

Trial Hearing
Witness: CAR-D04-PPPP-0056

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Tuesday, 7 May 2013
8 (The hearing starts in open session at 9.11 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
16 ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team,
18 legal representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo. Good
19 morning, to our interpreters, our court reporters.
20 Good morning, Mr Rojas.
21 THE COURT OFFICER (DRC): (Interpretation) Good morning, Madam President.
22 PRESIDING JUDGE STEINER: We will -- Defence today will continue with the
23 presentation of its evidence by calling Witness CAR-D04-PPPP-0056, making it easier,
24 Witness 56. In accordance with the Chamber's decision of 1 and 3 May 2013,
25 decisions 2608 and 2614, the testimony of Witness D04-56 will be heard by means of

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1 video -- audio/video technology.

2 Before we commence the testimony of the witness, the Chamber needs to issue a

3 couple of oral decisions. The first one is the oral decision on the applications to

4 question Witness D04-56 by legal representatives of victims. On 15 April 2013, the

5 Chamber received an application from Maître Douzima on behalf of the victims that

6 she represents to question Witness D04-56, filing 2585-Conf. The application

7 contains a list of 11 sets of questions.

8 On 16 April 2013, the Chamber received an application from Maître Zarambaud on

9 behalf of the victims he represents to question Witness D04-56, filing 2586 confidential.

10 The application contains a list of 24 sets of questions. In addition, Maître

11 Zarambaud submits that despite the Chamber's order to submit more comprehensive

12 summaries, the new witnesses' summaries provided by the Defence still lack the

13 detail necessary to allow for focused questioning of Defence witnesses. According to

14 Maître Zarambaud, this situation causes major prejudice to the legal representatives

15 who, as a result of this lack of detail, are not in a position to submit applications with

16 specific questions prior to the testimony of a witness in order to obtain authorisation

17 to question witnesses.

18 Maître Zarambaud submits that the legal representatives have to submit their

19 proposed questions blindly. Accordingly, Maître Zarambaud suggests that the

20 Chamber request the Defence to submit more detailed summaries.

21 Along the same lines during the status conference of 3 May 2013, the Prosecution

22 submitted that the new summaries merely include a few additional bullet points and

23 do not allow for effective preparation of the Prosecution.

24 In this respect the Chamber recalls its decision on measures to facilitate the continued

25 presentation of evidence by Defence in which it instructed the Defence to submit, and

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1 I quote, "More detailed summaries containing additional information and sufficient
2 detail as to allow the Prosecution and the legal representatives of victims to prepare
3 more focused questions to pose to the upcoming witnesses." Decision 2482,
4 paragraphs 16 and 17.

5 The Chamber notes that the new summaries submitted by the Defence still lack the
6 detail necessary to allow for effective preparation by the Prosecution and the legal
7 representatives and therefore reminds the Defence to comply with the Chamber's
8 decision.

9 As to the alleged prejudice to the legal representatives, the Chamber underlines that,
10 in accordance with the decision on the conduct of the proceedings, legal
11 representatives may, at the end of the questioning by Prosecution, request leave to ask
12 additional questions to those filed in their applications; decision 1023, paragraph 19.

13 Although formal requests by the legal representatives are not required, the legal
14 representatives have regularly asked the witnesses additional questions that would
15 arise from witness's testimony and could not have been anticipated in their prior
16 applications. The Chamber has allowed this practice as long as it has not been
17 prejudicial to the Defence and intends to continue to do so as necessary and, in
18 particular, as long as witnesses' summaries provided by the Defence lack the requisite
19 detail.

20 Accordingly, the Chamber is of the view that in present case there is no prejudice to
21 the legal representatives.

22 Turning to the question as to whether the personal interests of the victims represented
23 by both legal representatives are affected, and having considered the relevance and
24 formulation of the proposed questions, the Chamber grants the legal representatives'
25 applications to question Witness D04-56 and to ask -- allow them to ask all questions

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1 set out in the aforementioned applications.

2 Now the Chamber needs to issue an oral decision on protective measures for Witness

3 D04-56 and for that purpose, I ask, please, court officer to go briefly into private

4 session.

5 (Private session at 9.20 a.m.)* Reclassified as Open session

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

7 PRESIDING JUDGE STEINER: On 13 July 2012, the Defence filed a request for

8 in-court protective measures, filing 2244-Conf, for 57 out of 63 witnesses it has called

9 to testify at trial. Specifically, the Defence requests the following in-court protective

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- 9 (Redacted)
- 10 Court officer, could you please turn into open session.
- 11 (Open session at 9.30 a.m.)
- 12 THE COURT OFFICER: We are in open session, Madam President.
- 13 PRESIDING JUDGE STEINER: Mr Rojas, could you please bring the witness into the
- 14 location of the video link.
- 15 (The witness enters the video link room)
- 16 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 17 WITNESS: CAR-D04-PPPP-0056
- 18 (The witness speaks Lingala)
- 19 (The witness gives evidence via video link)
- 20 THE WITNESS: (Interpretation) Good morning. Good morning.
- 21 PRESIDING JUDGE STEINER: Mr Witness, thank you for being with us. I hope
- 22 somewhere in front of you there is a card --
- 23 THE WITNESS: (Interpretation) I thank you too.
- 24 PRESIDING JUDGE STEINER: Mr Witness, I hope that somewhere in front of you
- 25 there is a card on which is printed a solemn undertaking. Could you please read out

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1 the words on the card?

2 THE WITNESS: (Interpretation) "I solemnly declare that I will speak the truth, the
3 whole truth and nothing but the truth."

4 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can
5 you confirm that you understand what the oath means?

6 THE WITNESS: (Interpretation) I do understand that this means that I will talk
7 about what I saw and what I did and that I will not just speak the things that I have
8 imagined.

9 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by
10 the Victims and Witnesses Unit during the familiarisation process, you will be
11 questioned first by the Defence, then by the Prosecution, then by the legal
12 representatives of victims that were authorised to question you.

13 After that, the Defence will be able to put some follow-up questions to you.

14 Mr Witness, the Chamber has put in place measures to protect your identity from the
15 public and you will therefore be referred to during the course of your testimony as
16 "Witness 56," or just as "Mr Witness." Your voice and your image that are broadcast
17 outside the courtroom are being distorted so that the public cannot identify you by
18 your voice, or by your image.

19 In order to help us to keep your identity protected, Mr Witness, it is important that
20 when we are in open session you do not mention any information that could lead to
21 your identification. I'll give you some examples. You should avoid mentioning of
22 course your name; the position you occupy today; the position you occupied at the
23 time of the events; the names of close friends, of family members; events at which you
24 were present with a limited number of other people that could identify you; any
25 information of this kind. Please avoid mentioning this kind of information in public

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1 session.

2 If you need to mention this kind of information, you just let us know in advance and
3 then we go into private session. In private session you can speak freely, because
4 nobody outside this courtroom can hear what you say.

5 The Chamber, the parties, the participants, will help you in identifying what kind of
6 questions can lead to answers in which your identity could be disclosed, but it is
7 important for you to co-operate with us in keeping your identity from being disclosed
8 to the public.

9 Do you understand the protective measures, sir?

10 THE WITNESS: (Interpretation) I have understood you clearly, Madam President.

11 PRESIDING JUDGE STEINER: Mr Witness, whenever you have any doubt on
12 whether information can be released in open or private session let us know and, in
13 order to keep it in the safe side, we go into private session.

