bozizé during this particular period of upheaval he was the Head of State
8 and the Chief of Staff of the armed forces under Ange-Félix Patassé. He was the
9 Chief of Staff under Ange-Félix Patassé. So between he -- Bozizé and Patassé things
10 didn't work, and that's how it was that Bozizé resigned. And when he came back to
11 power, you know, he knew full well about these events. For my part, I survived.
12 I know that the Central African Republic has ratified the Rome Statute. Whether
13 you like it or not, these are historical events, something that strikes a generation.
14 One fine morning this business will come before international justice, and so it was
15 with that in mind that I kept silent. I let time go by.

16 PRESIDING JUDGE STEINER: Sorry to interrupt you, it's just for you not to say
17 where did you go, please.

18 MR HAYNES:

19 Q. Yes, you did survive, but according to what you've told us you saw people who
20 didn't and you didn't see fit to report that to anybody in authority. Why not?

21 A. Sir, when the general entered it was characterised by military power, military
22 power. There is a difference between power as wielded in Europe and power as
23 wielded in Africa. I believe that everybody here knows what happens in Africa
24 when it is the military in power, and I know full well that this gentleman was the
25 Chief of Staff under Ange-Félix Patassé.

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 Well, knowing that, if I go to him -- and when they came in, it wasn't that all the
2 administration just got up and running again; it took time. It took time. It wasn't
3 just overnight or just even over a two- or three-month's period that the administration
4 got back up and running, business as usual, no, not at all.

5 So I think there needs to be the -- it takes time. And in the fullness of time I was -- I
6 was listening over the radio that Mr Ocampo, the Prosecutor, made a courtesy visit to
7 the Central African Republic. Upon that occasion, he met the Head of State, the state
8 prosecutor in the Central African Republic with regard to the October 2002 hostilities
9 that took place in the Central African Republic.

10 So I said to myself if it's now international justice that's entering into the equation, I
11 need to get in contact with that international justice and relate the events and relate
12 my experience and it was, therefore, with that in mind that I decided to do what I did.

13 Q. Who was the first person you met from the International Criminal Court?

14 A. All right. Before I deal with the question you've just put to me, earlier on you
15 asked me whether I contacted the authorities to talk about business at hand. I know
16 one thing: I went to a solicitor, Mr Ngoungaye was his name, I spoke to him about
17 these events. I briefed him about it; I showed him some photographs. He told me
18 "Make up your dossier. The constitutional rights, entitlements, is 50,000 CFA francs,
19 the constitutional entitlements."

20 So, for my part, I totalled up the sums and I said to myself, well, me, that is a kind of
21 financial deposit I want to submit to make up this 50,000 CFA dossier. I don't have
22 those 50,000 CFA in my hands, so I need to perhaps keep them in my pocket whilst
23 waiting to accumulate the 50,000 CFA. Then during that time I'll be able to
24 constitute the dossier.

25 So a little time after that, I went off; and when I came back, this solicitor that I had

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 gone to to talk about these particular events, that solicitor died. So you can see, if
2 you will, if I hadn't been discreet, well, you see how things unfold. And so it's for
3 that reason that I try and keep a low profile.

4 MR HAYNES: Thank you, sir. We know all about Mr Ngoungaye Wafio. I
5 have no more questions for you.

6 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Before anything, I will ask
7 please, court officer, to see whether our interpreters and court reporters can give us
8 maybe five, ten more minutes since probably we are not sitting in the afternoon.

9 THE INTERPRETER: Yes, your Honour, we can.

10 THE COURT OFFICER: Madam President, I believe it's okay. And the interpreters
11 and court reporters would not mind extending a couple of more minutes.

12 PRESIDING JUDGE STEINER: Again, thank you very much to the interpreters and
13 court reporters for being so kind with us. My question is whether Prosecution
14 intends to redirect?

15 MR IVERSON: I'm sorry, Madam President, can I just have a minute to consult?

16 (Prosecution counsel confer)

17 MR IVERSON: No redirect, Madam President.

18 PRESIDING JUDGE STEINER: Thank you, Mr Iverson.

19 Mr Witness, thank you very much. You made an effort, and we can conclude with
20 your testimony, and soon you'll be ready to go back home to your family.

21 Before you leave the Court, I want to express the thanks of the Judges for the time
22 and trouble you had to come to this country and give evidence in this trial. In order
23 for the Judges to find the truth it is crucial, Mr Witness, that witnesses such as
24 yourself are prepared to give evidence, to assist us on the relevant issues of the case.