14 Mr Witness, it's also important for you to have in mind that because we speak
15 different languages there is interpretation. You are testifying in Lingala, your words
16 are interpreted into French and from the French they are interpreted into English.
17 It's the only way that we can understand each other.

18 Because of this and because you are testifying by video link, it is very important,
19 Mr Witness, that you speak slower than normal, as I'm doing right now, in order to
20 allow our interpreters to do their job.

21 It is also important, Mr Witness, that the Chamber, the parties, the participants and
22 you give five seconds before a question is put to you and before you start giving your
23 answer. We call that our "five-seconds golden rule." It is to allow the interpreters
24 to complete the translation of the question, or of your answer before another question
25 is put to you and before you start answering that.

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1 We know that this is difficult, Mr Witness, and because it seems unnatural it is likely
2 that you start speeding up. In that case, I will have to interrupt you and ask you to
3 slow down. Please, Mr Witness, don't take offence. That should not discourage
4 you from speaking. It is just for practical reasons.

5 I will also ask the court officer that is at your side to help you by making a sign every
6 time you start speeding up, in order to remind you that you are expected to speak
7 very, very slow.

8 Do you understand our ground rules, Mr Witness?

9 THE WITNESS: (Interpretation) Yes, I do.

10 PRESIDING JUDGE STEINER: I ask, please, the court officer to go briefly into
11 private session.

12 (Private session at 9.43 a.m.)* Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Mr Witness, the Chamber and the parties and
15 participants in this trial have been informed by the Defence filing 2340-Conf that in

16 (Redacted)

17 (Redacted)

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

2 (Open session at 9.50 a.m.)

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

4 PRESIDING JUDGE STEINER: Mr Witness, you will start now giving your
5 testimony. If for any reason you need a break, just let us know and a break will be
6 given.

7 Before you start, do you have any question, Mr Witness?

8 THE WITNESS: (Interpretation) No, I have no questions.

9 PRESIDING JUDGE STEINER: Then I'll give the floor to Mr Haynes that will
10 question you on behalf of the Defence.

11 Mr Haynes.

12 MR HAYNES: Thank you very much, your Honour, and good morning to you.

13 Good morning to everybody in the courtroom.

14 QUESTIONED BY MR HAYNES:

15 Q. And good morning to you, Mr Witness.

16 A. Good morning.

17 Q. We've never met before, have we?

18 A. No, we have never met. This is the first time that I see you.

19 Q. So let me introduce myself. My name's Peter Haynes and I'm one of the
20 lawyers who represents Jean-Pierre Bemba, and as you can probably tell, I speak
21 English. Now, so that you understand, I'm going to be asking you questions for
22 three hours or so. Okay? And we will have an hour now and then a break, and
23 then another two hours after that, when we'll finish for the day, and if we're lucky, I'll
24 finish today. Okay?

25 A. Yes, I have understood you very well.

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1 Q. And I just want to reinforce what the Judge has said. I'm going to be asking
2 you about events in the Central African Republic in 2002 and 2003, and if at all
3 possible, it's important that the public hear about those events, but what they mustn't
4 hear is any information that tells them who you are. Do you understand the
5 distinction?

6 A. Please kindly repeat.

7 Q. Well, I'm going to reinforce what the Judge said. Please be careful saying
8 anything that tells us who you are, except when we're in private session. Okay?

9 A. Yes, I understand you.

10 Q. But there has to be some record of who you are, so I'm going to ask up some
11 questions about who you are now, and to do that I'm going to ask the Judge if we can
12 go into private session so that only the people in this room can hear what you say.

13 Okay?

14 A. Yes, I agree with you.

15 MR HAYNES: Then, your Honour, can we go into private session? Sorry.

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

17 (Private session at 9.56 a.m.) * Reclassified as Open session

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

19 MR HAYNES:

20 Q. Mr Witness, we're in private session, which means only us in this room and you
21 and Mr Rojas there can hear what you're saying. Do you understand?

22 A. Yes, I do.

23 Q. Sir, what is your name?

24 (Redacted)

25 Q. And when were you born?

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1 A. (Redacted)

2 Q. And where were you born?

3 A. I was born in the Central African Republic.

4 Q. In what town?

5 A. (Redacted)

6 Q. What nationalities were your mother and father?

7 (Redacted)

8 Q. And what languages do you speak?

9 A. I speak French; I speak English -- no, no, I don't speak English. I speak a bit of
10 Swahili. I do not speak Sango fluently, and I speak some (Redacted)

11 Q. What language are you speaking now?

12 A. Please kindly repeat your question.

13 Q. Well, what language are you giving evidence in?

14 A. Now? Well, when you're referring to now, are you referring to here and now
15 in the hearing, or are you referring to the language that I speak whence I come, or
16 where I come from?

17 Q. Well, let's cut this short. In the list of languages you gave, you didn't mention
18 Lingala. Do you speak Lingala as well?

19 A. Yes, Lingala is also a language that I use to express myself and it is the language
20 that I am using at this moment.

21 Q. Thank you very much. Where did you live as a child, up to the age of say 14?

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. What did you do for work?

2 A. Where, precisely?

3 Q. Well, when you finished school, what did you do?

4 A. After having completed my studies, I went to join the army. I followed
5 military training.

6 Q. Which army did you join?

7 A. I joined the Central African Army.

8 Q. Do you remember when you joined the Central African Army?

9 A. It was in the year (Redacted). That was the year that I went to complete my
10 military training.

11 Q. And where did you complete your military training?

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. And what were your duties?

21 A. I was working within the Presidential Guard.

22 Q. Doing what, exactly?

23 A. I was providing security for the president.

24 Q. Who was your commanding officer?

25 A. I was part of the (Redacted)

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17 (Redacted)

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19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. So what did you do?

23 (Redacted)

24 (Redacted)

25 Q. Did you remain at PK12, or did you go further north?

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1 A. We went as far as Sido, via Damara. However, we continued until we reached
2 Sido.

3 Q. Okay. I want you to try and help us understand where Sido is. After Damara,
4 did you go to Sibut?

5 A. I did not quite grasp your question, Counsel.

6 Q. I apologise. Is Sido further north than Sibut?

7 A. When you drive through Sibut --

8 THE INTERPRETER: The interpreter, the Lingala interpreter did not then
9 understand the name of the locality mentioned by the witness before reaching Sido,
10 that is.

11 MR HAYNES: Okay.

12 Q. You said something that the interpreter missed. Did you go through another
13 town before you got to Sido?

14 A. Yes, we went via Kangawadora (phon) then via Damara, and from Damara we
15 continued on to Sibut and then to Bokowe (phon). After Bokowe, Kangawadora,
16 Wandori (phon) and we arrived in Sido.

17 Q. How many of you arrived in Sido?

18 A. There were more than 500 soldiers.

19 THE INTERPRETER: However, the Lingala interpreters did not manage to grasp
20 the other part of the witness's answer because they have a problem with their
21 interpreting console.

22 MR HAYNES: Okay.

23 THE INTERPRETER: The Lingala interpreters request that a technician be sent to
24 the Lingala interpretation booth because the console is not working. Apologies.

25 PRESIDING JUDGE STEINER: I ask the interpreters whether we can continue in the

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1 meantime or we should wait for the technician?

2 THE INTERPRETER: Message from the Lingala interpreter: It would seem,

3 Madam President, that things are now working, so we can continue, yes. However,

4 were the problem to arise again, we shall point it out to you.

5 PRESIDING JUDGE STEINER: Thank you. Then maybe Mr Haynes could ask the

6 witness to repeat the last answer.

7 MR HAYNES: I will, but what I'm going to say to the witness first is that I think we

8 ought to be able to deal with some of this, if not all of this, in open session.

9 Q. So I'm just going to say to the witness, I'm going to ask the Judge that we go into

10 open session in a short while so that you can tell us about the number of men there

11 were in Sido, where they came from, how they were commanded, and things like that,

12 which should not involve you talking about yourself. You can just talk about the

13 men generally, the force generally. Do you understand?

14 A. Yes, I have understood you.

15 MR HAYNES: Then can we go into public session, please?

16 PRESIDING JUDGE STEINER: Mr Witness, we will turn into open session. As

17 Mr Haynes suggested, there is no problem that you say that you were in this group

18 because we understood that there were about 500 persons. If you don't give any

19 information that identify yourself, we can continue in open session. Do you

20 understand that, sir?

21 THE WITNESS: (Interpretation) Yes, I have understood you, Madam President.

22 PRESIDING JUDGE STEINER: I ask, please, court officer to turn into open session.

23 (Open session at 10.21 a.m.)

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

25 MR HAYNES:

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1 Q. Mr Witness, could you just explain to us where the town of Sido is?

2 A. The locality of Sido is located to the northwest of Bangui in the Central African
3 Republic.

4 Q. Approximately how far from Bangui?

5 A. Sido is at a distance from Bangui that I would not be in a position to assess or
6 calculate, but it is located beyond all the localities I have just provided you with.

7 Q. And just for the public record, they included Damara, Sibut and Kaga-Bandoro;
8 is that correct?

9 A. There is also Ekowa (phon), Kaga-Bandoro, Bandoui (phon), and then Sido.

10 Q. How many soldiers assembled at Sido?

11 A. After a month, there were 500 of us. This is what helped us to set up a staff
12 headquarters at Sido.

13 Q. Well, let's start at the top. Who was the commander of these 500 men?

14 A. We set up a General Staff. There was the command unit comprising
15 commanding officers.

16 Q. And we'll leave names aside for the moment, but what commanding officers
17 were there in the staff?

18 A. Would you like me to provide you with their names? Or would you quite
19 simply like me to talk about their functions?

20 Q. If you're comfortable with it, you could do both, please.

21 A. The Chief of General Staff at Sido during the rebellion was Commander Sabate
22 (phon). His deputy was called Neboho (phon). The individual in charge of
23 logistics was called Francis Bozizé, who was Bozizé's son. The individual in charge
24 of operations was Commander Otenge. In charge of transmission was Commander
25 Mbayi (phon). And that was the staff.

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1 Q. Thank you. Where did the 500 men come from?

2 A. Some of them were FACA soldiers. 150 were taken hostage in Kangawadora.
3 Others were recruits who had joined the movement.

4 Q. About how many of them were FACA soldiers?

5 A. We were all FACA soldiers. There were others who came to join us who were
6 also FACA soldiers, and there was a small number who followed us with a view to
7 receiving military training.

8 Q. Okay. I'm just trying to get some idea of how many of each of these groups
9 there were. There were 150 that you captured; there were some FACA soldiers who
10 joined you; and there were some recruits. Can you help us as to about how many
11 people were recruited?

12 A. I didn't count them as such. I would not be in a position to provide you with
13 the number of recruits because I was not in charge of recruitment.

14 Q. Okay. But where were they recruited from?

15 A. These were the Central Africans who came to join us from the various towns;
16 notably Sido and the localities that we travelled through. They were all Central
17 Africans.

18 Q. What sort of training was given to these recruits?

19 A. The instruction was as follows: That we should obey the orders received from
20 the person in charge of operations. I was within the staff. There were individuals
21 who were tasked with -- with increasing morale amongst the soldiers, as often
22 happened within armed groups.

23 Q. Was there any formal training?

24 A. It was accelerated training so as to prepare the soldiers for battle. It was not
25 regular training like the one that we had received.

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1 Q. Well, how much training did they get? How long did it last, the training?

2 A. It was really not training as such. It was simply giving them some instructions
3 on weapons handling. It was not regular training, because we had neither the
4 premises nor appropriate equipment. So it was not the standard type of training.

5 Q. Okay. Were all the recruits given guns?

6 A. There were firearms, but not enough of them. There were no military uniforms.
7 Some of them were wearing their civilian clothing. This means that we really did
8 not have the appropriate equipment.

9 Q. What sort of firearms did you have?

10 A. We had AKs. We had automatic weapons, 55-millimetre weapons. We had
11 81-millimetre rocket launchers.

12 Q. Where did the weapons come from?

13 A. I was not part of one of the senior officers, but I believe that the weapons came
14 from the Chadians.

15 Q. Thank you. Were the soldiers paid?

16 A. No, there was no money.

17 Q. You've told us a little bit about the clothing they wore. What sort of footwear
18 did they have?

19 A. We, we had our own uniforms and military equipment that we had received
20 from the FACA, but the others did not have that equipment. They could also
21 request these uniforms from the Chadians, so they were able -- some of them wore
22 Chadian uniforms.

23 Q. Okay, but I was asking in particular about what they had on their feet. What
24 were these soldiers and other recruits wearing on their feet?

25 A. We had our military boots, that is the boots used by the FACA soldiers since we

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1 had been FACA soldiers before that, but those who were recruited did not have
2 military boots and so they wore normal shoes.

3 Q. What sorts of shoes?

4 A. They would wear the ordinary shoes that are normally worn by civilians, such
5 as sports shoes also.

6 Q. Okay. Were you provided with any food?

7 A. Yes, we received rations.

8 Q. Were they enough?

9 A. No, the ration was not sufficient, was not enough.

10 Q. And what means of transport did you have?

11 A. We did not have any means of transport. We had a few jeeps and vehicles
12 belonging to the Chadians. We had nothing at all.

13 Q. Okay. Did the recruits receive any training about the Geneva Convention, or
14 how to deal with the civilian population?

15 A. No, they did not receive such standard training. They were simply given a few
16 lessons on weapons handling, so they were simply shown how to handle the
17 weapons.

18 Q. Did these 500 men have any Code of Conduct or written document to refer to?

19 A. No, there weren't any.

20 Q. What was discipline like?

21 A. Since the units were structured in companies and the companies were
22 commanded by lieutenants this is the way we were organised, but there was really no
23 discipline. Our troops were undisciplined.

24 Q. Okay. Well, we'll come back to that in a little while. What happened during
25 the period that these 500 men were in Sido?

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1 A. When the restructuring took place, we were attacked by General Miskine's
2 troops, known as the Sarawis. They attacked us. They had come with a French
3 officer called Paul Barril, and they attacked us at the entrance into the town.

4 Q. How long did the fighting last?

5 A. We resisted the attack for one to two days. We repulsed them, because we
6 received assistance from the Chadians who had come to reinforce us. So we pushed
7 back those forces attacking us.

8 Q. Can I just pick up on that? You say the Chadians reinforced you. How many
9 Chadian soldiers were there amongst this group?

10 A. It was a Chadian company. I am not in a position to tell you the precise
11 number of soldiers who came. It was our commanders who were in contact with the
12 Chadian authorities. It was the operations commander who would be in the best
13 position to give you the precise number of troops that came to assist us.

14 Q. Okay. But how many men generally are in a company?

15 A. A company may be made up of 22, 26, and even up to 30 soldiers.

16 Q. That's very helpful, thank you. What happened after Miskine's attack was
17 repulsed?

18 A. After that, we received orders from the operations commander to continue
19 attacking them, and on the road on which I was, we repulsed them and we were able
20 to continue until we occupied the town of Bangui.