25 We are aware that this must certainly have been inconvenient for you; you had to

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 stay here for a long time far from your family, you've chosen to testify in public
2 session, you had some troubles with your health. For all these reasons, the Court
3 thanks you very, very much for being available to give testimony in this case.

4 Before you leave the courtroom, Mr Witness, the Chamber would like to know
5 whether you have anything you would like to address to this Chamber. If you so
6 wish, you have the floor.

7 THE WITNESS: (Interpretation) Thank you, your Honour, ladies and gentlemen
8 of the Court.

9 I think that human rights as established throughout the world have in the very first
10 article, as well as in Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, mention of the term
11 "human dignity throughout the world." I am entitled to life, I am entitled to
12 freedom, I am entitled to express myself.

13 How can I remove the life and the dignity from others, from X, from Y? That is not a
14 normal state of affairs. Africa has suffered terribly, and particularly the Central
15 African Republic. Human dignity in the Central African Republic has been ridden
16 roughshod over, and the Central African Republic has been treated as dirt.

17 I can tell you before this Court that women in the Central African Republic are not
18 dirt. I leave the remainder up to the Court. There are human rights that say what
19 they say about human beings, and it lies with the Court to decide.

20 Secondly, let me say before this Court that there is an invisible hand behind all those
21 who hold the evidence. I have just told you about what happened to the lawyer I
22 contacted. He died; he's no longer with us. Since then his children have asked for
23 light to be shed on the matter, and up until now nothing has happened.

24 Warrant Officer Odon, who supervised all of these actions, he is dead. Nobody can
25 explain his disappearance to us. I have testified before this Court, and if I look

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 ahead ten years, 20 years from now I don't know what my fate will be and I leave it to
2 this Court to judge and rule.

3 I'd like to thank you for having given me this time, and I apologise, ladies and
4 gentlemen of the Court, if I have abused your time. I will leave it at that and all I can
5 say, your Honours, ladies and gentlemen of the Court, is thank you.

6 PRESIDING JUDGE STEINER: We thank you very much, Mr Witness, again.

7 VWU will assist you in your return home and will take any necessary measures in
8 order to ensure that you can continue with your life, you and your family, without
9 any kind of concerns. VWU will do whatever they can in order to ensure that you
10 can live with your family in peace.

11 I will ask, please, court usher to take the witness outside the courtroom.

12 (The witness is excused)

13 PRESIDING JUDGE STEINER: Before we adjourn, the Chamber has a short oral
14 decision to be issued.

15 Yesterday the Prosecution filed it's response regarding the witness schedule, it's filing
16 1874-Conf, which contains information regarding the availability of Prosecution
17 witnesses as requested by the Chamber on 27 October 2011.

18 The Chamber wishes to rule on the scheduling issues addressed in the Prosecution's
19 submission as soon as possible. To this end, the Chamber will pursuant to
20 Regulation 34 of the Regulations of the Court shorten the Defence's time to respond.

21 The Defence response is to be filed no later than 4 p.m. on Tuesday,
22 8 November 2011.

23 The last point: We still don't have very precise whether the next witness will be
24 available to start testifying tomorrow. That will depend on when the familiarisation
25 process will be concluded. In principle, we can start tomorrow. So the parties

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 should be prepared to resume tomorrow at 2 o'clock in the afternoon.

2 In the meantime, if anything changes the parties of course will be -- parties and
3 participants will be informed. In principle, we resume tomorrow at 2 o'clock in the
4 afternoon.

5 I would like to thank very much the Prosecution team, the legal representatives of
6 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. Again to thank very, very
7 much our interpreters and court reporters, apologising for the extension of the sitting
8 hours today. And, in principle, we will resume tomorrow at 2 o'clock in the
9 afternoon. This hearing is adjourned.

10 THE COURT USHER: All rise.

11 (The hearing ends in open session at 1.13 p.m.)

12 CORRECTION REPORT:

13 The Court Interpretation and Translation Section has made the following correction
14 in the transcript:

15 *Page 29 lines 5 to 7

16 " Well, if I were to say before your Court that these entire events occurred in front of
17 the French Embassy in Bangui, that is what I am saying. More specifically, my
18 technical director told me that all those events that occurred from inside because, you
19 see, they took refuge in their embassy." Is corrected by " I am saying before your
20 Court that these entire events occurred in front of the French Embassy in Bangui.
21 More specifically, my technical director told me that all those events that occurred
22 from inside because, you see, at that time they took refuge in their embassy."

23 RECLASSIFICATION REPORT

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

25 ICC-01/05-01/08-3038 and the instructions in the email dated 4 June 2014, the version

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0047

1 of the transcript with its redactions becomes Public