21 Q. Okay. How long did it take for this force to move from Sido to Bangui?

22 A. The battle at the entrance into Sido lasted for 48 hours. They retreated and we
23 chased them away, and they set up a position again at Damara. That is where they
24 reinforced their units. We then prepared for what we referred to as the major battle,
25 that is the attack on Damara town.

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1 Q. Can you tell us a little bit about the attack on Damara town, please?

2 A. It is the Damara attack that we referred to in French as the "grand feu," or the
3 major battle, because we fought against mercenaries and against Namibians. That is
4 where all President Patassé's forces were based. This means we had to break
5 through in order to be able to attack Bangui town. We met serious resistance there.
6 That is why we referred to that battle as the "grand feu," or the major battle.

7 PRESIDING JUDGE STEINER: Mr Haynes, just to help me a little bit, could you
8 please try to ask the witness to situate all these facts in time because the last
9 information we have was something in November 2001, and --

10 MR HAYNES: Certainly.

11 Q. To the best of your recollection, when was the attack by Miskine's forces upon
12 the units in Sido?

13 A. At the end of 2001, to 2002.

14 Q. And again, to the best of your recollection, when was the big battle for Damara?

15 A. It was during the year 2002. I do not remember the date because I was a
16 member of the unit at the rear. There was another unit at the front. So I was part of
17 the General Staff. So when the forward units fought and occupied an area, we
18 would come and occupy it. From the 1st to the 25th, there were battles. We could
19 repulse the enemy and the enemy would come and drive us out again, but at that
20 time the General Staff headquarters was still in Sibut -- in Sido, correction.

21 Q. Okay. And can you help us as to about how long the battle for Damara took?

22 A. The big battle did not take place on a single occasion. It was possible for us to
23 attack, the enemy would drive us back, and so on and so forth. It was quite difficult.
24 But whenever our unit was at the front, when we arrived at that location, our forces
25 were driven back. The battle continued right up to the 25th, and it was on that day

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1 that we were able to drive out the enemy from that location. There were many
2 fronts used to attack, and our troops were able to come together and group
3 themselves together to finally drive out the enemy from Damara.

4 THE INTERPRETER: From the Lingala booth: Your Honour, could the witness be
5 requested to slow down a bit?

6 MR HAYNES:

7 Q. Okay. Mr Witness, we're coming up to a break, but can you just slow down a
8 bit because, as the Judge explained to you, your words have to go first into French
9 and then from French into English. So if you can just speak very slowly, we will
10 understand you much better. Okay?

11 A. Very well.

12 PRESIDING JUDGE STEINER: Mr Haynes, do you mind if I seek a clarification on a
13 specific point here?

14 MR HAYNES: I guess it's the same one I was going to, but go ahead.

15 PRESIDING JUDGE STEINER: Because the witness referred on page 29, line 12, to
16 "from the 1st to the 25th," and now again he referred to "the 25th." Could we know
17 25th of which month you are talking about?

18 THE WITNESS: (Interpretation) You are referring to the month during which we
19 occupied Bangui town, or another town? Can you be more specific, please?

20 PRESIDING JUDGE STEINER: As far as I understood, you were talking about
21 Damara, but you can correct me if I misunderstood.

22 THE WITNESS: (Interpretation) It was in October.

23 MR HAYNES:

24 Q. And just to completely clear up this point, prior to the 25th, how long had you
25 been fighting for Damara?

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1 A. I was saying that we were at the back, at the rear, but there was a forward unit
2 that was at the front. They went and attacked Damara, but was driven back. So the
3 Damara battle had started quite some time ago. Our troops would attack and then
4 be repulsed. Around the 1st, the enemy received reinforcements, and our troops
5 grouped themselves together in order to break through Damara. That is why we
6 called it the big battle, because the battle lasted for quite some time.
7 The enemy was well organised there and they had received reinforcements. And
8 when we finally broke through Damara, we were able to go through and attack
9 Bangui, and we set up base at PK12.

10 Q. Okay, but just one more question before we break. Before you broke through
11 Damara, had your units been fighting for Damara for a period of days, a period of
12 weeks, or a period of months?

13 A. That is what I was telling you, that is that the battle lasted for quite some time.
14 If we say from the 1st to the 25th, I wouldn't be able to tell you how many times our
15 troops were driven back. Our troops would go there and then they would find out
16 that the enemy had received reinforcements, and then our troops would retreat. The
17 battle didn't last for only one week, because the enemy forces were well organised
18 and well reinforced.

19 Q. Okay, but just one more question before we break. Before you broke through
20 Damara, had your units been fighting for Damara for a period of days, a period of
21 weeks, or a period of months?

22 A. That is what I was telling you, that is that the battle lasted for quite some time.
23 If we say from the 1st to the 25th, I wouldn't be able to tell you how many times our
24 troops were driven back. Our troops would go there and then they would find out
25 that the enemy had received reinforcements, and then our troops would retreat. The

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1 battle didn't last for only one week because the enemy forces were well organised and
2 well reinforced.

3 MR HAYNES: Okay. Well, I think we'll take a break there.

4 PRESIDING JUDGE STEINER: Mr Witness, we have now half-an-hour break. You
5 can take some rest, a cup of coffee or tea. It's 11 o'clock. We'll be back at 11.30.
6 The hearing is suspended.

7 THE COURT USHER: All rise.

8 (Recess taken at 11.01 a.m.)

9 (Upon resuming in open session at 11.36 a.m.)

10 THE COURT USHER: All rise.

11 Please be seated.

12 PRESIDING JUDGE STEINER: Welcome back, Mr Witness.

13 THE WITNESS: (Interpretation) Thank you, Madam President.

14 PRESIDING JUDGE STEINER: Can we continue with your testimony?

15 THE WITNESS: (Interpretation) Yes, Madam President, we can continue.

16 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

17 MR HAYNES: Thank you very much, your Honour.

18 Q. And welcome back, sir.

19 A. Thank you.

20 Q. I just want to go back a little bit before we move on to ask you a few questions
21 about what you've already told us. The units which were attacking Damara for a
22 period of time, what did they use for transport?

23 A. Are you talking about the FACA troops, or about those who were with us?

24 Q. Those who were with you.

25 A. All the equipment we had is what I told you about: A few individual weapons,

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1 some rocket launchers and a few jeeps belonging to the Chadians who were

2 supporting us. We did not have any solid equipment.

3 Q. Did you use any other vehicles, other than the Chadian jeeps?

4 A. The Chadian jeeps were very useful in moving equipment around.

5 Q. Okay, but did the units acquire any other vehicles?

6 A. We did not have any other vehicles. However, whenever we captured some

7 FACA troops, we were able to recover and confiscate their equipment.

8 Q. Okay. What did your units do for food when they were fighting for Damara?

9 A. It was difficult to find food. We did receive some small rations from time to
10 time, but quite often we had to fend for ourselves.

11 Q. How did you fend for yourselves?

12 A. Well, we did what all soldiers do. We got food from people, because the
13 logistics we had did not provide sufficient food.

14 Q. What people did you get food from and how?

15 A. From time to time we got food from people, and then we also got money from
16 people which enabled us to buy food and that's how we were able to feed ourselves.

17 Q. Okay. When you got to Damara, were the civilian population still in the town?

18 A. Some of the civilian inhabitants were there, but others had fled because the war
19 had gone on for a long time in that area. Some people had already left the town.

20 Q. Okay, now let's move forward. In your own words, tell us what happened on
21 25 October 2002?

22 A. At that time, we had entered Bangui to occupy its various neighbourhoods.

23 Our headquarters was set up at PK12. (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE STEINER: Mr Haynes, just waiting for the transcript.

2 Thank you, Mr Haynes. Go ahead.

3 MR HAYNES: I thought perhaps you were going to take us into private session for a
4 little while. Your Honour, I think I will, if you don't mind?

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

6 (Private session at 11.45 a.m.) * Reclassified as Open session

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

8 MR HAYNES:

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. I have understood you now.

15 MR HAYNES: Then can we go back into open session, your Honour?

16 PRESIDING JUDGE STEINER: Mr Witness, I forgot explaining to you that the
17 transmission, the broadcast of your testimony, has a half-an-hour delay. That means
18 that if by chance you say something that you should have not, we still have time to
19 order the redaction of the audio/video transcript in order for the information not go to
20 the public. But please pay attention and avoid saying what was your specific
21 function. Do you understand that, Mr Witness?

22 THE WITNESS: (Interpretation) I understand.

23 PRESIDING JUDGE STEINER: Court officer, please could we turn back into open
24 session.

25 (Open session at 11.47 a.m.)

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

2 MR HAYNES: Thank you.

3 Q. Mr Witness, can you tell us what neighbourhoods of Bangui the force occupied,
4 or the units occupied?

5 A. We have Gobongo neighbourhood, Boy-Rabé, PK10, PK11, Trente-six Ville.

6 THE INTERPRETER: Or Trente-six Villas - correction from the interpreter - 36
7 Villas.

8 MR HAYNES:

9 Q. And when you say you used PK12 as your headquarters, can you explain a little
10 bit more what that means?

11 A. What I mean is that it is in those areas that we set up our HQ.

12 Q. Okay. But what did you do to set up an HQ at PK12?

13 A. When we kicked out the enemy from Damara, we got to PK12, which was a
14 strategic location. From that position it was possible for our headquarters to be set
15 up because the resources were available.

16 Q. And what equipment did you install at PK12?

17 A. We installed our weapons, our arms, and our transmission equipment to enable
18 communication to take place. So we set up all the equipment for the headquarters,
19 so what I'm referring to is all the equipment for the headquarters.

20 Q. Okay. And as best you can, explain how the areas of Bangui were occupied by
21 Mr Bozizé's forces.

22 A. They had taken other neighbourhoods in Bangui, such as Gobongo, Boy-Rabé,
23 PK12, 36 Villas, but I was on the axis or the road towards 36 Villas. The idea was to
24 occupy the Defence Office. That was our target.

25 Q. Okay. For how long did the units occupy these districts of Bangui?

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1 A. On the 29th we started the withdrawal; that is from the 29th to the 30th.

2 Q. I want to ask you something slightly different now. What intelligence did you
3 have at that time? Where did you get your intelligence from?

4 A. We were able to get intelligence from deserting soldiers. Those who had
5 deserted the FACA troops and crossed over to our camp, they are the ones who
6 provided us with such intelligence. Then we also received other types of intelligence
7 from the inhabitants, from the population.

8 Q. Okay. What was the reason for withdrawing from Bangui?

9 A. We had received orders from our authorities to withdraw.

10 Q. Do you know why you received those orders?

11 A. The population was complaining about the suffering they had been subjected to.
12 Then around the 28th and the 29th there was an intermediary force which had arrived,
13 a group known as the Banyamulengue had arrived, and it is for that reason that we
14 were ordered to withdraw. So it's for those two reasons: The arrival of the other
15 force and then the suffering of the population.

16 Q. Okay. Well, let's leave the population to one side for a moment. Before you
17 withdrew, had you been under attack from loyalist forces?

18 A. Yes, we had come under attack, but there was also a point at which a cease-fire
19 had been agreed to.

20 Q. What forms of attack had you come under?

21 A. The attack was quite strong, and it was more vigorous than previous attacks.
22 Had it not been for that intervening force, we would have taken over all of Bangui.

23 Q. Okay. Was the attack just from the ground?

24 A. On the 27th, a plane came in and bombed areas such as Gobongo, but all the
25 other attacks were conducted by the land forces.

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1 Q. Thank you. Can we now move to the suffering of the population. In what
2 ways did the population suffer?

3 A. The population had suffered. They did not have food. They could not leave
4 their homes, and they were subjected to acts of violence by the troops, so there was no
5 peace.

6 Q. Which troops had subjected them to acts of violence?

7 A. It was -- it was us, because the town was in our hands.

8 Q. What sorts of acts of violence did your troops subject the population to?

9 A. They would take money from them. They would loot the houses belonging to
10 people. They raped -- well, I don't know quite how I can explain it to you in Lingala.
11 This means that the population endured a lot of suffering and in various ways. You
12 know, when a soldier has not been paid, you can imagine what can happen.

13 Q. What happened when you withdrew from Bangui?

14 A. Once we had left, the FACA team came to replace us. You know that the town
15 of Bangui is not very large. When we left, they would come and take our place.

16 Q. How was the behaviour of your troops during the withdrawal from Bangui?

17 A. Could you please repeat your question, Counsel? Were you talking about
18 behaviour? Which groups were you referring to?

19 Q. I want to know how the soldiers in your group behaved towards the civilian
20 population as they were withdrawing from Bangui?

21 A. Well, they behaved badly. We started to -- they started to commit a number of
22 abuses, so our behaviour was bad. They started to relieve individuals of their
23 possessions.

24 Q. What sorts of possessions did they take?

25 A. We would take money, we would take shoes, clothes, and we even tried to find

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1 little carts to put our booty on because there were television sets and such things.

2 Q. Who pushed the carts?

3 A. We recruited some shoe-polishers, who were living in Bangui; shoe-shiners.

4 They were the ones who pushed the carts.

5 Q. And where did they come from originally?

6 A. Most of them came from the DRC, because most of them speak Lingala. I

7 believe that those were the young people concerned.

8 Q. How young were they?

9 A. Could you please repeat your question?

10 Q. Yes. How young were the shoe-shine boys who pushed the carts?

11 A. Well, they were adults. They were grown up. You can understand the kind

12 of life that we lead in Africa. They were of varying ages. There were some older

13 people doing this job, but a lot of youngsters do this kind of work.

14 Q. Okay. Let's leave pillaging to one side. You mentioned rape. Did you see

15 any act of rape committed?

16 A. Personally, I did see this happen. I personally witnessed it.

17 Q. We're still in open session, but just in general terms in what neighbourhood did

18 you see a rape occur?

19 A. We went to 36 Villas. That's where I was with the staff at headquarters and the

20 person in charge of transmission. I heard all the orders they were giving, and that's

21 what I -- and why I'm telling you what I saw and what I heard. I shall tell you all of

22 this.

23 Q. How many men were involved in the rape which you witnessed?

24 A. There was a group that was committing gang rape upon a young woman. I

25 don't know whether I'm allowed to give her name in public session? Maybe in

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1 private. I could even give you the place and the name and the place where this
2 occurred.

3 MR HAYNES: In a short while I am going to ask that you give us that detail in
4 private session, and it might be as well if we do it now, your Honour, please.

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

6 (Private session at 12.09 p.m.) * Reclassified as Open session

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

8 MR HAYNES:

9 Q. Mr Witness, we're now in private session. Can you give us all the details of
10 that act of rape that you witnessed?

11 A. Do you want me to speak now?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Do you know exactly where the rape took place?

21 A. I was before them, in front of them. They followed me, and at that time we
22 were at 36 Villas. That's where we were located, but they had perpetrated this act
23 outside.

24 Q. And what did you do after they had told you about it?

25 A. Well, there was nothing I could do. My superiors were there. The person in

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1 charge of operations received a report, (Redacted) (phon), and he was the
2 one who was to report back to his hierarchy and tell them how things were unfolding
3 at the time. So it was not up to me to report on the subject, or do anything at all.

4 Q. Do you know what (Redacted) did about it?

5 A. He did nothing.

6 Q. And can you help us as to what date this act occurred on?

7 A. It was on the 27th.

8 MR HAYNES: Okay. Well, I'm going to ask now that we go back into open session,
9 please. So you seem to understand now what needs to be done in private session
10 and what can be done in open session. We're going into open session now, so
11 everyone will hear what you're saying.

12 PRESIDING JUDGE STEINER: Court officer, please turn back into public session.
13 (Open session at 12.14 p.m.)

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

15 MR HAYNES:

16 Q. Mr Witness, I'm not now talking about PK12; do you understand?

17 A. I did not quite grasp what you said. Could you please repeat your question?

18 Q. Yes. You have told us about pillaging and you have told us about a rape.
19 What other abuses of the civilian population did you see or hear about in the suburbs
20 of Bangui, not including PK12?

21 A. I talked only of one sole rape, but this is not the only case that I witnessed.
22 There were others. With regard to pillaging of houses, well, yes, this did occur, and
23 even in other neighbourhoods where our troops were located, the same thing
24 occurred: Pillaging, raping, stealing property. They also used carts. And these
25 were things that occurred in the neighbourhoods that were under our control.

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1 Q. What other rapes did you hear about in neighbourhoods under your control?

2 A. Well, I can tell you. We went there -- we did it step-by-step. We would
3 commit a rape and then we would see how people were killed, and we would do this
4 progressively.

5 Q. Okay. In what other areas under your control were women raped?

6 A. At the Foun (phon), in the Foun neighbourhood there were cases of rape, at
7 PK12, in Damara, but in other neighbourhoods it also occurred. The places that I
8 have just told you about are the instances that I witnessed but, with regard to other
9 cases, well, I did not witness them. There were many cases of rape, you know.

10 Q. What happened when you got back to PK12?

11 A. Before returning to PK12, we took a hostage. He was one of Patassé's advisers,
12 by the name of Prosper N'Douba. We took him as a hostage and we took him to
13 PK12. We also took a FACA captain by the name of Isidor Ouele (phon) as a hostage.
14 We killed him in the area surrounding Damara. But as for Prosper N'Douba, we
15 took him to PK12 for the authorities to take care of him and see his case through.

16 Q. Okay. How did the soldiers behave towards the civilian population at PK12?

17 A. Our soldiers misbehaved. All the companies that occupied the town of Bangui
18 had to go through there. So how could one describe PK12? There was pillaging,
19 raping, abuses, breaking and entering people's houses. All of these acts occurred.

20 Q. How long were your units in PK12 after the withdrawal from Bangui?

21 A. It was the 30th when we repositioned our headquarters, but there were soldiers
22 who came to perpetrate abuses. You know how soldiers behave. But on the 30th,
23 they left.

24 Q. Did you see any acts of rape in PK12?

25 A. In PK12, yes, I did see such things, and I even know the names of the

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1 perpetrators. What is more, I also know the name of the family that was a victim of
2 these acts. I know them very well.

3 Q. Okay. Well, we'll save that for private session. Did you see any goods being
4 stolen or looted in PK12?

5 A. Yes, I did see this occur. I was there. But I wasn't anybody out of the
6 ordinary. It wasn't anything out of the ordinary; it was a generalised movement.

7 Q. What goods did you see being looted and stolen?

8 A. It was especially the shops that were looted, the goods from these shops that
9 were looted, and also there was breaking and entering into houses, and rapes were
10 perpetrated also at PK12.

11 Q. But did you see goods on carts being pushed along, and if so, what sort of goods
12 were being taken?

13 A. Some had clothes, others had TVs. Some had chairs and even foam mattresses.

14 Q. What was done with these goods?

15 A. Some things, well, we sold to the population, in order to earn some money so
16 that we could survive.

17 Q. Some you sold, but what else did you do with goods, for example, mattresses?

18 A. Some took their goods to Sido because we didn't have anywhere to sleep there.

19 MR HAYNES: Okay. Well, we'll leave PK12 in a moment but, just before we do,
20 can we briefly go into private session, your Honour.

21 PRESIDING JUDGE STEINER: We will turn into private session, but I would like to
22 remind the witness and Mr Haynes about the five-seconds golden rule.

23 Court officer, please turn into private session.

24 (Private session at 12.26 p.m.) * Reclassified as Open session

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

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1 MR HAYNES:

2 Q. Mr Witness, you told us that you witnessed a rape in PK12 where(Redacted)

3 (Redacted). Can you tell us the details of that incident?

4 A. Yes. This is (Redacted). It was their daughter who was

5 raped by the troops of (Redacted) (phon). It was in the morning. They came

6 to rape this family's daughter. And we called this woman to the HQ in order for her

7 to explain to us how she was raped. It was in a canal, just by the side of the road.

8 Q. And did you learn how many men had raped her?

9 A. I was told that one individual had started and then another person turned up.

10 I was affected by this, and I had to leave because I knew that it was not one person

11 who committed it, committed this act; it was a gang of people who committed this

12 act.

13 Q. Do you remember how old this girl was?

14 A. It was a young girl. But as I did not have the right of putting many questions, I

15 was not able to ask that question, but I am telling you what I saw.

16 Q. And who was there when she reported it?

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. And do you know what was done about the report?

21 (Redacted)

22 (Redacted)

23 Q. Okay. Is there anything else about that incident you want to tell us while we

24 are in private session?

25 A. I would like to talk about another case that occurred in another neighbourhood.

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1 Q. Okay. What neighbourhood are you referring to?

2 A. I'm referring to the Foun neighbourhood.

3 Q. Okay. Then tell us what it is you want to say about that incident?

4 A. In that case as well a girl was raped by one of our troops.

5 Q. Do you know either the identity of the girl, or the identity of the man who raped
6 her?

7 A. I know his identity, as well as the identity of other persons who took part in that
8 crime.

9 Q. Then can you tell us while we're in private session?

10 A. Do you want me to talk about the names of the members of that family; to tell
11 the names of the members of that family?

12 Q. If you can, yes please.

13 A. (Redacted)

14 Q. And was that reported to anybody?

15 A. Her family had complained about their daughter being raped. The person in
16 charge of transmissions forwarded a report to the person in charge of operations, who
17 then forwarded the report to the staff headquarters.

18 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me?

19 Mr Witness, could you please spell the name of the girl's name?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Thank you.

24 MR HAYNES: Thank you. I think we can go back into open session, with your
25 permission, your Honour?

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1 PRESIDING JUDGE STEINER: Court officer, could you please turn into public
2 session.

3 (Open session at 12.36 p.m.)

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

5 MR HAYNES:

6 Q. Mr Witness, we're in open session now and so be careful about saying anything
7 that reveals your identity, but where did the units go after they left PK12?

8 A. When the unit left PK12, it went to Damara. Some abuses were also committed
9 at that area, and then they subsequently moved on to Sibut.

10 Q. Did the units stay long at Damara?

11 A. Some remained there for about 48 hours and, depending on which company
12 some belonged to, they returned.

13 Q. What abuses were committed at Damara?

14 A. In Damara, rape, extortion and pillages -- and pillaging, rather, were committed.

15 Q. How many acts of rape do you know about in Damara?

16 A. I was aware of more than six cases of rape in Damara.

17 Q. And being careful not to say anything that reveals your identity, how did you
18 become aware of those cases of rape?

19 A. I was at the headquarters along with the person in charge of transmissions and I
20 was aware of all the reports that went through him.

21 PRESIDING JUDGE STEINER: Mr Haynes, just wait. I'm waiting for the
22 transcript.

23 Please, Mr Haynes.

24 MR HAYNES:

25 Q. Do you know if anything was done about these reports?

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1 A. Are you referring to decisions that may have been made following the report?

2 Well, if that's the case, let me tell you that nothing was done about those reports.

3 Q. How were you aware of acts of pillaging and extortion taking place?

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

5 (Private session at 12.41 p.m.) * Reclassified as Open session

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

7 PRESIDING JUDGE STEINER: Mr Haynes, I think this kind of question it's safer if
8 the answer comes in private session.

9 You can answer now, Mr Witness. We are in private session.

10 MR HAYNES:

11 Q. I'll remind you of the question. I wanted to know how you knew looting was
12 taking place and extortion was taking place in Damara?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Other than rapes, looting and extortion, did you hear of any other acts of abuse
17 against the civilian population in Damara?

18 A. Regarding soldiers, well, I can say that this is what I know, but as for the others
19 I think what I can say is simply that it related to rape, extortions and looting.

20 MR HAYNES: Okay. Can we go back into open session, please, your Honour?

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

22 (Open session at 12.44 p.m.)

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

24 MR HAYNES:

25 Q. After they left PK12, did all the units retreat on the same axis, or did they retreat

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1 on different axes?

2 A. What I am talking about refers to the axis or the roads on which I was and other
3 people were operating along other routes.

4 Q. And just so that we understand that, what other routes were other people
5 operating along?

6 A. The axis I am referring to would be Boali, for example, but what all I talk about
7 is the roads on which I was. I cannot talk about what happened elsewhere, so my
8 testimony is about cases that I saw, cases that I experienced myself.

9 Q. And after Damara, what town did you next go to on the retreat?

10 A. It was the same situation in Sibut. Acts of extortion were committed,
11 extortions by the roadside. The inhabitants were disturbed and their money was
12 forcibly taken away from them, and all of that continued until we arrived in Sido.

13 Q. Can you remember even approximately when you arrived back in Sido?

14 A. We returned to Sido by sequences of companies. Some returned before us.
15 You know, during a withdrawal, not all the troops withdraw at the same time. You
16 withdraw company by company. So some left on the 29th and others on the 30th,
17 and it all depended on the date and the time at which any particular company
18 decided to withdraw.

19 Q. Okay. But even just a month, about when did all the units return to Sido?

20 A. That is exactly why I told you that some people arrived on 30 February -- or
21 rather, it was in March 2002, 2003, around the 30th of that month.

22 Q. Okay.

23 A. I would say October, November and December were months set aside for
24 reorganisation, and this went on until March of the next year, at which time we
25 withdrew.

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1 Q. Okay. Well, I'll come back to that in a minute. I want to ask you now about
2 the process of retreating from Bangui. How close were the enemy to you when you
3 retreated from the neighbourhoods of Bangui?

4 A. At 36 Villas it was possible for us to see for ourselves that the enemy forces were
5 nearby. You see, Bangui is not a very large city.

6 Q. And at PK12, how close were they to you then?

7 A. When we withdrew from 36 Villas, they came to that location, and so once we
8 left a location, they would take it over, on a more or less regular basis. As soon as
9 we left a location, they would arrive at that location almost immediately, on a regular
10 basis.

11 Q. Thank you very much. Now, I want to talk about the languages spoken by
12 your units. What languages were spoken within the units you fought with?

13 A. Some spoke Sango, while others spoke French, but Lingala was also spoken.
14 Lingala was a useful language because if you said, "Come and do this and that," for
15 example, commit some extortion, that was what was done, and so we used that
16 language in order to commit those extortions.

17 Q. Why?

18 A. Well, that was our *modus operandi*. That was the method we adopted. You
19 see, we used Lingala during our operations, during the operations I have just talked
20 about, and whenever we used Lingala, the people of the Central African Republic
21 were ready to give up or to comply much more easily.

22 PRESIDING JUDGE STEINER: Mr Haynes, if you give me -- if you allow me?

23 Mr Witness, now because of the translation problem, what you've said is kind of
24 senseless. Could you please repeat the words in Lingala, and I would ask, please,
25 the interpreters not to translate.

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1 THE WITNESS: (Speaks Lingala) Nalobi: Lingala ezalaki technique moko
2 tozuaki mpo na ko permettre centrafricain Azalaki facile mpo soki oyebisi ye: Yaka,
3 yo, kanga ye, botola ye mbongo. Facilement Centrafricain azali un peu na
4 inquiétude. Azalaki nay a kobanga. C'est pour cela to ulilizaki ba techniques
5 wana.

6 PRESIDING JUDGE STEINER: Can you repeat, please - and I ask, please, the
7 interpreters not to translate - only the words.

8 THE WITNESS: (Speaks Lingala) Tozuaki. Technique wana ezalaki ya koloba na
9 bango lingala : yo! Yaka! Kanga ye! Pesa mbongo! Botola ye! Wana ezalaki ba
10 paroles. Beta ye!

11 PRESIDING JUDGE STEINER: Is it possible for the transcript to have phonetically
12 the words that the witness just mentioned?

13 MR HAYNES: Your Honour, I have a suggestion, because I suspect the dictionary
14 will stop it providing a phonetic -- he could write them down.

15 PRESIDING JUDGE STEINER: Let me just see what the interpreters say,
16 Mr Haynes.

17 THE COURT OFFICER: Madam President, if you allow me, I will just consult with
18 the court reporters by email.

19 PRESIDING JUDGE STEINER: Okay. Let's proceed. In case we can have it
20 phonetically in the transcript, it will be fine. Otherwise, we just proceed.

21 Mr Haynes.

22 MR HAYNES: Thank you.

23 Q. Whose idea was it to use Lingala phrases when you were committing abuses of
24 civilians?

25 A. Well, that was one of our techniques for our operations. Mr Bozizé was an

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1 engineer. He is the one who would know how he designed his scheme in order to
2 cause prejudice to those who were going to replace us.

3 Q. When you say "Mr Bozizé," which Mr Bozizé are you talking about?

4 A. At that time Mr Bozizé was the commander, he was the chief, and what I'm
5 saying is that he was the expert. He is the one who knew the techniques that could
6 be used to cause prejudice to the troops that were going to come in after us, or to
7 replace us. That is my understanding. So I think that this was the approach that
8 we used in order to weaken the Central Africans.

9 Q. So did you receive an order to that effect?

10 A. When you receive a report as a leader or as a chief and you don't react, what
11 that means is that you agree with what is happening.

12 Q. Okay, but I just want to be clear. How did people come to know these phrases
13 in Lingala?

14 A. This was a technique that was used. Even if the civilians did not understand
15 the meaning of the words, well, when they heard us speaking Lingala they would
16 comply, but I do believe that a lot of people in the Central African Republic
17 understand Lingala.

18 Q. Okay, I want to ask you about one particular phrase which is not in Lingala and
19 that is the phrase "Article 15." Does that mean anything to you?

20 A. In view of the fact that we were not receiving any salary, then we had to fend
21 for ourselves out in the field in order to survive and in order to provide sustenance
22 for our families and have something to eat. When we withdrew we no longer had
23 the hope that we would receive any form of salary and that is why we applied what is
24 referred to as "Article 15," which means that everyone fends for themselves.

25 Q. Okay. Now, I want briefly now to deal with the events of March. Did you

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1 return to Bangui in March?

2 A. Yes, I did return to Bangui in the month of March and we started to work
3 normally.

4 MR HAYNES: Can we go into private session, please, your Honour?

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

6 (Private session at 1.04 p.m.) * Reclassified as Open session

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

8 MR HAYNES:

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: Mr Haynes, unless you deem really relevant to the
8 present case to put questions to the witness on anything that happened in that period,
9 I would prefer not to bring the issue into his questioning.

10 MR HAYNES: Quite. I thought I did caution him not to tell us that, but never
11 mind.

12 Q. I've just got two more questions for you really. One is that throughout your
13 testimony you've referred to things that "we" did, being crimes committed by the men
14 that you fought with. What crimes did you personally commit?

15 A. I also extorted money from civilians. I had my cart, as did my peers.

16 Q. In what places and what goods did you extort?

17 A. I extorted money and I also took a television and a radio.

18 Q. Where did you do that?

19 A. I committed these acts in Bangui, and also at PK12 I extorted goods from
20 tradesmen.

21 Q. What did you mean by "extorted"? What did you actually do?

22 A. I said in Lingala, "Yo yaka pesa mbongo," "Come, give your money," and the
23 civilians complied, and I took those possessions. That was the technique that we
24 would use as troops.

25 Q. Okay. A completely different topic now. You told the Court at the start of

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1 your evidence that you and I had never met before, but you have met a lawyer, or
2 lawyers, from Mr Bemba's Defence team, haven't you?

3 A. Yes, I did meet them. I met them (Redacted)

4 Q. Do you remember when that was, and who it was you met?

5 A. It was in the year 2012. Maître Kilolo was present, as was Jean-Jacques.

6 Q. Okay. Do you know Jean-Pierre Bemba?

7 A. I have seen him. I've seen pictures of him, but I have never met him personally.
8 I have seen him in films, I have seen him on photographs, but I have never personally
9 met him.

10 Q. Have you been given or offered any money to come and give this evidence
11 today?

12 A. No, I was given nothing. Even the lawyers that I met, I did not meet them for a
13 second time. I received no further news from them.

14 MR HAYNES: Sorry, I've just noticed we're still in private session. Perhaps we
15 should go into open session, your Honour.

16 PRESIDING JUDGE STEINER: Do you want to say something, Mr Witness?

17 THE WITNESS: (Interpretation) I don't know whether it is necessary for me to
18 talk to you about this now. I wanted to tell you how it was that (Redacted)
19 (Redacted). I don't know whether this is the right time or whether this
20 should be done later.

21 PRESIDING JUDGE STEINER: Mr Witness, at the end of your testimony, you will
22 be given an opportunity to say whatever you want. In principle, what you did from
23 (Redacted) it's not specifically related to this case and therefore you will be
24 able to address the Chamber on this and whatever other issues you want at the end of
25 your testimony. Is that fine with you, sir?

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1 THE WITNESS: (Interpretation) Yes, that's fine by me.

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

3 (Open session at 1.17 p.m.)

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

5 MR HAYNES:

6 Q. Mr Witness, this is my last question for you: I wondered if you can tell us why
7 you agreed to give evidence in Mr Bemba's defence?

8 A. I accepted to come and give testimony in order to enable the Judges to ascertain
9 what truly happened in Bangui in the year 2002. I did not want the Judges to be in
10 the dark, and secondly, I accepted to testify so that my country has the true version of
11 the story. I did not want it to be twisted and that is why I accepted to come and tell
12 the truth before the Court, in order for the situation to be known around the world.

13 Q. Well, Mr Witness, for my part, I thank you very much for doing so and I don't
14 wish to ask you any further questions.

15 A. Thank you.

16 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

17 Now it would be time for the Prosecution to start questioning the witness. Since we
18 have nine minutes, my question is whether Prosecution intends to start now or prefer
19 to start tomorrow morning, when we resume?

20 MR BIFWOLI: Thank you, your Honour. I think we have a few questions which
21 we can put to the witness in these few remaining minutes.

22 PRESIDING JUDGE STEINER: It's fine. Then, Mr Witness, the Prosecution will
23 start questioning you now. Now you can please remain seated, if you want.

24 MR BIFWOLI: Thank you, your Honours.

25 QUESTIONED BY MR BIFWOLI:

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1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon.

3 Q. Mr Witness, my names are Thomas Bifwoli. I represent the Office of the
4 Prosecutor and I'll be asking you a few questions about what you have just testified in
5 this Court; is that okay with you?

6 A. Very well.

7 Q. Mr Witness, in your testimony today, at transcript T-313, page 16, lines 23 to 24,
8 you testified that you were born on (Redacted) is that correct?

9 A. That is indeed my date of birth and I shall justify this subsequently. I didn't
10 want to talk to it now, about this now, but at the end of my testimony I will furnish
11 you with a far more ample explanation.

12 MR BIFWOLI: Your Honour, can we go into private session?

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

14 (Private session at 1.23 p.m.) * Reclassified as Open session

15 THE COURT OFFICER: We are in private session, your Honour.

16 PRESIDING JUDGE STEINER: Mr Bifwoli, unless of course you are sure that this is
17 relevant for testimony of the witness, the facts that relate to the reasons (Redacted)
18 (Redacted) in principle, appear not relevant to this case

19 and I told the witness that he could address these issues at the end of his testimony
20 but, of course, if for the Prosecution this information is relevant, you can put your
21 question to the witness.

22 MR BIFWOLI: Thank you, your Honours.

23 Q. So, Mr Witness, you have stated that indeed (Redacted) is your date of
24 birth. Do you have an explanation regarding that being your date of birth?

25 A. Yes, I do have an explanation to provide you with. When I wanted or

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1 attempted to leave the country, I used a (Redacted)

2 Q. Mr Witness, we are now in private session. So, this date that you are giving, is
3 it your (Redacted) date or it is the date that you showed in the (Redacted)

4 A. This is a (Redacted)

5 Q. Now, Mr Witness, we're in private session. Can you tell the Court your (Redacted)
6 (Redacted)

7 A. I was born in the (Redacted)

8 Q. Do you recall the exact date in (Redacted) that is the month and the date itself?

9 A. Yes, I know, but I will tell you this subsequently, at the end of my testimony,
10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE STEINER: Mr Bifwoli, court officer, please turn into public
20 session.

21 (Open session at 1.29 p.m.)

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

23 PRESIDING JUDGE STEINER: Mr Witness, we will adjourn for today. We hope
24 that you can rest during the afternoon, the evening. We will resume tomorrow
25 morning at 9 o'clock.

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- 1 I thank very much the Prosecution team, the legal representatives of victims, Defence
- 2 team, Mr Jean-Pierre Bemba. I thank very much our interpreters, our court reporters.
- 3 Thank you very much, Mr Rojas.
- 4 THE COURT OFFICER (DRC): (Interpretation) You're welcome, Madam
- 5 President.
- 6 PRESIDING JUDGE STEINER: The hearing is adjourned.
- 7 THE COURT USHER: All rise.
- 8 (The hearing ends in open session at 1.30 p.m.)
- 9 RECLASSIFICATION REPORT
- 10 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 11 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public